

**PETE SUAZO ATHLETIC COMMISSION**

**AMENDMENTS**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed Mayne**

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**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



28 ENACTS:

29 **13-33-507**, Utah Code Annotated 1953

30 **13-33-508**, Utah Code Annotated 1953

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

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

34 **13-33-102. Definitions.**

35 As used in this chapter:

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

37 (2) "Club fighting" means any contest, whether admission is charged or not, where:

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

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

40 (c) an HIV negative test regarding each contestant within 180 days of the contest has  
41 not been provided to the commission;

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

43 (e) the contestants are not matched by the weight standards described in Section  
44 13-33-507.

45 ~~[(2)]~~ (3) "Commission" means the Pete Suazo Utah Athletic Commission created in  
46 this chapter.

47 ~~[(3)]~~ (4) "Contest" means a live match, performance, or exhibition involving two or  
48 more persons engaged in unarmed combat.

49 ~~[(4)]~~ (5) "Contestant" means an individual who participates in a contest.

50 ~~[(5)]~~ (6) "Department" means the Department of Commerce.

51 (7) "Designated commission member" means a member of the commission designated  
52 to:

53 (a) attend and supervise a particular contest; and

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

55 ~~[(6)]~~ (8) "Director" means the director of the Pete Suazo Utah Athletic Commission.

56 (9) "Elimination boxing contest" means:

57 (a) a contest where a number of contestants fight in a tournament;

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

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

60 [~~(7)~~] (10) "Executive director" means the executive director of the Department of  
61 Commerce.

62 [~~(8)~~] (11) "Exhibition" means an engagement in which the participants show or display  
63 their skills without necessarily striving to win.

64 [~~(9)~~] (12) "Judge" means an individual qualified by training or experience to:

65 (a) rate the performance of contestants;

66 (b) score a contest; and

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

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

70 (a) contestant;

71 (b) judge;

72 (c) manager;

73 (d) promoter;

74 (e) referee; or

75 (f) second.

76 [~~(10)~~] (14) "Manager" means an individual who represents a contestant for the  
77 purposes of:

78 (a) obtaining matches[;];

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

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

82 [~~(11)~~] (15) "Promoter" means a person who engages in producing or staging contests  
83 and promotions.

84 [~~(12)~~] (16) "Promotion" means a single contest or a combination of contests that occur  
85 during the same time at the same location and that is produced or staged by a promoter.

86 [~~(13)~~] (17) "Purse" means any money, prize, remuneration, or any other valuable  
87 consideration a contestant receives or may receive for participation in a contest.

88 [~~(14)~~] (18) "Referee" means an individual qualified by training or experience to act as  
89 the official attending a contest at the point of contact between contestants for the purpose of:

- 90 (a) enforcing the rules relating to the contest;
- 91 (b) stopping the contest in the event the health, safety, and welfare of a contestant or  
92 any other person in attendance at the contest is in jeopardy; and
- 93 (c) to act as a judge if so designated by the commission.
- 94 ~~[(15)]~~ (19) "Second" means an individual who attends a contestant at the site of the  
95 contest before, during, and after the contest in accordance with contest rules.
- 96 ~~[(16)]~~ (20) "Serious bodily injury" is as defined in Section 76-1-601.
- 97 ~~[(17)]~~ (21) "Total gross receipts" means the amount of the face value of all tickets sold  
98 to a particular contest plus any sums received as consideration for holding the contest at a  
99 particular location.
- 100 ~~[(18)]~~ (22) "Ultimate fighting match" means a live ~~[match]~~ contest in which:
- 101 (a) an admission fee is charged;
- 102 (b) ~~[match]~~ contest rules permit contestants to use a combination of boxing, kicking,  
103 wrestling, hitting, punching, or other combative, contact techniques; ~~[and]~~
- 104 (c) ~~[match]~~ contest rules ~~[do not: (i)]~~ incorporate a formalized system of combative  
105 techniques against which a contestant's performance is judged to determine the prevailing  
106 contestant;
- 107 ~~[(i) divide a match into two or more equal and specified time periods for a match total  
108 of no more than 50 minutes; or (iii)]~~
- 109 (d) contest rules divide nonchampionship contests into three equal and specified  
110 rounds of no more than five minutes per round with a rest period of one minute between each  
111 round;
- 112 (e) contest rules divide championship contests into five equal and specified rounds of  
113 no more than five minutes per round with a rest period of one minute between each round; and
- 114 (f) match rules prohibit contestants from:
- 115 ~~[(A)]~~ (i) using anything that is not part of the human body, except for boxing gloves, to  
116 intentionally inflict serious bodily injury upon an opponent through direct contact or the  
117 expulsion of a projectile;
- 118 ~~[(B)]~~ (ii) striking a person who demonstrates an inability to protect himself from the  
119 advances of an opponent;
- 120 ~~[(C)]~~ (iii) biting; or

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

123           ~~[(19)]~~ (23) (a) "Unarmed combat" means boxing or any form of competition in which a  
124 blow is usually struck which may reasonably be expected to inflict bodily injury.

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

127           ~~[(20)]~~ (24) "Unlawful conduct" means organizing, promoting, or participating in a  
128 contest which involves contestants that are not licensed under this chapter.

129           ~~[(21)]~~ (25) "Unprofessional conduct" means:

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

131           (b) participating in any sham or fake contest;

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

135           (d) engaging in an act or conduct that is detrimental to a contest, including any foul or  
136 unsportsmanlike conduct in connection with a contest;

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

138           ~~[or]~~

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

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

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

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

145           **13-33-303. Grounds for denial of license -- Disciplinary proceedings --**  
146 **Reinstatement.**

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

150           (2) The commission may refuse to issue a license to an applicant and may refuse to  
151 renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand

152 to, or otherwise act upon the license of any licensee in any of the following cases:

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

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

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

162 (3) Any licensee whose license under this chapter has been suspended, revoked, or  
163 restricted may apply for reinstatement of the license at reasonable intervals and upon  
164 compliance with any conditions imposed upon the licensee by statute, rule, or terms of the  
165 license suspension, revocation, or restriction.

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

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

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

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

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

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

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

178 [~~5~~] (6) (a) The commission may not take disciplinary action against any person for  
179 unlawful or unprofessional conduct under this title, unless the commission initiates an  
180 adjudicative proceeding regarding the conduct within four years after the conduct is reported to  
181 the commission, except under Subsection [~~5~~] (6)(b).

182 (b) The commission may not take disciplinary action against any person for unlawful

183 or unprofessional conduct more than ten years after the occurrence of the conduct, unless the  
 184 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is  
 185 initiated within one year following the judgment or settlement.

186 ~~[(6)]~~ (7) (a) Notwithstanding ~~[the provisions of]~~ Title 63, Chapter 46b, Administrative  
 187 Procedures Act, ~~[the commission shall]~~ the following have the authority to immediately  
 188 suspend the license of a ~~[contestant]~~ licensee at such time and for such period that the  
 189 ~~[commission]~~ following believes is necessary to protect the health, safety, and welfare of the  
 190 ~~[contestant, other contestants]~~ licensee, another licensee, or the public[-]:

191 (i) the commission;

192 (ii) a designated commission member; or

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

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

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

198 **13-33-401. Jurisdiction of commission.**

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

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

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

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

209 (i) the designated commission member;

210 (ii) other commission members in attendance;

211 (iii) the director;

212 (iv) commission employees;

213 (v) officials;

214 (vi) licensees; and

215 (vii) others granted credentials by the commission.

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

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

221 (a) the designated commission member;

222 (b) other commission members in attendance;

223 (c) the director;

224 (d) commission employees;

225 (e) officials;

226 (f) licensees; and

227 (g) others granted credentials by the commission.

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

230 (6) (a) The designated commission member may remove, or direct the removal from  
231 the venue, of any individual whose actions:

232 (i) are disruptive to the safe conduct of the contest; or

233 (ii) pose a danger to the safety and welfare of the licensees, the commission, or the  
234 public.

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

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

238 **13-33-402. Club fighting prohibited.**

239 (1) [~~Ultimate~~] Club fighting matches are prohibited.

240 (2) Any person who publicizes, promotes, conducts, or engages in [~~an ultimate~~] a club  
241 fighting match is:

242 (a) guilty of a class A misdemeanor as provided in Section 76-9-705; and

243 (b) subject to license revocation under this chapter.

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



245 **13-33-403. Permit to hold contest or promotion -- Bond required.**

246 (1) An application to hold a contest or multiple contests as part of a single promotion  
247 shall be made by a licensed promoter to the commission on forms provided by the commission.

248 (2) The application shall be accompanied by a contest fee determined by the  
249 department under Section 63-38-3.2.

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

255 [~~(4)~~] (3) (a) The commission may approve or deny approval to hold a contest or  
256 promotion permitted under this chapter.

257 (b) Approval under Subsection (3)(a) shall be granted upon a determination by the  
258 commission that:

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

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

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

264 (4) The promoter shall provide to the commission not less than seven days before the  
265 day of the contest:

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

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

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

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

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

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

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

276 proceeds if the applicant fails to comply with:

277 (a) the requirements of this chapter; or

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

280 (6) Failure to timely provide the information described in Subsection (4) shall  
281 automatically revoke a permit to hold a contest.

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

283 **13-33-405. Medical examinations and drug tests.**

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

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

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

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

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

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

304 **13-33-507. Contest weights and classes -- Matching contestants.**

305 (1) Contest weights and classes are established as follows:

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

- 307 (b) light-flyweight is over 105 lbs. (47.627 kgs.) to 108 lbs. (48.988 kgs.);  
308 (c) flyweight is over 108 lbs (48.988 kgs.) to 112 lbs. (50.802 kgs.);  
309 (d) super flyweight is over 112 lbs. (50.802 kgs.) to 115 lbs. (52.163 kgs.);  
310 (e) bantamweight is over 115 lbs. (52.163 kgs.) to 118 lbs. (53.524 kgs.);  
311 (f) super bantamweight is over 118 lbs. (53.524 kgs.) to 122 lbs. (55.338 kgs.);  
312 (g) featherweight is over 122 lbs. (55.338 kgs.) to 126 lbs. (57.153 kgs.);  
313 (h) super featherweight is over 126 lbs. (57.153 kgs.) to 130 lbs. (58.967 kgs.);  
314 (i) lightweight is over 130 lbs. (58.967 kgs.) to 135 lbs. (61.235 kgs.);  
315 (j) super lightweight is over 135 lbs. (61.235 kgs.) to 140 lbs. (63.503 kgs.);  
316 (k) welterweight is over 140 lbs. (63.503 kgs.) to 147 lbs. (66.678 kgs.);  
317 (l) super welterweight is over 147 lbs. (66.678 kgs.) to 154 lbs. (69.853 kgs.);  
318 (m) middleweight is over 154 lbs. (69.853 kgs.) to 160 lbs. (72.574 kgs.);  
319 (n) super middleweight is over 160 lbs. (72.574 kgs.) to 168 lbs. (76.204 kgs.);  
320 (o) light-heavyweight is over 168 lbs. (76.204 kgs.) to 175 lbs. (79.378 kgs.);  
321 (p) cruiserweight is over 175 lbs. (79.378 kgs.) to 200 lbs. (90.720 kgs.); and  
322 (q) heavyweight is over 200 lbs. (90.720 kgs.).

323 (2) A contestant may not fight another contestant who is outside of the contestant's  
324 weight classification.

325 (3) (a) A contestant who has contracted to box in a given weight class may not be  
326 permitted to compete if the contestant is not within that weight class at the weigh-in.

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

329 (4) (a) The commission may not allow a contest in which the contestants are not fairly  
330 matched.

331 (b) In determining if contestants are fairly matched, the commission shall consider all  
332 of the following factors with respect to the contestants:

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

334 (ii) the weight differential between the contestants;

335 (iii) the caliber of opponents for each contestant;

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

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

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

339 **13-33-508. Elimination boxing contests -- Conduct of contests -- Applicability of**  
340 **provisions -- Limitations on license -- Duration of contests -- Equipment -- Limitations on**  
341 **contests.**

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

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

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

349 (b) A period of unarmed combat in an elimination boxing contest shall be one minute  
350 in duration.

351 (c) A period of rest following a period of unarmed combat in an elimination boxing  
352 contest must be one minute in duration.

353 (4) An elimination boxer:

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

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

357 (5) An elimination boxer may participate in more than one match in an elimination  
358 boxing contest, but may not box more than a total of 12 rounds in an elimination boxing  
359 contest.

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**Legislative Review Note**  
**as of 1-26-05 3:35 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number SB0149**

Pete Suazo Athletic Commission Amendments

31-Jan-05

10:36 AM

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**State Impact**

Potential revenue from fines cannot be estimated.

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**Individual and Business Impact**

No fiscal impact, except to those who might be fined.

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**Office of the Legislative Fiscal Analyst**