

Senator Mike Dmitrich proposes the following substitute bill:

UTAH SPORTS AUTHORITY

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Dmitrich

House Sponsor: Gregory H. Hughes

LONG TITLE

General Description:

This bill creates the Utah Sports Authority and moves the Pete Suazo Utah Athletic Commission to the authority.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Utah Sports Authority;
- ▶ provides for the appointment of authority members and the conduct of authority business;
- ▶ provides for the authority's powers and duties;
- ▶ moves the Pete Suazo Utah Athletic Commission from the Department of Commerce to the authority;
- ▶ exempts sparring from the prohibition on club fighting;
- ▶ temporarily reduces the size of the commission from five to three members;
- ▶ addresses the manner of appointment of commission members;
- ▶ eliminates the required licensing of security guards;
- ▶ eliminates provisions relating to evaluating a licensee's good character;
- ▶ changes the manner of calculating a fee for holding a contest or event;



- 26 ▶ eliminates a provision requiring reports relevant to the calculation of the fee for a
- 27 contest or event;
- 28 ▶ provides for the transition of licenses issued by the Department of Commerce to the
- 29 authority;
- 30 ▶ addresses commission approval of a contest;
- 31 ▶ addresses the provision of medical information concerning a contestant to the
- 32 commission;
- 33 ▶ provides for the appointment and authority of a ringside physician;
- 34 ▶ allows the commission to make rules governing the conduct of a contest;
- 35 ▶ provides for the formation of an ad hoc working group to consider statutory and
- 36 administrative changes; and
- 37 ▶ makes technical changes.

38 **Monies Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 This bill takes effect on July 1, 2007.

42 **Utah Code Sections Affected:**

43 ENACTS:

44 **63C-11-101**, Utah Code Annotated 1953

45 **63C-11-102**, Utah Code Annotated 1953

46 **63C-11-201**, Utah Code Annotated 1953

47 **63C-11-202**, Utah Code Annotated 1953

48 **63C-11-319**, Utah Code Annotated 1953

49 **63C-11-326**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

51 **63C-11-301**, (Renumbered from 13-33-101, as last amended by Chapter 9, Laws of

52 Utah 2001, Second Special Session)

53 **63C-11-302**, (Renumbered from 13-33-102, as last amended by Chapter 72, Laws of

54 Utah 2006)

55 **63C-11-303**, (Renumbered from 13-33-201, as last amended by Chapter 72, Laws of

56 Utah 2006)

- 57 **63C-11-304**, (Renumbered from 13-33-202, as last amended by Chapter 72, Laws of
58 Utah 2006)
- 59 **63C-11-305**, (Renumbered from 13-33-203, as last amended by Chapter 72, Laws of
60 Utah 2006)
- 61 **63C-11-306**, (Renumbered from 13-33-204, as enacted by Chapter 91, Laws of Utah
62 2001)
- 63 **63C-11-307**, (Renumbered from 13-33-205, as enacted by Chapter 91, Laws of Utah
64 2001)
- 65 **63C-11-308**, (Renumbered from 13-33-301, as last amended by Chapter 72, Laws of
66 Utah 2006)
- 67 **63C-11-309**, (Renumbered from 13-33-302, as enacted by Chapter 91, Laws of Utah
68 2001)
- 69 **63C-11-310**, (Renumbered from 13-33-303, as last amended by Chapter 72, Laws of
70 Utah 2006)
- 71 **63C-11-311**, (Renumbered from 13-33-304, as last amended by Chapter 304, Laws of
72 Utah 2002)
- 73 **63C-11-312**, (Renumbered from 13-33-305, as enacted by Chapter 91, Laws of Utah
74 2001)
- 75 **63C-11-313**, (Renumbered from 13-33-401, as last amended by Chapter 72, Laws of
76 Utah 2006)
- 77 **63C-11-314**, (Renumbered from 13-33-402, as last amended by Chapter 104, Laws of
78 Utah 2005)
- 79 **63C-11-315**, (Renumbered from 13-33-403, as last amended by Chapter 72, Laws of
80 Utah 2006)
- 81 **63C-11-316**, (Renumbered from 13-33-404, as last amended by Chapter 72, Laws of
82 Utah 2006)
- 83 **63C-11-317**, (Renumbered from 13-33-405, as last amended by Chapter 104, Laws of
84 Utah 2005)
- 85 **63C-11-318**, (Renumbered from 13-33-406, as enacted by Chapter 72, Laws of Utah
86 2006)
- 87 **63C-11-320**, (Renumbered from 13-33-503, as enacted by Chapter 91, Laws of Utah

88 2001)
 89 **63C-11-321**, (Renumbered from 13-33-504, as last amended by Chapter 72, Laws of
 90 Utah 2006)
 91 **63C-11-322**, (Renumbered from 13-33-505, as enacted by Chapter 91, Laws of Utah
 92 2001)
 93 **63C-11-323**, (Renumbered from 13-33-506, as last amended by Chapter 17, Laws of
 94 Utah 2004)
 95 **63C-11-324**, (Renumbered from 13-33-507, as enacted by Chapter 104, Laws of Utah
 96 2005)
 97 **63C-11-325**, (Renumbered from 13-33-508, as last amended by Chapter 72, Laws of
 98 Utah 2006)
 99 REPEALS:

100 **13-33-502**, as last amended by Chapter 9, Laws of Utah 2001, Second Special Session

101 **Uncodified Material Affected:**

102 ENACTS UNCODIFIED MATERIAL



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

105 Section 1. Section **63C-11-101** is enacted to read:

106 **CHAPTER 11. UTAH SPORTS AUTHORITY**

107 **Part 1. General Provisions**

108 **63C-11-101. Title.**

109 This chapter is known as the "Utah Sports Authority Act."

110 Section 2. Section **63C-11-102** is enacted to read:

111 **63C-11-102. Definitions.**

112 As used in this chapter:

113 (1) "Authority" means the Utah Sports Authority created by this chapter.

114 (2) "Division of Parks and Recreation" means the Division of Parks and Recreation
 115 created in Section 63-11-17.1.

116 Section 3. Section **63C-11-201** is enacted to read:

117 **Part 2. Utah Sports Authority**

118 **63C-11-201. Utah Sports Authority -- Creation -- Appointments -- Terms --**

119 **Quorum -- Expenses.**120 (1) (a) There is created the Utah Sports Authority.121 (b) The authority is considered an agency of the state for the purpose of Title 11,
122 Chapter 13, Interlocal Cooperation Act.123 (2) The authority consists of the following seven members, who shall have a
124 background and interest in the development of sporting opportunities or facilities:125 (a) three members appointed by the governor, who may not be legislators;126 (b) two members appointed by the president of the Senate, who may not be legislators;127 and128 (c) two members appointed by the speaker of the House of Representatives, who may
129 not be legislators.130 (3) The authority shall select a chair from among its members.131 (4) (a) Members appointed under Subsection (2) shall serve four-year terms.132 (b) At the time of appointment, the governor shall adjust the term of two of the
133 governor's appointees to ensure that at least one member is appointed by the governor every
134 two years.135 (c) At the time of appointment, the president and speaker shall each adjust the term of
136 one of their appointees to ensure that one of their appointees is appointed every two years.137 (d) When a vacancy occurs in the authority during the term of one of the members, the
138 governor, president, or speaker, respectively, shall appoint the replacement for the remainder of
139 the unexpired term.140 (5) Four members of the authority constitute a quorum.141 (6) (a) (i) Members who are not government employees shall receive no compensation
142 or benefits for their services, but may receive per diem and expenses incurred in the
143 performance of the member's official duties at the rates established by the Division of Finance
144 under Sections 63A-3-106 and 63A-3-107.145 (ii) Members may decline to receive per diem and expenses for their service.146 (b) (i) State or local government officer or employee members who do not receive per
147 diem and expenses from their agency for their service may receive per diem and expenses
148 incurred in the performance of their official duties from the authority at the rates established by
149 the Division of Finance under Sections 63A-3-106 and 63A-3-107.

150 (ii) State or local government officer or employee members may decline to receive per
151 diem and expenses for their service.

152 (7) The authority may meet as necessary to exercise its powers and duties in
153 accordance with Section 63C-11-202.

154 Section 4. Section **63C-11-202** is enacted to read:

155 **63C-11-202. Powers and duties of authority.**

156 (1) The authority shall:

157 (a) hire an executive director, who shall serve as staff to the authority;

158 (b) oversee and make any necessary rules concerning the Pete Suazo Utah Athletic
159 Commission created in Section 63C-11-303; and

160 (c) make rules in accordance with Title 63, Chapter 46a, Utah Administrative
161 Rulemaking Act, necessary for the administration of this chapter.

162 (2) The authority may:

163 (a) hire employees to carry out its duties as budgetary constraints allow;

164 (b) coordinate with any other entity the promotion or enhancement of sporting
165 opportunities in Utah;

166 (c) solicit and accept contributions of moneys, services, and facilities from any other
167 sources, public or private, and shall use these funds for coordinating the promotion and
168 enhancement of sporting opportunities in Utah;

169 (d) partner with existing entities for Olympic-related sports development;

170 (e) coordinate with the Division of Parks and Recreation to establish a destination golf
171 program to promote golf-related tourism;

172 (f) coordinate with existing entities the recruitment and relocation of the United States
173 Olympic Committee National Governing Bodies and other organizations governing sports; and

174 (g) contract with an existing not-for-profit organization for the purpose of sports
175 development throughout the state, including:

176 (i) branding, advertising, and marketing; and

177 (ii) sports tourism promotion, including attracting and developing sporting events.

178 (3) The authority may not:

179 (a) promote sports; or

180 (b) manage sports events.

- 181 (4) (a) The not-for-profit organization contracted with in Subsection (1):
- 182 (i) shall have at least five years' experience in the promotion, development, and
- 183 marketing of sports events and sports tourism;
- 184 (ii) shall represent all geographic areas of the state; and
- 185 (iii) may not have a financial or ownership interest in any sports venue.
- 186 (b) Development of sports under the contract entered into under Subsection (1) shall
- 187 include:
- 188 (i) summer and winter sports;
- 189 (ii) amateur and professional sports; and
- 190 (iii) participatory and spectator sports.

191 Section 5. Section **63C-11-301**, which is renumbered from Section 13-33-101 is
 192 renumbered and amended to read:

193 **Part 3. Pete Suazo Utah Athletic Commission Act**

194 ~~[13-33-101].~~ **63C-11-301. Title.**

195 This chapter is known as the "Pete Suazo Utah Athletic Commission Act."

196 Section 6. Section **63C-11-302**, which is renumbered from Section 13-33-102 is
 197 renumbered and amended to read:

198 ~~[13-33-102].~~ **63C-11-302. Definitions.**

199 As used in this chapter:

- 200 (1) "Bodily injury" is as defined in Section 76-1-601.
- 201 (2) "Boxing" means the sport of attack and defense using the fist, which is covered by
- 202 an approved boxing glove.
- 203 (3) (a) "Club fighting" means any contest of unarmed combat, whether admission is
- 204 charged or not, where:
- 205 ~~[(a)]~~ (i) the rules of the contest are not approved by the commission;
- 206 ~~[(b)]~~ (ii) a licensed physician or osteopath is not in attendance;
- 207 ~~[(c)]~~ (iii) an HIV negative test regarding each contestant not less than 180 days before
- 208 the contest has not been provided to the commission;
- 209 ~~[(d)]~~ (iv) the contest is not conducted in accordance with commission rules; or
- 210 ~~[(e)]~~ (v) the contestants are not matched by the weight standards described in Section

211 ~~[13-33-507]~~ 63C-11-324.

- 212 (b) "Club fighting" does not include sparring if:
213 (i) it is conducted for training purposes;
214 (ii) no tickets are sold to spectators;
215 (iii) no concessions are available for spectators;
216 (iv) protective clothing, including protective headgear, a mouthguard, and a protective
217 cup, is worn; and
218 (v) for boxing, 16 ounce boxing gloves are worn.
219 (4) "Commission" means the Pete Suazo Utah Athletic Commission created in this
220 chapter.
221 (5) "Contest" means a live match, performance, or exhibition involving two or more
222 persons engaged in unarmed combat.
223 (6) "Contestant" means an individual who participates in a contest.
224 [~~(7) "Department" means the Department of Commerce.~~]
225 [~~(8)~~ (7) "Designated commission member" means a member of the commission
226 designated to:
227 (a) attend and supervise a particular contest; and
228 (b) act on the behalf of the commission at a contest venue.
229 [~~(9)~~ (8) "Elimination boxing contest" means[~~:(a)~~] a contest where:
230 (a) a number of contestants participate in a tournament;
231 (b) [~~over a period of time not exceeding~~] the duration is not more than 48 hours; and
232 (c) the loser of each contest is eliminated from further competition.
233 [~~(10) "Executive director" means the executive director of the Department of~~
234 ~~Commerce.~~]
235 [~~(11)~~ (9) "Exhibition" means an engagement in which the participants show or display
236 their skills without necessarily striving to win.
237 [~~(12)~~ (10) "Judge" means an individual qualified by training or experience to:
238 (a) rate the performance of contestants;
239 (b) score a contest; and
240 (c) determine with other judges whether there is a winner of the contest or whether the
241 contestants performed equally, resulting in a draw.
242 [~~(13)~~ (11) "Licensee" means an individual licensed by the commission to act as a:

243 (a) contestant;

244 (b) judge;

245 (c) manager;

246 (d) promoter;

247 (e) referee; or

248 (f) second~~[-or]~~.

249 [~~(g) security guard.~~]

250 [~~(14)~~] (12) "Manager" means an individual who represents a contestant for the

251 purposes of:

252 (a) obtaining a contest for a contestant;

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

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

256 [~~(15)~~] (13) "Promoter" means a person who engages in producing or staging contests
257 and promotions.

258 [~~(16)~~] (14) "Promotion" means a single contest or a combination of contests that:

259 (a) occur during the same time and at the same location; and [~~that~~]

260 (b) is produced or staged by a promoter.

261 [~~(17)~~] (15) "Purse" means any money, prize, remuneration, or any other valuable
262 consideration a contestant receives or may receive for participation in a contest.

263 [~~(18)~~] (16) "Referee" means an individual qualified by training or experience to act as
264 the official attending a contest at the point of contact between contestants for the purpose of:

265 (a) enforcing the rules relating to the contest;

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

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

269 [~~(19)~~] (17) "Round" means one of a number of individual time periods that, taken
270 together, constitute a contest during which contestants are engaged in a form of unarmed
271 combat.

272 [~~(20)~~] (18) "Second" means an individual who attends a contestant at the site of the
273 contest before, during, and after the contest in accordance with contest rules.

274 [~~(21)~~] (19) "Secretary" means the secretary of the Pete Suazo Utah Athletic
275 Commission.

276 [~~(22)~~] (20) "Serious bodily injury" is as defined in Section 76-1-601.

277 [~~(23)~~] (21) "Total gross receipts" means the amount of the face value of all tickets sold
278 to a particular contest plus any sums received as consideration for holding the contest at a
279 particular location.

280 [~~(24)~~] (22) "Ultimate fighting" means a live contest, whether or not an admission fee is
281 charged, in which:

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

284 (b) contest rules incorporate a formalized system of combative techniques against
285 which a contestant's performance is judged to determine the prevailing contestant;

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

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

290 (e) contest rules prohibit contestants from:

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

294 (ii) striking a person who demonstrates an inability to protect himself from the
295 advances of an opponent;

296 (iii) biting; or

297 (iv) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of
298 the neck, and temple area of the head.

299 [~~(25)~~] (23) (a) "Unarmed combat" means boxing or any other form of competition in
300 which a blow is usually struck which may reasonably be expected to inflict bodily injury.

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

303 [~~(26)~~] (24) "Unlawful conduct" means organizing, promoting, or participating in a
304 contest which involves contestants that are not licensed under this chapter.

305 [~~(27)~~] (25) "Unprofessional conduct" means:

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

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

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

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

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

314 (f) striking of a downed opponent by a contestant while the contestant remains on the
315 contestant's feet unless the commission, following a hearing conducted under Subsection
316 [~~13-33-404~~] 63C-11-316(3) and before the contest, has exempted the contest and each
317 contestant from this Subsection [~~(27)~~] (25)(f);

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

320 (h) as further defined by [~~rule~~] rules made by the commission under Title 63, Chapter
321 46a, Utah Administrative Rulemaking Act.

322 (26) "White-collar contest" means a contest conducted at a training facility where no
323 alcohol is served in which:

324 (a) for boxing:

325 (i) neither contestant is or has been a licensed contestant in any state or an amateur
326 registered with USA Boxing, Inc.;

327 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

328 (iii) protective clothing, including protective headgear, a mouthguard, a protective cup,
329 and for a female contestant a chestguard, is worn;

330 (iv) 16 ounce boxing gloves are worn;

331 (v) the contest is no longer than three rounds of no longer than three minutes each;

332 (vi) no winner is declared; and

333 (vii) the contestants do not compete in a cage; and

334 (b) for ultimate fighting:

335 (i) neither contestant is or has been a licensed contestant in any state or an amateur

336 registered with USA Boxing, Inc.:

337 (ii) no cash prize, or other prize valued at greater than \$35, is awarded;

338 (iii) protective clothing, including a protective mouthguard and a protective cup, is
339 worn;

340 (iv) elbow strikes are not allowed;

341 (v) a contestant is not allowed to stand and strike a downed opponent;

342 (vi) a closed-hand blow to the head is not allowed while either contestant is on the
343 ground;

344 (vii) the contest is no longer than three rounds of no longer than three minutes each;
345 and

346 (viii) no winner is declared.

347 Section 7. Section **63C-11-303**, which is renumbered from Section 13-33-201 is
348 renumbered and amended to read:

349 ~~[13-33-201].~~ **63C-11-303. Commission -- Creation -- Appointments --**
350 **Terms -- Expenses -- Quorum.**

351 ~~[(1) There is created within the Department of Commerce the Pete Suazo Utah Athletic~~
352 ~~Commission consisting of five members.]~~

353 ~~[(2)(a) The commission members shall be appointed by the executive director.]~~

354 ~~[(b) The commission members may not be licensees under this chapter.]~~

355 ~~[(c) The names of all persons appointed to the commission shall be submitted to the~~
356 ~~governor for confirmation or rejection.]~~

357 ~~[(3)(a) Except as required by Subsection (3)(b), as terms of current members expire,~~
358 ~~the executive director shall appoint each new member or reappointed member to a four-year~~
359 ~~term.]~~

360 ~~[(b) Notwithstanding the requirements of Subsection (3)(a), the executive director~~
361 ~~shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the~~
362 ~~terms of members are staggered so that approximately half of the commission is appointed~~
363 ~~every two years.]~~

364 ~~[(c) A member may not serve more than two consecutive full terms, and a member who~~
365 ~~ceases to serve on the commission may not serve again on the commission until after the~~
366 ~~expiration of a two-year period beginning from that cessation of service.]~~

367 ~~[(d) When a vacancy occurs in the membership for any reason, the replacement shall be~~
368 ~~appointed for the unexpired term.]~~

369 ~~[(e) If a commission member fails or refuses to fulfill the responsibilities and duties of~~
370 ~~a commission member, including the attendance at commission meetings, the executive~~
371 ~~director, with the approval of the commission, may remove the commission member and~~
372 ~~replace the member in accordance with this section.]~~

373 (1) There is created within the department the Pete Suazo Utah Athletic Commission
374 consisting of:

375 (a) three members until December 31, 2007; and

376 (b) five members beginning on January 1, 2008.

377 (2) (a) The governor, president of the Senate, and speaker of the House shall each
378 appoint one commission member.

379 (b) Beginning on January 1, 2008, the governor shall appoint two additional
380 commission members.

381 (c) The commission members may not be licensees under this chapter.

382 (3) (a) Except as required by Subsection (3)(b), as terms of current members expire, the
383 governor, president, or speaker, respectively, shall appoint each new member or reappointed
384 member to a four-year term.

385 (b) The governor shall, at the time of appointment or reappointment, adjust the length
386 of the governor's appointees' terms to ensure that the terms of members are staggered so that
387 approximately half of the of the commission is appointed every two years.

388 (c) When a vacancy occurs in the membership for any reason, the replacement shall be
389 appointed for the unexpired term.

390 (d) If a commission member fails or refuses to fulfill the responsibilities and duties of a
391 commission member, including the attendance at commission meetings, the governor,
392 president, or speaker, respectively, with the approval of the commission, may remove the
393 commission member and replace the member in accordance with this section.

394 (4) A majority of the commission members constitutes a quorum. A quorum is
395 sufficient authority for the commission to act.

396 (5) (a) (i) Members who are not government employees shall receive no compensation
397 or benefits for their services, but may receive per diem and expenses incurred in the

398 performance of the member's official duties at the rates established by the Division of Finance
399 under Sections 63A-3-106 and 63A-3-107.

400 (ii) Members may decline to receive per diem and expenses for their service.

401 (b) (i) State government officer and employee members who do not receive salary, per
402 diem, or expenses from their agency for their service may receive per diem and expenses
403 incurred in the performance of their official duties at the rates established by the Division of
404 Finance under Sections 63A-3-106 and 63A-3-107.

405 (ii) State government officer and employee members may decline to receive per diem
406 and expenses for their service.

407 (6) The commission shall annually designate one of its members to serve as chair for a
408 one-year period.

409 (7) A commission member may not serve more than two consecutive full terms, and a
410 member who ceases to serve on the commission may not serve again on the commission until
411 after the expiration of a two-year period beginning from that cessation of service.

412 Section 8. Section **63C-11-304**, which is renumbered from Section 13-33-202 is
413 renumbered and amended to read:

414 ~~[13-33-202].~~ **63C-11-304. Commission powers and duties.**

415 (1) The commission shall:

416 (a) purchase and use a seal;

417 (b) adopt rules for the administration of this chapter in accordance with Title 63,
418 Chapter 46a, Utah Administrative Rulemaking Act;

419 (c) prepare all forms of contracts between sponsors, licensees, promoters, and
420 contestants; and

421 (d) hold hearings relating to matters under its jurisdiction, including violations of this
422 chapter or rules promulgated under this chapter.

423 (2) The commission may subpoena witnesses, take evidence, and require the
424 production of books, papers, documents, records, contracts, recordings, tapes, correspondence,
425 or other information relevant to an investigation if the commission or its designee considers it
426 necessary.

427 ~~[(3) (a) The commission shall maintain a list of ringside physicians registered with the~~
428 ~~commission as approved to act as a ringside physician and meeting the requirements of~~

429 Subsection (3)(c):]

430 [(b) The commission shall appoint a registered ringside physician to perform the duties
431 of a ringside physician at each contest held pursuant to this chapter.]

432 [(c) An applicant for registration as a ringside physician shall:]

433 [(i) submit an application for registration;]

434 [(ii) pay a fee determined by the commission under Section 63-38-3.2;]

435 [(iii) provide the commission with evidence of the applicant's licensure to practice
436 medicine in the state; and]

437 [(iv) satisfy minimum qualifications established by the department by rule.]

438 Section 9. Section **63C-11-305**, which is renumbered from Section 13-33-203 is
439 renumbered and amended to read:

440 ~~[13-33-203].~~ **63C-11-305. Commission secretary.**

441 (1) The commission shall employ a secretary to conduct the commission's business,
442 and who ~~[must]~~ may not be a member of the commission.

443 (2) The secretary serves at the pleasure of the commission.

444 Section 10. Section **63C-11-306**, which is renumbered from Section 13-33-204 is
445 renumbered and amended to read:

446 ~~[13-33-204].~~ **63C-11-306. Inspectors.**

447 (1) The commission may appoint one or more official representatives to be designated
448 as inspectors ~~[which]~~, who shall serve at the pleasure of the commission.

449 (2) Each inspector must receive from the commission a card authorizing that inspector
450 to act as an inspector for the commission.

451 (3) An inspector may not promote or sponsor any contest.

452 (4) Each inspector is entitled to receive a fee approved by the commission for the
453 performance of duties under this chapter.

454 Section 11. Section **63C-11-307**, which is renumbered from Section 13-33-205 is
455 renumbered and amended to read:

456 ~~[13-33-205].~~ **63C-11-307. Affiliation with other commissions.**

457 The commission ~~[shall have the authority to]~~ may affiliate with any other state or
458 national boxing commission or athletic authority.

459 Section 12. Section **63C-11-308**, which is renumbered from Section 13-33-301 is

460 renumbered and amended to read:

461 ~~[13-33-301].~~ 63C-11-308. Licensing.

462 (1) A license is required for a person to act as or to represent that the person is a:

463 (a) promoter;

464 (b) manager;

465 (c) contestant;

466 (d) second;

467 (e) referee; or

468 (f) judge[~~;~~~~or~~].

469 [~~(g) security guard.~~]

470 (2) The commission shall issue to a person who qualifies under this chapter a license in
471 the classifications of:

472 (a) promoter;

473 (b) manager;

474 (c) contestant;

475 (d) second;

476 (e) referee; or

477 (f) judge[~~;~~~~or~~].

478 [~~(g) security guard.~~]

479 (3) All moneys collected pursuant to this section and Sections [~~13-33-304, 13-33-403,~~
480 ~~and 13-33-504~~] 63C-11-312, 63C-11-315, 63C-11-318, and 63C-11-321, shall be deposited in
481 the [~~Commerce Service Fund~~] General Fund.

482 (4) Each applicant for licensure as a promoter shall:

483 (a) submit an application in a form prescribed by the commission;

484 (b) pay the fee determined by the [~~department~~] commission under Section 63-38-3.2;

485 (c) provide to the commission evidence of financial responsibility, which shall include
486 financial statements and other information that the commission may reasonably require to
487 determine that the applicant or licensee is able to competently perform as and meet the
488 obligations of a promoter in this state;

489 (d) produce information, documentation, and assurances as may be required to
490 establish by a preponderance of the evidence the applicant's reputation for good character,

491 honesty, integrity, and responsibility, which shall include information, documentation, and
492 assurances that the applicant:

493 ~~[(i) has not and at the time of application is not associating or consorting with a person~~
494 ~~engaging in illegal activity to the extent that the association or consorting represents a threat to~~
495 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~
496 ~~and welfare of the applicant or a licensed contestant;]~~

497 [(ii) (i) has not been convicted of a crime in any jurisdiction which the commission
498 determines by the nature of the crime and circumstances surrounding the crime should
499 disqualify the applicant from licensure in the public interest;

500 [(iii) is not associating or consorting with a person who has been convicted of a felony
501 in any jurisdiction to the extent that the association or consorting represents a threat to the
502 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
503 welfare of the applicant or a licensed contestant;]

504 [(iv) is not associating or consorting with a person engaging in illegal gambling or
505 similar pursuits to the extent that the association or consorting represents a threat to the
506 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
507 welfare of the applicant or a licensed contestant;]

508 [(v) (ii) is not engaging in illegal gambling with respect to sporting events or gambling
509 with respect to the promotions the applicant is promoting;

510 [(vi) (iii) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding to
511 have engaged in or attempted to engage in any fraud or misrepresentation in connection with a
512 contest or any other sporting event; and

513 [(vii) (iv) has not been found in [~~an administrative;~~] a criminal[;] or civil proceeding
514 to have violated or attempted to violate any law with respect to a contest in any jurisdiction or
515 any law, rule, or order relating to the regulation of contests in this state or any other
516 jurisdiction;

517 (e) acknowledge in writing to the commission receipt, understanding, and intent to
518 comply with this chapter and the rules made under this chapter; and

519 (f) if requested by the commission or the secretary, meet with the commission or the
520 secretary to examine the applicant's qualifications for licensure.

521 (5) Each applicant for licensure as a contestant shall:

522 (a) be not less than 18 years of age at the time the application is submitted to the
523 commission;

524 (b) submit an application in a form prescribed by the commission;

525 (c) pay the fee established by the [department] commission under Section 63-38-3.2;

526 (d) provide a certificate of physical examination, dated not more than 60 days prior to
527 the date of application for license, in a form provided by the commission, completed by a
528 licensed physician and surgeon certifying that the applicant is free from any physical or mental
529 condition that indicates the applicant should not engage in activity as a contestant;

530 (e) provide the commission with an accurate history of all matches that the applicant
531 has engaged in since becoming a contestant, including information on whether the applicant
532 won or lost each contest, and the matches in which there was a knockout or technical knockout;

533 (f) produce information, documentation, and assurances as may be required to establish
534 by a preponderance of the evidence the applicant's reputation for good character, honesty,
535 integrity, and responsibility, which shall include information, documentation, and assurances
536 that the applicant:

537 [~~(i) has not and at the time of application is not associating or consorting with a person
538 engaging in illegal activity to the extent that the association or consorting represents a threat to
539 the conduct of contests in the public's interest within the state, or a threat to the health, safety,
540 and welfare of the applicant or a licensed contestant;~~]

541 [(ii)] (i) has not been convicted of a crime in any jurisdiction which the commission
542 determines by the nature of the crime and circumstances surrounding that crime should
543 disqualify the applicant from licensure in the public interest;

544 [~~(iii) is not associating or consorting with any person who has been convicted of a
545 felony in any jurisdiction to the degree that the commission finds that the association or
546 consorting represents a threat to the conduct of contests in the public's interest within the state,
547 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;~~]

548 [~~(iv) is not associating or consorting with a person engaging in illegal gambling or
549 similar pursuits or a person gambling with respect to the promotion for which the applicant is
550 receiving a license to the extent that the association or consorting represents a threat to the
551 conduct of contests in the public's interest within the state, or a threat to the health, safety, and
552 welfare of the applicant or a licensed contestant;~~]

553 ~~[(v)]~~ (ii) is not engaging in illegal gambling with respect to sporting events or gambling
554 with respect to a contest in which the applicant will participate;

555 ~~[(vi)]~~ (iii) has not been found in ~~[an administrative,] a~~ criminal~~[-]~~ or civil proceeding to
556 have engaged in or attempted to have engaged in any fraud or misrepresentation in connection
557 with a contest or any other sporting event; and

558 ~~[(vii)]~~ (iv) has not been found in ~~[an administrative,] a~~ criminal~~[-]~~ or civil proceeding
559 to have violated or attempted to violate any law with respect to contests in any jurisdiction or
560 any law, rule, or order relating to the regulation of contests in this state or any other
561 jurisdiction;

562 (g) acknowledge in writing to the commission receipt, understanding, and intent to
563 comply with this chapter and the rules made under this chapter; and

564 (h) if requested by the commission or the secretary, meet with the commission or the
565 secretary to examine the applicant's qualifications for licensure.

566 (6) Each applicant for licensure as a manager or second shall:

567 (a) submit an application in a form prescribed by the commission;

568 (b) pay a fee determined by the ~~[department]~~ commission under Section 63-38-3.2;

569 (c) produce information, documentation, and assurances as may be required to
570 establish by a preponderance of the evidence the applicant's reputation for good character,
571 honesty, integrity, and responsibility, which shall include information, documentation, and
572 assurances that the applicant:

573 ~~[(i) has not and at the time of application is not associating or consorting with a person
574 engaging in illegal activity to the extent that the association or consorting represents a threat to
575 the conduct of contests in the public's interest within the state, or a threat to the health, safety,
576 and welfare of the applicant or a licensed contestant;]~~

577 ~~[(ii)]~~ (i) has not been convicted of a crime in any jurisdiction which the commission
578 determines by the nature of the crime and circumstances surrounding that crime should
579 disqualify the applicant from licensure in the public interest;

580 ~~[(iii) is not associating or consorting with any person who has been convicted of a
581 felony in any jurisdiction to the degree that the commission finds that the association or
582 consorting represents a threat to the conduct of contests in the public's interest within the state,
583 or a threat to the health, safety, and welfare of the applicant or a licensed contestant;]~~

584 ~~[(iv) is not associating or consorting with a person engaging in illegal gambling or~~
585 ~~similar pursuits or a person gambling with respect to the promotion for which the applicant is~~
586 ~~receiving a license to the extent that the association or consorting represents a threat to the~~
587 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~
588 ~~welfare of the applicant or a licensed contestant;]~~

589 ~~[(v)] (ii) is not engaging in illegal gambling with respect to sporting events or gambling~~
590 ~~with respect to a contest in which the applicant is participating;~~

591 ~~[(vi)] (iii) has not been found in [an administrative,] a criminal[;] or civil proceeding to~~
592 ~~have engaged in or attempted to have engaged in any fraud or misrepresentation in connection~~
593 ~~with a contest or any other sporting event; and~~

594 ~~[(vii)] (iv) has not been found in [an administrative,] a criminal[;] or civil proceeding~~
595 ~~to have violated or attempted to violate any law with respect to a contest in any jurisdiction or~~
596 ~~any law, rule, or order relating to the regulation of contests in this state or any other~~
597 ~~jurisdiction;~~

598 (d) acknowledge in writing to the commission receipt, understanding, and intent to
599 comply with this chapter and the rules made under this chapter; and

600 (e) if requested by the commission or secretary, meet with the commission or the
601 secretary to examine the applicant's qualifications for licensure.

602 (7) Each applicant for licensure as a referee or judge shall:

603 (a) submit an application in a form prescribed by the commission;

604 (b) pay a fee determined by the ~~[department]~~ commission under Section 63-38-3.2;

605 (c) produce information, documentation, and assurances as may be required to
606 establish by a preponderance of the evidence the applicant's reputation for good character,
607 honesty, integrity, and responsibility, which shall include information, documentation, and
608 assurances that the applicant:

609 ~~[(i) has not and at the time of application is not associating or consorting with a person~~
610 ~~engaging in illegal activity to the extent that the association or consorting represents a threat to~~
611 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~
612 ~~and welfare of the applicant or a licensed contestant;]~~

613 ~~[(ii)] (i) has not been convicted of a crime in any jurisdiction which the commission~~
614 ~~determines by the nature of the crime and circumstances surrounding the crime should~~

615 disqualify the applicant from licensure in the public interest;

616 ~~[(iii) is not associating or consorting with any person who has been convicted of a~~
617 ~~felony in any jurisdiction to the extent that the association or consorting represents a threat to~~
618 ~~the conduct of contests in the public's interest within the state, or a threat to the health, safety,~~
619 ~~and welfare of the applicant or a licensed contestant;]~~

620 ~~[(iv) is not associating or consorting with a person engaging in illegal gambling or~~
621 ~~similar pursuits or a person gambling with respect to the promotion for which the applicant is~~
622 ~~receiving a license to the extent that the association or consorting represents a threat to the~~
623 ~~conduct of contests in the public's interest within the state, or a threat to the health, safety, and~~
624 ~~welfare of the applicant or a licensed contestant;]~~

625 ~~[(v)]~~ (ii) is not engaging in illegal gambling with respect to sporting events or gambling
626 with respect to a contest in which the applicant is participating;

627 ~~[(vi)]~~ (iii) has not been found in ~~[an administrative;]~~ a criminal[;] or civil proceeding to
628 have engaged in or attempted to have engaged in any fraud or misrepresentation in connection
629 with a contest or any other sporting event; and

630 ~~[(vii)]~~ (iv) has not been found in ~~[an administrative;]~~ a criminal[;] or civil proceeding
631 to have violated or attempted to violate any law with respect to contests in any jurisdiction or
632 any law, rule, or order relating to the regulation of contests in this state or any other
633 jurisdiction;

634 (d) acknowledge in writing to the commission receipt, understanding, and intent to
635 comply with this chapter and the rules made under this chapter;

636 (e) provide evidence satisfactory to the commission that the applicant is qualified by
637 training and experience to competently act as a referee or judge in a contest; and

638 (f) if requested by the commission or the secretary, meet with the commission or the
639 secretary to examine the applicant's qualifications for licensure.

640 ~~[(8) Each applicant for licensure as a security guard shall:]~~

641 ~~[(a) submit an application in a form prescribed by the commission;]~~

642 ~~[(b) pay the fee determined by the department under Section 63-38-3.2; and]~~

643 ~~[(c) provide the commission with evidence of the applicant's qualifications as a~~
644 ~~security guard.]~~

645 ~~[(9)]~~ (8) (a) A licensee serves at the pleasure, and under the direction, of the

646 commission while participating in any way at a contest.

647 (b) A licensee's license may be suspended, or a fine imposed, if the licensee does not
648 follow the commission's direction at an event or contest.

649 Section 13. Section **63C-11-309**, which is renumbered from Section 13-33-302 is
650 renumbered and amended to read:

651 ~~[13-33-302].~~ **63C-11-309. Term of license -- Expiration -- Renewal.**

652 (1) (a) The commission shall issue each license under this chapter in accordance with a
653 two-year renewal cycle established by rule.

654 (b) The commission may by rule extend or shorten a renewal period by as much as one
655 year to stagger the renewal cycles it administers.

656 (2) At the time of renewal, the licensee shall show satisfactory evidence of compliance
657 with renewal requirements established by rule by the commission.

658 (3) Each license automatically expires on the expiration date shown on the license
659 unless the licensee renews it in accordance with the rules established by the commission.

660 Section 14. Section **63C-11-310**, which is renumbered from Section 13-33-303 is
661 renumbered and amended to read:

662 ~~[13-33-303].~~ **63C-11-310. Grounds for denial of license -- Disciplinary**
663 **proceedings -- Reinstatement.**

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

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

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

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

674 (c) the applicant or licensee is unable to practice the occupation or profession with
675 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,
676 chemicals, or any other type of material, or as a result of any other mental or physical

677 condition, when the licensee's condition demonstrates a threat or potential threat to the public
678 health, safety, or welfare.

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

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

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

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

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

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

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

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

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

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

703 (7) (a) Notwithstanding Title 63, Chapter 46b, Administrative Procedures Act, the
704 following ~~[have the authority to]~~ may immediately suspend the license of a licensee at such
705 time and for such period that the following believes is necessary to protect the health, safety,
706 and welfare of the licensee, another licensee, or the public:

707 (i) the commission;

- 708 (ii) a designated commission member; or
- 709 (iii) if a designated commission member is not present, the secretary.
- 710 (b) The commission shall establish by rule appropriate procedures to invoke the
- 711 suspension and to provide a suspended licensee a right to a hearing before the commission with
- 712 respect to the suspension within a reasonable time after the suspension.

713 Section 15. Section **63C-11-311**, which is renumbered from Section 13-33-304 is

714 renumbered and amended to read:

715 ~~[13-33-304].~~ **63C-11-311. Additional fees for license of promoter --**

716 **Dedicated credits -- Promotion of contests -- Annual exemption of showcase event.**

717 (1) In addition to the payment of any other fees and money due under this chapter,

718 every promoter shall pay a license fee of:

719 ~~[(a) 3% of the total gross receipts from admission fees to each live contest or~~

720 ~~exhibition, exclusive of any other state or federal tax or tax imposed by any political~~

721 ~~subdivision of this state; and]~~

722 (a) (i) \$100 for a contest or event occurring in a venue of fewer than 200 seats;

723 (ii) \$200 for a contest or event occurring in a venue of at least 200 but fewer than 500

724 seats;

725 (iii) \$300 for a contest or event occurring in a venue of at least 500 seats but fewer than

726 1,000 seats;

727 (iv) \$400 for a contest or event occurring in a venue of at least 1,000 seats but fewer

728 than 3,000 seats; or

729 (v) \$600 for a contest or event occurring in a venue of at least 3,000 seats; and

730 (b) 3% of total gross receipts from the sale, lease, or other exploitation of broadcasting,

731 television, and motion picture rights for each contest or exhibition.

732 ~~[(2) The license fees due under Subsection (1) shall be calculated without any~~

733 ~~deductions for commissions, brokerage fees, distribution fees, advertising, contestants' purses,~~

734 ~~or any other expenses or charges.]~~

735 ~~[(3)]~~ (2) (a) One-half of license fees collected under Subsection (1)(a) from

736 professional boxing contests or exhibitions shall be deposited in the General Fund.

737 (b) One-half of license fees collected under Subsection (1)(a) from professional boxing

738 contests or exhibitions shall be retained by the commission as a dedicated credit to be used by

739 the commission to award grants to organizations [~~which~~] that promote amateur boxing in the
740 state.

741 [~~(4)~~] (3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking
742 Act, the commission shall adopt rules:

743 [~~(a)~~] ~~requiring that the number and face value of all complimentary tickets be reported;~~

744 [~~(b)~~] ~~governing the treatment of complimentary tickets for the purposes of computing~~
745 ~~gross receipts from admission fees under Subsection (1);]~~

746 [~~(c)~~] (a) governing the manner in which applications for grants under Subsection (3)
747 may be submitted to the commission; and

748 [~~(d)~~] (b) establishing standards for awarding grants under Subsection (3) to
749 organizations which promote amateur boxing in the state.

750 [~~(5)~~] (4) (a) For the purpose of creating a greater interest in contests in the state, the
751 commission may exempt from the payment of license fees under this section one contest or
752 exhibition in each calendar year, intended as a showcase event.

753 (b) The commission shall select the contest or exhibition to be exempted based on
754 factors which include:

755 [~~(a)~~] (i) attraction of the optimum number of spectators;

756 [~~(b)~~] (ii) costs of promoting and producing the contest or exhibition;

757 [~~(c)~~] (iii) ticket pricing;

758 [~~(d)~~] (iv) committed promotions and advertising of the contest or exhibition;

759 [~~(e)~~] (v) rankings and quality of the contestants; and

760 [~~(f)~~] (vi) committed television and other media coverage of the contest or exhibition.

761 Section 16. Section **63C-11-312**, which is renumbered from Section 13-33-305 is
762 renumbered and amended to read:

763 [~~13-33-305~~]. **63C-11-312. Transition of licenses.**

764 (1) A license that was issued by the [~~Division of Occupational and Professional~~
765 ~~Licensing~~] Department of Commerce under Title [~~58~~] 13, Chapter [~~66~~] 33, [~~Utah Professional~~
766 ~~Boxing Regulation Act, prior to~~] Pete Suazo Utah Athletic Commission Act, before July 1,
767 [~~2001~~] 2007, shall:

768 (a) be considered a valid license under this chapter until the expiration date indicated
769 on the license;

770 (b) be subject to the provisions of this chapter, including provisions relating to
771 disciplinary action against the license; and

772 (c) not be renewed under Title 58, Occupations and Professions.

773 (2) Upon the expiration of a license described in Subsection (1), a person desiring to
774 continue licensure in the profession shall meet the same requirements as those required for new
775 licensure under Section ~~[13-33-301]~~ 63C-11-308.

776 Section 17. Section **63C-11-313**, which is renumbered from Section 13-33-401 is
777 renumbered and amended to read:

778 ~~[13-33-401].~~ **63C-11-313. Jurisdiction of commission.**

779 (1) (a) The commission has ~~[and is vested with]~~ the sole authority concerning
780 direction, management, control, and jurisdiction over all contests or exhibitions of unarmed
781 combat to be conducted, held, or given within this state.

782 (b) A contest or exhibition may not be conducted, held, or given within this state
783 except in accordance with this chapter.

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

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

- 789 (i) the designated commission member;
- 790 (ii) other commission members in attendance;
- 791 (iii) the secretary;
- 792 (iv) commission employees;
- 793 (v) officials;
- 794 (vi) licensees participating or assisting in the contest; and
- 795 (vii) others granted credentials by the commission.

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

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

- 801 (a) the designated commission member;
- 802 (b) other commission members in attendance;
- 803 (c) the secretary;
- 804 (d) commission employees;
- 805 (e) officials;
- 806 (f) licensees participating or assisting in the contest; and
- 807 (g) others granted credentials by the commission.

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

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

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

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

817 Section 18. Section **63C-11-314**, which is renumbered from Section 13-33-402 is
818 renumbered and amended to read:

819 ~~[13-33-402].~~ **63C-11-314. Club fighting prohibited.**

- 820 (1) Club fighting is prohibited.
- 821 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting
822 match is:

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

825 Section 19. Section **63C-11-315**, which is renumbered from Section 13-33-403 is
826 renumbered and amended to read:

827 ~~[13-33-403].~~ **63C-11-315. Approval to hold contest or promotion -- Bond**
828 **required.**

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

831 (2) The application shall be accompanied by a contest fee determined by the

832 [~~department~~] commission under Section 63-38-3.2.

833 (3) (a) The commission may approve or deny approval to hold a contest or promotion
834 permitted under this chapter.

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

837 (i) the promoter of the contest or promotion is properly licensed;

838 (ii) a bond meeting the requirements of Subsection [~~(5)~~] (6) has been posted by the
839 promoter of the contest or promotion; and

840 (iii) the contest or promotion will be held in accordance with this chapter and rules
841 made under this chapter.

842 (4) (a) Final approval to hold a contest or promotion may not be granted unless the
843 [~~promoter provides to the~~] commission receives not less than seven days before the day of the
844 contest with ten or more rounds:

845 [~~(a)~~] (i) proof of a negative HIV test performed not more than 180 days before the day
846 of the contest for each contestant;

847 [~~(b)~~] (ii) a copy of each contestant's federal identification card;

848 [~~(c)~~] (iii) a copy of a signed contract between each contestant and the promoter for the
849 contest;

850 [~~(d)~~] (iv) a statement specifying the maximum number of rounds of the contest;

851 [~~(e)~~] (v) a statement specifying the site, date, and time of weigh-in; and

852 [~~(f)~~] (vi) the name of the physician selected from among a list of registered and
853 commission-approved ringside physicians who shall act as ringside physician for the contest.

854 (b) Notwithstanding Subsection (4)(a), the commission may approve a contest or
855 promotion if the requirements under Subsection (4)(a) are not met because of unforeseen
856 circumstances beyond the promoter's control.

857 (5) Final approval for a contest under ten rounds in duration may be granted as
858 determined by the commission after receiving the materials identified in Subsection (4) at a
859 time determined by the commission.

860 [~~(5)~~] (6) An applicant shall post a surety bond or cashier's check with the commission
861 in the greater of \$10,000 or the amount of the purse, providing for forfeiture and disbursement
862 of the proceeds if the applicant fails to comply with:

- 863 (a) the requirements of this chapter; or
- 864 (b) rules made under this chapter relating to the promotion or conduct of the contest or
- 865 promotion.

866 Section 20. Section **63C-11-316**, which is renumbered from Section 13-33-404 is
 867 renumbered and amended to read:

868 ~~[13-33-404].~~ **63C-11-316. Rules for the conduct of contests.**

869 (1) The commission shall adopt rules in accordance with ~~[the provisions of]~~ Title 63,
 870 Chapter 46a, Utah Administrative Rulemaking Act, for the conduct of contests in the state.

871 (2) The rules shall include:

872 (a) authority for:

873 (i) stopping contests~~;~~; and

874 (ii) impounding purses with respect to contests when there is a question with respect to
 875 the contest, contestants, or any other licensee associated with the contest~~;~~; and

876 (b) reasonable and necessary provisions to ensure that all obligations of a promoter
 877 with respect to any promotion or contest are paid in accordance with agreements made by the
 878 promoter.

879 (3) (a) The commission may, in its discretion, exempt a contest and each contestant
 880 from the definition of unprofessional conduct found in Subsection ~~[13-33-102(27)(f)]~~
 881 63C-11-301(25)(f) after:

882 (i) a promoter requests the exemption; and

883 (ii) the commission considers relevant factors, including:

884 (A) the experience of the contestants;

885 (B) the win and loss records of each contestant;

886 (C) each contestant's level of training; and

887 (D) any other evidence relevant to the contestants' professionalism and the ability to
 888 safely conduct the contest.

889 (b) The commission's hearing of a request for an exemption under this Subsection (3)
 890 is an informal adjudicative proceeding under Section 63-46b-4.

891 (c) The commission's decision to grant or deny a request for an exemption under this
 892 Subsection (3) is not subject to agency review under Section 63-46b-12.

893 Section 21. Section **63C-11-317**, which is renumbered from Section 13-33-405 is

894 renumbered and amended to read:

895 ~~[13-33-405].~~ **63C-11-317. Medical examinations and drug tests.**

896 (1) The commission shall adopt rules in accordance with Title 63, Chapter 46a, Utah
897 Administrative Rulemaking Act, for medical examinations and drug testing of contestants,
898 including provisions under which contestants shall:

899 ~~[(1) provisions under which contestants shall]~~

900 (a) produce evidence based upon competent laboratory examination that they are HIV
901 negative as a condition of participating as a contestant in any contest;

902 ~~[(2) provisions under which contestants shall]~~

903 (b) be subject to random drug testing before or after participation in a contest, and
904 sanctions, including barring participation in a contest or withholding a percentage of any purse,
905 that shall be placed against a contestant testing positive for alcohol or any other drug that in the
906 opinion of the commission is inconsistent with the safe and competent participation of that
907 contestant in a contest;

908 ~~[(3) provisions under which contestants shall]~~

909 (c) be subject to a medical examination by the ringside physician not more than 30
910 hours before the contest to identify any physical ailment or communicable disease that, in the
911 opinion of the commission or designated commission member, are inconsistent with the safe
912 and competent participation of that contestant in the contest; and

913 ~~[(4) provisions under which contestants shall]~~

914 (d) be subject to medical testing for communicable diseases as considered necessary by
915 the commission to protect the health, safety, and welfare of the licensees and the public.

916 (2) (a) Medical information concerning a contestant shall be provided by the contestant
917 or medical professional or laboratory.

918 (b) A promoter or manager may not provide to or receive from the commission medical
919 information concerning a contestant.

920 Section 22. Section **63C-11-318**, which is renumbered from Section 13-33-406 is
921 renumbered and amended to read:

922 ~~[13-33-406].~~ **63C-11-318. Contests.**

923 (1) Except as provided in Section ~~[13-33-508]~~ 63C-11-325, a licensee may not
924 participate in:

925 (a) a boxing contest as a contestant if that person has participated in another boxing
926 contest as a contestant within 30 days before the proposed boxing contest; or

927 (b) an ultimate fighting contest as a contestant if that person has participated in another
928 ultimate fighting contest as a contestant within six days before the proposed ultimate fighting
929 contest.

930 (2) Subsection (1) applies regardless of where the previous boxing contest occurred.

931 (3) During the period of time beginning 60 minutes before the beginning of a contest,
932 the promoter shall demonstrate the promoter's compliance with the commission's security
933 requirements to all commission members present at the contest.

934 [~~(4) A venue at which a contest is to be held that has the capacity to host more than
935 5,000 people need not have commission licensed security guards to provide security at a
936 contest.~~]

937 [~~(5)~~ (4) The commission shall establish fees in accordance with Section 63-38-3.2 to
938 be paid by a promoter for the conduct of each contest or event composed of multiple contests
939 conducted under this chapter.

940 Section 23. Section **63C-11-319** is enacted to read:

941 **63C-11-319. Ringside physician.**

942 (1) The commission shall maintain a list of ringside physicians who hold a Doctor of
943 Medicine (MD) degree and are registered with the commission as approved to act as a ringside
944 physician and meeting the requirements of Subsection (2).

945 (2) (a) The commission shall appoint a registered ringside physician to perform the
946 duties of a ringside physician at each contest held pursuant to this chapter.

947 (b) The promoter of a contest shall pay a fee determined by the commission by rule to
948 the commission for a ringside physician.

949 (3) An applicant for registration as a ringside physician shall:

950 (a) submit an application for registration;

951 (b) provide the commission with evidence of the applicant's licensure to practice
952 medicine in the state; and

953 (c) satisfy minimum qualifications established by the department by rule.

954 (4) A ringside physician at attendance at a contest may:

955 (a) stop the contest at any point if the ringside physician determines that a contestant's

956 physical condition renders the contestant unable to safely continue the contest; and

957 (b) works under the direction of the commission.

958 Section 24. Section **63C-11-320**, which is renumbered from Section 13-33-503 is
959 renumbered and amended to read:

960 ~~[13-33-503].~~ **63C-11-320. Contracts.**

961 Before a contest is held, a copy of the signed contract or agreement between the
962 promoter of the contest and each contestant shall be filed with the commission. Approval of
963 the contract's terms and conditions shall be obtained from the commission as a condition
964 precedent to the contest.

965 Section 25. Section **63C-11-321**, which is renumbered from Section 13-33-504 is
966 renumbered and amended to read:

967 ~~[13-33-504].~~ **63C-11-321. Withholding of purse.**

968 (1) The commission, the secretary, or any other agent authorized by the commission
969 may order a promoter to withhold any part of a purse or other money belonging or payable to
970 any contestant, manager, or second if, in the judgment of the commission, secretary, or other
971 agent:

972 (a) the contestant is not competing honestly or to the best of his skill and ability or the
973 contestant otherwise violates any rules adopted by the commission or any of the provisions of
974 this chapter; or

975 (b) the manager or second violates any rules adopted by the commission or any of the
976 provisions of this chapter.

977 (2) This section does not apply to any contestant in a wrestling exhibition who appears
978 not to be competing honestly or to the best of his skill and ability.

979 (3) Upon the withholding of any part of a purse or other money pursuant to this section,
980 the commission shall immediately schedule a hearing on the matter, provide adequate notice to
981 all interested parties, and dispose of the matter as promptly as possible.

982 (4) If it is determined that a contestant, manager, or second is not entitled to any part of
983 his share of the purse or other money, the promoter shall pay the money over to the
984 commission.

985 Section 26. Section **63C-11-322**, which is renumbered from Section 13-33-505 is
986 renumbered and amended to read:

987 ~~[13-33-505].~~ **63C-11-322. Penalty for unlawful conduct.**

988 A person who engages in any act of unlawful conduct, as defined in Section

989 ~~[13-33-102]~~ 63C-11-302, is guilty of a class A misdemeanor.

990 Section 27. Section **63C-11-323**, which is renumbered from Section 13-33-506 is

991 renumbered and amended to read:

992 ~~[13-33-506].~~ **63C-11-323. Exemptions.**

993 ~~[The provisions of this]~~ This chapter ~~[do]~~ does not apply to:

994 (1) any amateur contests or exhibitions of unarmed combat conducted by or

995 participated in exclusively by:

996 (a) a school accredited by the Utah Board of Education;

997 (b) a college or university accredited by the United States Department of Education; or

998 (c) any association or organization of a school, college, or university described in

999 Subsections (1)(a) and (b), when each participant in the contests or exhibitions is a bona fide

1000 student in the school, college, or university; ~~[or]~~

1001 (2) any contest or exhibition of unarmed combat conducted in accordance with the

1002 standards and regulations of USA Boxing, Inc~~[-:];~~ or

1003 (3) white-collar boxing.

1004 Section 28. Section **63C-11-324**, which is renumbered from Section 13-33-507 is

1005 renumbered and amended to read:

1006 ~~[13-33-507].~~ **63C-11-324. Contest weights and classes -- Matching**

1007 **contestants.**

1008 (1) Boxing contest weights and classes are established as follows:

1009 (a) strawweight is up to and including 105 lbs. (47.627 kgs.);

1010 (b) light-flyweight is over 105 lbs. (47.627 kgs.) to 108 lbs. (48.988 kgs.);

1011 (c) flyweight is over 108 lbs (48.988 kgs.) to 112 lbs. (50.802 kgs.);

1012 (d) super flyweight is over 112 lbs. (50.802 kgs.) to 115 lbs. (52.163 kgs.);

1013 (e) bantamweight is over 115 lbs. (52.163 kgs.) to 118 lbs. (53.524 kgs.);

1014 (f) super bantamweight is over 118 lbs. (53.524 kgs.) to 122 lbs. (55.338 kgs.);

1015 (g) featherweight is over 122 lbs. (55.338 kgs.) to 126 lbs. (57.153 kgs.);

1016 (h) super featherweight is over 126 lbs. (57.153 kgs.) to 130 lbs. (58.967 kgs.);

1017 (i) lightweight is over 130 lbs. (58.967 kgs.) to 135 lbs. (61.235 kgs.);

- 1018 (j) super lightweight is over 135 lbs. (61.235 kgs.) to 140 lbs. (63.503 kgs.);
- 1019 (k) welterweight is over 140 lbs. (63.503 kgs.) to 147 lbs. (66.678 kgs.);
- 1020 (l) super welterweight is over 147 lbs. (66.678 kgs.) to 154 lbs. (69.853 kgs.);
- 1021 (m) middleweight is over 154 lbs. (69.853 kgs.) to 160 lbs. (72.574 kgs.);
- 1022 (n) super middleweight is over 160 lbs. (72.574 kgs.) to 168 lbs. (76.204 kgs.);
- 1023 (o) light-heavyweight is over 168 lbs. (76.204 kgs.) to 175 lbs. (79.378 kgs.);
- 1024 (p) cruiserweight is over 175 lbs. (79.378 kgs.) to 200 lbs. (90.720 kgs.); and
- 1025 (q) heavyweight is over 200 lbs. (90.720 kgs.).
- 1026 (2) Contest weights and classes for unarmed combat that is not boxing are established
- 1027 as follows:
- 1028 (a) flyweight is up to and including 125 lbs. (56.82 kgs.);
- 1029 (b) bantamweight is over 125 lbs. (56.82 kgs.) to 135 lbs. (61.36 kgs.);
- 1030 (c) featherweight is over 135 lbs (61.36 kgs.) to 145 lbs. (65.91 kgs.);
- 1031 (d) lightweight is over 145 lbs. (65.91 kgs.) to 155 lbs. (70.45 kgs.);
- 1032 (e) welterweight is over 155 lbs. (70.45 kgs.) to 170 lbs. (77.27 kgs.);
- 1033 (f) middleweight is over 170 lbs. (77.27 kgs.) to 185 lbs. (84.09 kgs.);
- 1034 (g) light-heavyweight is over 185 lbs. (84.09 kgs.) to 205 lbs. (93.18 kgs.);
- 1035 (h) heavyweight is over 205 lbs. (93.18 kgs.) to 265 lbs. (120.45 kgs.); and
- 1036 (i) super heavyweight is over 265 lbs. (120.45 kgs.).
- 1037 (3) As to any unarmed combat contest, a contestant may not fight another contestant
- 1038 who is outside of the contestant's weight classification.
- 1039 (4) As to any unarmed combat contest:
- 1040 (a) a contestant who has contracted to participate in a given weight class may not be
- 1041 permitted to compete if the contestant is not within that weight class at the weigh-in; and
- 1042 (b) a contestant may have two hours to attempt to gain or lose not more than three
- 1043 pounds in order to be reweighed.
- 1044 (5) (a) As to any unarmed combat contest, the commission may not allow a contest in
- 1045 which the contestants are not fairly matched.
- 1046 (b) Factors in determining if contestants are fairly matched include:
- 1047 (i) the win-loss record of the contestants;
- 1048 (ii) the weight differential between the contestants;

- 1049 (iii) the caliber of opponents for each contestant;
- 1050 (iv) each contestant's number of fights; and
- 1051 (v) previous suspensions or disciplinary actions of the contestants.

1052 Section 29. Section **63C-11-325**, which is renumbered from Section 13-33-508 is
1053 renumbered and amended to read:

1054 ~~[13-33-508].~~ **63C-11-325. Elimination boxing contests -- Conduct of**
1055 **contests -- Applicability of provisions -- Limitations on license -- Duration of contests --**
1056 **Equipment -- Limitations on contests.**

1057 (1) An elimination boxing contest shall be conducted under the supervision and
1058 authority of the commission.

1059 (2) Except as otherwise provided in this section and except as otherwise provided by
1060 specific statute, the provisions of this chapter pertaining to boxing apply to an elimination
1061 boxing contest.

1062 (3) (a) All contests in an elimination boxing contest shall be no more than three rounds
1063 in duration.

1064 (b) A round of unarmed combat in an elimination boxing contest shall be no more than
1065 one minute in duration.

1066 (c) A period of rest following a round shall be no more than one minute in duration.

1067 (4) A contestant:

1068 (a) shall wear gloves that weigh 16 ounces; and

1069 (b) shall wear headgear approved by the commission, the designated commission
1070 member, or the secretary if a designated commission member is not present.

1071 (5) A contestant may participate in more than one contest, but may not box more than a
1072 total of seven rounds in the entire tournament.

1073 Section 30. Section **63C-11-326** is enacted to read:

1074 **63C-11-326. Commission rulemaking.**

1075 The commission may make rules governing the conduct of a contest held under this
1076 chapter to protect the health and safety of licensees and members of the public.

1077 Section 31. **Repealer.**

1078 This bill repeals:

1079 Section **13-33-502, Reports to commission.**

1080 Section 32. **Transition provisions.**

1081 (1) Beginning on July 1, 2007, the commissioners appointed to the Pete Suazo Utah
1082 Athletic Commission shall:

1083 (a) hire a secretary under Section 63C-11-305, and other staff that may be required,
1084 consistent with budgetary constraints; and

1085 (b) form an ad hoc working group of stakeholders representing various boxing
1086 interests, and those with an interest in other forms of unarmed combat, to consider any
1087 necessary or desirable statutory and administrative changes concerning boxing and other forms
1088 of unarmed combat, including the establishment of separate regulation of boxing and other
1089 forms of unarmed combat.

1090 (2) The working group established under Subsection (1)(b) shall report its findings,
1091 including any suggestions for legislation, to the Legislature's Business and Labor Interim
1092 Committee by the committee's November 2007 meeting.

1093 Section 33. **Effective date.**

1094 This bill takes effect on July 1, 2007.

S.B. 167 2nd Sub. (Salmon) - Utah Sports Authority

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill would transfer funding and oversight responsibility related to the Pete Suazo Athletic Commission from the Department of Commerce to an independent agency created in bill, the Utah Sports Authority. Currently the Commission is funded through Commerce Service Fund revenue. In order to enact the transfer, Commerce Service Fund appropriations would have to lapse to the General Fund creating a General Fund revenue source to appropriate from. The amount of the transfer proposed is \$170,000 in FY 2008 and FY 2009. In addition, the Utah Sports Authority will need a one-time appropriation of \$17,500 (General Funds) for costs related to the move from the Department of Commerce.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>
General Fund	\$0	\$170,000	\$170,000	\$0	\$170,000	\$170,000
General Fund, One-Time	\$0	\$17,500	\$0	\$0	\$0	\$0
General Fund Restricted	\$0	(\$170,000)	(\$170,000)	\$0	\$0	\$0
Total	\$0	\$17,500	\$0	\$0	\$170,000	\$170,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.