

PETE SUAZO ATHLETIC COMMISSION

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ed Mayne

House Sponsor: Brent H. Goodfellow

LONG TITLE

General Description:

This bill amends the provisions of the Pete Suazo Utah Athletic Commission Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends the statutes governing professional boxing and mixed martial arts contests;

and

- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-33-102, as last amended by Chapter 17, Laws of Utah 2004

13-33-303, as enacted by Chapter 91, Laws of Utah 2001

13-33-401, as last amended by Chapter 17, Laws of Utah 2004

13-33-402, as enacted by Chapter 91, Laws of Utah 2001

13-33-403, as enacted by Chapter 91, Laws of Utah 2001

13-33-405, as enacted by Chapter 91, Laws of Utah 2001

ENACTS:

13-33-507, Utah Code Annotated 1953

13-33-508, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **13-33-102** is amended to read:

13-33-102. Definitions.

As used in this chapter:

(1) "Bodily injury" ~~[means]~~ is as defined in Section 76-1-601.

(2) "Boxing" means the sport of attack and defense using the fist, covered by an approved boxing glove.

(3) "Club fighting" means any contest of unarmed combat, whether admission is charged or not, where:

(a) the rules of the contest are not approved by the commission;

(b) a licensed physician or osteopath is not in attendance;

(c) an HIV negative test regarding each contestant not less than 180 days before the contest has not been provided to the commission;

(d) the contest is not conducted in accordance with commission rules; or

(e) the contestants are not matched by the weight standards described in Section 13-33-507.

~~[(2)]~~ (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this chapter.

~~[(3)]~~ (5) "Contest" means a live match, performance, or exhibition involving two or more persons engaged in unarmed combat.

~~[(4)]~~ (6) "Contestant" means an individual who participates in a contest.

~~[(5)]~~ (7) "Department" means the Department of Commerce.

(8) "Designated commission member" means a member of the commission designated to:

(a) attend and supervise a particular contest; and

(b) act on the behalf of the commission at a contest venue.

~~[(6)]~~ (9) "Director" means the director of the Pete Suazo Utah Athletic Commission.

(10) "Elimination boxing contest" means:

(a) a contest where a number of contestants participate in a tournament;

(b) over a period of time not exceeding 48 hours; and

(c) the loser of each contest is eliminated from further competition.

~~[(7)]~~ (11) "Executive director" means the executive director of the Department of Commerce.

~~[(8)]~~ (12) "Exhibition" means an engagement in which the participants show or display their skills without necessarily striving to win.

~~[(9)]~~ (13) "Judge" means an individual qualified by training or experience to:

(a) rate the performance of contestants;

(b) score a contest; and

(c) determine with other judges whether there is a winner of the contest or whether the contestants performed equally resulting in a draw.

(14) "Licensee" means an individual licensed by the commission to act as a:

(a) contestant;

(b) judge;

(c) manager;

(d) promoter;

(e) referee; or

(f) second.

~~[(10)]~~ (15) "Manager" means an individual who represents a contestant for the purposes of:

(a) obtaining [~~matches;~~] a contest;

(b) negotiating terms and conditions of the contract under which the contestant will engage in a contest[;]; or

(c) arranging for a second for the contestant at a contest.

~~[(11)]~~ (16) "Promoter" means a person who engages in producing or staging contests and promotions.

~~[(12)]~~ (17) "Promotion" means a single contest or a combination of contests that occur during the same time at the same location and that is produced or staged by a promoter.

~~[(13)]~~ (18) "Purse" means any money, prize, remuneration, or any other valuable consideration a contestant receives or may receive for participation in a contest.

~~[(14)]~~ (19) "Referee" means an individual qualified by training or experience to act as the official attending a contest at the point of contact between contestants for the purpose of:

(a) enforcing the rules relating to the contest;

(b) stopping the contest in the event the health, safety, and welfare of a contestant or any other person in attendance at the contest is in jeopardy; and

(c) to act as a judge if so designated by the commission.

(20) "Round" means one of a number of individual time periods that, taken together, constitute a contest during which contestants are engaged in a form of unarmed combat.

~~[(15)]~~ (21) "Second" means an individual who attends a contestant at the site of the contest before, during, and after the contest in accordance with contest rules.

~~[(16)]~~ (22) "Serious bodily injury" is as defined in Section 76-1-601.

~~[(17)]~~ (23) "Total gross receipts" means the amount of the face value of all tickets sold to a particular contest plus any sums received as consideration for holding the contest at a particular location.

~~[(18)]~~ (24) "Ultimate fighting [~~match~~]" means a live [~~match~~] contest, whether or not an admission fee is charged in which:

~~[(a) an admission fee is charged;]~~

~~[(b) match]~~ (a) contest rules permit contestants to use a combination of boxing, kicking, wrestling, hitting, punching, or other combative, contact techniques; [~~and~~]

~~[(c) match]~~ (b) contest rules [~~do not: (i)~~] incorporate a formalized system of combative techniques against which a contestant's performance is judged to determine the prevailing contestant;

~~[(ii) divide a match into two or more equal and specified time periods for a match total of no more than 50 minutes; or (iii)]~~

(c) contest rules divide nonchampionship contests into three equal and specified rounds of no more than five minutes per round with a rest period of one minute between each round;

(d) contest rules divide championship contests into five equal and specified rounds of no more than five minutes per round with a rest period of one minute between each round; and

(e) contest rules prohibit contestants from:

~~[(A)]~~ (i) using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;

~~[(B)]~~ (ii) striking a person who demonstrates an inability to protect himself from the advances of an opponent;

~~[(C)]~~ (iii) biting; or

~~[(D)]~~ (iv) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the neck, and temple area of the head.

~~[(19)]~~ (25) (a) "Unarmed combat" means boxing or any other form of competition in which a blow is usually struck which may reasonably be expected to inflict bodily injury.

(b) "Unarmed combat" does not include a competition or exhibition between participants in which the participants engage in simulated combat for entertainment purposes.

~~[(20)]~~ (26) "Unlawful conduct" means organizing, promoting, or participating in a contest which involves contestants that are not licensed under this chapter.

~~[(21)]~~ (27) "Unprofessional conduct" means:

(a) entering into a contract for a contest in bad faith;

(b) participating in any sham or fake contest;

(c) participating in a contest pursuant to a collusive understanding or agreement in which the contestant competes in or terminates the contest in a manner that is not based upon honest competition or the honest exhibition of the skill of the contestant;

(d) engaging in an act or conduct that is detrimental to a contest, including any foul or

unsportsmanlike conduct in connection with a contest;

(e) failing to comply with any limitation, restriction, or condition placed on a license;

[or]

(f) striking of a downed opponent by a contestant while the contestant remains on the contestant's feet;

(g) after entering the ring or contest area, penetrating an area within four feet of an opponent by a contestant, manager or second before the commencement of the contest; or

[~~(f)~~] (h) as further defined by rule by the commission.

Section 2. Section **13-33-303** is amended to read:

13-33-303. Grounds for denial of license -- Disciplinary proceedings --

Reinstatement.

(1) The commission shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this chapter.

(2) The commission may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

(a) the applicant or licensee has engaged in unlawful or unprofessional conduct, as defined by statute or rule under this chapter;

(b) the applicant or licensee has been determined to be mentally incompetent for any reason by a court of competent jurisdiction; or

(c) the applicant or licensee is unable to practice the occupation or profession with reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the licensee's condition demonstrates a threat or potential threat to the public health, safety, or welfare.

(3) Any licensee whose license under this chapter has been suspended, revoked, or restricted may apply for reinstatement of the license at reasonable intervals and upon compliance

with any conditions imposed upon the licensee by statute, rule, or terms of the license suspension, revocation, or restriction.

(4) The commission may issue cease and desist orders:

(a) to a licensee or applicant who may be disciplined under Subsection (1) or (2); and

(b) to any person who otherwise violates this chapter or any rules adopted under this title.

(5) (a) The commission may impose an administrative fine for acts of unprofessional or unlawful conduct under this chapter.

(b) An administrative fine under this Subsection (5) may not exceed \$2,500 for each separate act of unprofessional or unlawful conduct.

(c) The commission shall comply with Title 63, Chapter 46b, Administrative Procedures Act, in any action to impose an administrative fine under this chapter.

(d) The imposition of a fine under this Subsection (5) does not affect any other action the commission or department may take concerning a license issued under this chapter.

~~[(5)]~~ (6) (a) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct under this title, unless the commission initiates an adjudicative proceeding regarding the conduct within four years after the conduct is reported to the commission, except under Subsection ~~[(5)]~~ (6)(b).

(b) The commission may not take disciplinary action against any person for unlawful or unprofessional conduct more than ten years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.

~~[(6)]~~ (7) (a) Notwithstanding ~~[the provisions of]~~ Title 63, Chapter 46b, Administrative Procedures Act, ~~[the commission shall]~~ the following have the authority to immediately suspend the license of a ~~[contestant]~~ licensee at such time and for such period that the ~~[commission]~~ following believes is necessary to protect the health, safety, and welfare of the ~~[contestant, other contestants]~~ licensee, another licensee, or the public[-]:

(i) the commission;

(ii) a designated commission member; or

(iii) if a designated commission member is not present, the director.

(b) The commission shall establish by rule appropriate procedures to invoke the suspension and to provide a suspended [~~contestant~~] licensee a right to a hearing before the commission with respect to the suspension within a reasonable time after the suspension.

Section 3. Section **13-33-401** is amended to read:

13-33-401. Jurisdiction of commission.

(1) (a) The commission has and is vested with the sole direction, management, control, and jurisdiction over all contests or exhibitions of unarmed combat to be conducted, held, or given within this state[~~, and no~~].

(b) A contest or exhibition may not be conducted, held, or given within this state except in accordance with [~~the provisions of~~] this chapter.

(2) Any contest involving a form of unarmed self-defense must be conducted pursuant to rules for that form which are approved by the commission before the contest is conducted, held, or given.

(3) (a) An area not less than six feet from the perimeter of the ring shall be reserved for the use of:

(i) the designated commission member;

(ii) other commission members in attendance;

(iii) the director;

(iv) commission employees;

(v) officials;

(vi) licensees participating or assisting in the contest; and

(vii) others granted credentials by the commission.

(b) The promoter shall provide security at the direction of the commission or designated commission member to secure the area described in Subsection (3)(a).

(4) The area described in Subsection (3), area in the dressing rooms, and other areas considered necessary by the designated commission member for the safety and welfare of a licensee and the public shall be reserved for the use of:

- (a) the designated commission member;
- (b) other commission members in attendance;
- (c) the director;
- (d) commission employees;
- (e) officials;
- (f) licensees participating or assisting in the contest; and
- (g) others granted credentials by the commission.

(5) The promoter shall provide security at the direction of the commission or designated commission member to secure the areas described in Subsections (3) and (4).

(6) (a) The designated commission member may direct the removal from the contest venue and premises, of any individual whose actions:

- (i) are disruptive to the safe conduct of the contest; or
- (ii) pose a danger to the safety and welfare of the licensees, the commission, or the public.

(b) The promoter shall provide security at the direction of the commission or designated commission member to effectuate a removal under Subsection (6)(a).

Section 4. Section **13-33-402** is amended to read:

13-33-402. Club fighting prohibited.

- (1) [~~Ultimate~~] Club fighting [~~matches are~~] is prohibited.
- (2) Any person who publicizes, promotes, conducts, or engages in [~~an ultimate~~] a club fighting match is:

- (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and
- (b) subject to license revocation under this chapter.

Section 5. Section **13-33-403** is amended to read:

13-33-403. Approval to hold contest or promotion -- Bond required.

- (1) An application to hold a contest or multiple contests as part of a single promotion shall be made by a licensed promoter to the commission on forms provided by the commission.
- (2) The application shall be accompanied by a contest fee determined by the department

under Section 63-38-3.2.

~~[(3) Before a permit to hold a contest or promotion is granted, the applicant shall post a surety bond with the commission in an amount and form determined by the commission, providing for forfeiture and subsequent disbursement of the proceeds from the bond if the applicant fails to comply with the requirements of this chapter or rules made under this chapter relating to the promotion or conduct of the contest or promotion.]~~

~~[(4)]~~ (3) (a) The commission may approve or deny approval to hold a contest or promotion permitted under this chapter. ~~[Approval]~~

(b) Provisional approval under Subsection (3)(a) shall be granted upon a determination by the commission that:

~~[(a)]~~ (i) the promoter of the contest or promotion is properly licensed;

~~[(b)]~~ (ii) a bond meeting the requirements of Subsection ~~[(3)]~~ (5) has been posted by the promoter of the contest or promotion; and

~~[(c)]~~ (iii) the contest or promotion will be held in accordance with this chapter and rules made under this chapter.

(4) Final approval to hold a contest or promotion may not be granted unless the promoter provides to the commission not less than seven days before the day of the contest:

(a) proof of a negative HIV test performed not more than 180 days before the day of the contest for each contestant;

(b) a copy of each contestant's federal identification card;

(c) a copy of a signed contract between each contestant and the promoter for the contest;

(d) a statement specifying the maximum number of rounds of the contest;

(e) a statement specifying the site, date, and time of weigh-in; and

(f) the name of the physician who shall act as ringside physician for the contest.

(5) An applicant shall post a surety bond or cashier's check with the commission in the greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement of the proceeds if the applicant fails to comply with:

(a) the requirements of this chapter; or

(b) rules made under this chapter relating to the promotion or conduct of the contest or promotion.

Section 6. Section **13-33-405** is amended to read:

13-33-405. Medical examinations and drug tests.

The commission shall adopt rules in accordance with [~~the provisions of~~] Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for [~~HIV~~] medical examinations and drug testing of contestants [~~which include~~] including:

(1) provisions under which contestants shall produce evidence based upon competent laboratory examination that they are HIV negative as a condition of participating as a contestant in any contest; [~~and~~]

(2) provisions under which contestants shall be subject to random drug testing before or after participation in a contest, and sanctions, including barring participation in a contest or withholding a percentage of any purse, that shall be placed against a contestant testing positive for alcohol or any other drug that in the opinion of the commission is inconsistent with the safe and competent participation of that contestant in a contest[~~;~~];

(3) provisions under which contestants shall be subject to a medical examination by the ringside physician not more than 30 hours before the contest to identify any physical ailment or communicable disease that, in the opinion of the commission or designated commission member, are inconsistent with the safe and competent participation of that contestant in the contest; and

(4) provisions under which contestants shall be subject to medical testing for communicable diseases as considered necessary by the commission to protect the health, safety, and welfare of the licensees and the public.

Section 7. Section **13-33-507** is enacted to read:

13-33-507. Contest weights and classes -- Matching contestants.

(1) Boxing contest weights and classes are established as follows:

(a) strawweight is up to and including 105 lbs. (47.627 kgs.);

(b) light-flyweight is over 105 lbs. (47.627 kgs.) to 108 lbs. (48.988 kgs.);

(c) flyweight is over 108 lbs (48.988 kgs.) to 112 lbs. (50.802 kgs.);

- (d) super flyweight is over 112 lbs. (50.802 kgs.) to 115 lbs. (52.163 kgs.);
- (e) bantamweight is over 115 lbs. (52.163 kgs.) to 118 lbs. (53.524 kgs.);
- (f) super bantamweight is over 118 lbs. (53.524 kgs.) to 122 lbs. (55.338 kgs.);
- (g) featherweight is over 122 lbs. (55.338 kgs.) to 126 lbs. (57.153 kgs.);
- (h) super featherweight is over 126 lbs. (57.153 kgs.) to 130 lbs. (58.967 kgs.);
- (i) lightweight is over 130 lbs. (58.967 kgs.) to 135 lbs. (61.235 kgs.);
- (j) super lightweight is over 135 lbs. (61.235 kgs.) to 140 lbs. (63.503 kgs.);
- (k) welterweight is over 140 lbs. (63.503 kgs.) to 147 lbs. (66.678 kgs.);
- (l) super welterweight is over 147 lbs. (66.678 kgs.) to 154 lbs. (69.853 kgs.);
- (m) middleweight is over 154 lbs. (69.853 kgs.) to 160 lbs. (72.574 kgs.);
- (n) super middleweight is over 160 lbs. (72.574 kgs.) to 168 lbs. (76.204 kgs.);
- (o) light-heavyweight is over 168 lbs. (76.204 kgs.) to 175 lbs. (79.378 kgs.);
- (p) cruiserweight is over 175 lbs. (79.378 kgs.) to 200 lbs. (90.720 kgs.); and
- (q) heavyweight is over 200 lbs. (90.720 kgs.).

(2) Contest weights and classes for unarmed combat that is not boxing are established as follows:

- (a) flyweight is up to and including 125 lbs. (56.82 kgs.);
- (b) bantamweight is over 125 lbs. (56.82 kgs.) to 135 lbs. (61.36 kgs.);
- (c) featherweight is over 135 lbs (61.36 kgs.) to 145 lbs. (65.91 kgs.);
- (d) lightweight is over 145 lbs. (65.91 kgs.) to 155 lbs. (70.45 kgs.);
- (e) welterweight is over 155 lbs. (70.45 kgs.) to 170 lbs. (77.27 kgs.);
- (f) middleweight is over 170 lbs. (77.27 kgs.) to 185 lbs. (84.09 kgs.);
- (g) light-heavyweight is over 185 lbs. (84.09 kgs.) to 205 lbs. (93.18 kgs.);
- (h) heavyweight is over 205 lbs. (93.18 kgs.) to 265 lbs. (120.45 kgs.);
- (i) super heavyweight is over 265 lbs. (120.45 kgs.).

(3) As to any unarmed combat contest, a contestant may not fight another contestant who is outside of the contestant's weight classification.

- (4) As to any unarmed combat contest:

(a) a contestant who has contracted to participate in a given weight class may not be permitted to compete if the contestant is not within that weight class at the weigh-in; and

(b) a contestant may have two hours to attempt to gain or lose not more than three pounds in order to be reweighed.

(5) (a) As to any unarmed combat contest, the commission may not allow a contest in which the contestants are not fairly matched.

(b) Factors in determining if contestants are fairly matched include:

(i) the win-loss record of the contestants;

(ii) the weight differential between the contestants;

(iii) the caliber of opponents for each contestant;

(iv) each contestant's number of fights; and

(v) previous suspensions or disciplinary actions of the contestants.

Section 8. Section **13-33-508** is enacted to read:

13-33-508. Elimination boxing contests -- Conduct of contests -- Applicability of provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on contests.

(1) An elimination boxing contest shall be conducted under the supervision and authority of the commission.

(2) Except as otherwise provided in this section and except as otherwise provided by specific statute, the provisions of this chapter pertaining to boxing apply to an elimination boxing contest.

(3) (a) All contests in an elimination boxing contest shall be no more than three rounds in duration.

(b) A round of unarmed combat in an elimination boxing contest shall be no more than one minute in duration.

(c) A period of rest following a round shall be no more than one minute in duration.

(4) A contestant:

(a) shall wear gloves that weigh 16 ounces; and

(b) shall wear headgear approved by the commission, the designated commission member, or the director if a designated commission member is not present.

(5) A contestant may participate in more than one contest, but may not box more than a total of seven rounds in the entire tournament.