SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**James E. Timilty**

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regulating the sport of mixed martial arts.

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PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| James E. Timilty | Bristol and Norfolk |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act regulating the sport of mixed martial arts.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1. Chapter 22 of the General Laws is hereby amended by striking out section 12, as amended by section 6 of chapter 61 of the acts of 2007, and inserting in place thereof the following section:-

Section 12. There shall be in the department a commission a state boxing commission, which shall consist of the commissioner of the department of public safety, or his designee, and 4 persons to be appointed by the governor, with the advice and consent of the council, who shall serve for terms of 3 years. At least 1 member shall have a background in the sport of boxing and at least 1 member shall have a background in the sport of mixed martial arts. The governor, with the advice and consent of the council, shall from time to time designate 1 member as chair. The members shall receive their traveling expenses necessarily incurred in the performance of their duties and shall be allowed such sums for clerical assistance as the governor and council may approve. The department shall provide administrative support to the commission. The commission may deputize 1 or more persons to represent the commission and to be present at a match or exhibition held under sections 32 to 51, inclusive, of chapter 147. Deputies may receive such compensation for their traveling expenses necessarily incurred in the discharge of their duties.

SECTION 2. Chapter 147 of the General Laws if hereby amended by striking out sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-

Section 32. No boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or sparring match or exhibition for a prize or purse or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, whether professional or amateur, shall take place or be conducted except in accordance with a license granted as hereinafter provided by the state boxing commission. Applications for the license shall be accompanied by such fee, as established annually by the commissioner of administration and finance under section 3B of chapter 7. Tough-man or similar type matches or exhibitions shall be prohibited. Any persons holding, conducting, participating in or attending a match or exhibition held without a license, as provided in section 33, or a tough-man or similar type match or exhibition, shall be punished by a fine of not more than $25,000 or by imprisonment for not more than 3 months, or both. In the case of exhibitions or bouts held in accordance with the rules and regulations of amateur organizations as may be approved by the commission, the commission may issue special licenses without the requirement of a bond as provided in section 34 or payment of the annual fee. Matches or exhibitions under the governance of the Massachusetts Interscholastic Athletic Association, the National Collegiate Athletic Association or any equivalent school or college organization shall be exempt from the requirements of this section if the competitors are amateurs.

Section 33. The commission may, subject to sections 32 to 47, inclusive, issue licenses to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sporting events, sparring matches and exhibitions. The license shall be valid only for the date approved by the commission. The commission may revoke the license at any time in the interest of public safety. No license shall be issued for a tough-man competition or similar event.

SECTION 3. Section 34 of said chapter 147, as so appearing by striking out, in line 3, the words “five thousand dollars” and inserting in place thereof the following figure:- $50,000.

SECTION 4. Said section 34 of said chapter 147, as so appearing, is hereby further amended by striking out, in lines 11 and 12, the words “one thousand dollars” and inserting in place thereof the following figure:- $10,000.

SECTION 5. Said chapter 147 is hereby further amended by striking out sections 35 to 40, inclusive, and inserting in place thereof the following 9 sections:-

Section 35. No person shall act, directly or indirectly, as a physician, referee, judge, timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant, or as manager, trainer or second of such a contestant, at a match or exhibition or as a matchmaker therefore, unless licensed by the commission upon receipt of such classified fee to be determined annually by the commissioner of administration and finance under the section 3B of chapter 7. The commission shall set minimum requirements for licensure based upon skill or other fundamental prerequisites deemed necessary to adequately and safely execute the functions of the respective position. The commission may refuse to license any individual who does not meet those requirements or whose safety and well-being it determines will be put at substantial risk by engaging in their respective position. Whoever acts in such capacity, without being so licensed shall be punished by a fine of not more than $10,000. For the purposes of sections 32 to 47, inclusive, a professional combatant shall be a person who competes for money or other pecuniary gain. Any official who desires to officiate without charge at amateur boxing or sparring matches or exhibitions shall be licensed without charge. No person shall be licensed under this section who is under 18 years of age, except as otherwise provided in section 39.

Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all amateur boxing or sparring matches and exhibitions sanctioned by the national governing body and its local affiliate which are appointed and recognized by the United States Olympic Committee for such purposes, acknowledge and follow the rules and regulations of said amateur boxing governing bodies.

No amateur match of any kind which is subject to section 32 shall be held unless it is licensed by the commission and sanctioned and supervised by an amateur sanctioning organization approved by the commission.

The commission shall recognize and license, upon receipt of the classified fee to be determined annually by the commissioner of administration under section 3B of chapter 7, the amateur referees, judges and other amateur officials assigned to such amateur matches or exhibitions by the amateur governing bodies and certified under their rules and regulations.

The commission shall cooperate fully with the amateur boxing governing bodies to assure that amateur boxers are eligible to participate and compete for selection to the United States Olympic boxing team.

No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day period nor shall such contestant participate in more than 3 contests between 12 noon on any 1 day and 12:30 a.m on the day following. All amateur boxing or sparring matches or exhibitions shall terminate not later 12:30 a.m. on the day following the start of the match.

During a contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the amateur boxing governing body. During a contest, contestants in amateur mixed martial arts and other unarmed combative sport matches or exhibitions shall wear gloves weighing at least 4 ounces each unless otherwise authorized by the amateur governing body.

Section 36. At every boxing, kickboxing, mixed martial arts, or other unarmed combative sport event, sparring match or exhibition there shall be in attendance a referee, duly licensed under sections 32 to 47, inclusive. There shall also be in attendance at least 3 duly-licensed judges, each of whom shall, at the termination of a match or exhibition, vote for the contestant in whose favor the decision should, in his opinion, be rendered or, for a draw if, in his opinion, neither contestant is entitled to a decision in his favor, and the decision shall be rendered in favor of the contestant receiving a majority of the votes or, if neither receives a majority as aforesaid, a decision of a draw shall be rendered. Upon the rendering of a decision, the vote of each judge shall be announced from the ring. The referee shall have full power to stop the match or exhibition whenever he deems it advisable because of the physical condition of a contestant or when 1 contestant is clearly outclassed by his opponent or for other sufficient reason. The commission shall declare forfeited any prize, remuneration or purse or any part thereof belonging to a contestant if, in the judgment of a majority of the commissioners after consultation with the judges and the referee, such contestant was not competing in good faith. The fees of the referee and other licensed officials shall be fixed by the commission and shall be paid by the licensed organization prior to the match or exhibition.

Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition there shall be in attendance at least 1 duly licensed physician, whose duty it shall be to observe the physical condition of the contestants and advise the referee or judges with regard thereto. Any competent physician who has had not less than 3 years of experience as a medical practitioner may be licensed. No contestant shall be allowed to enter the ring unless a physician licensed under sections 32 to 47, inclusive, shall certify in writing that the contestant is physically fit to engage in the proposed contest. The physician’s fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

Section 38. No boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 10 rounds. No mixed martial arts match or exhibition shall exceed 5 rounds but, if a match is to determine a championship, it may exceed the round limits with the prior approval of the commission. No round in a boxing, kickboxing or other unarmed combative sporting match or exhibition shall exceed 3 minutes. No round in a mixed martial arts match or exhibition shall exceed 5 minutes. No contestant in a professional match or exhibition shall participate in more than 10 rounds or more than the number of rounds determined by the commission as aforesaid, as the case may be, during a 72-hour period. During a contest, contestants in professional boxing and kickboxing matches or exhibitions shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the commission. During a contest, contestants in mixed martial arts and other unarmed combative sporting events, matches or exhibitions shall wear gloves weighing at least 4 ounces each or as otherwise authorized by the commission. Every contestant participating in boxing, kickboxing, mixed martial arts or other unarmed combative sporting event or exhibition shall be required to wear standard protective devices as outlined by regulation by the commission.

Section 39. Except as hereinafter provided, no contestant under 18 years of age or who has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition, except that the age requirement shall not apply to a world boxing champion who is still actively engaged as a professional boxer, or to a former boxing champion of the world who has not been inactive as a professional boxer for more than 2 years from the date of his last boxing contest, but an amateur boxer shall be allowed to compete as such at the age of 16. At the discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant who has reached his thirty-fifth birthday may be permitted to engage in a match if the contestant has passed a physical examination or is otherwise medically-cleared to participate by a physician selected by the commissioners. At the discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has not yet reached his eighteenth birthday may be licensed as a professional boxer. The foregoing shall not apply to courses of instruction in boxing, kickboxing, mixed martial arts or other unarmed combative sport sponsored and conducted by recognized boys and girls clubs, youth organizations, schools or colleges, municipal or state park or recreational departments, law enforcement organizations or incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and directors. No person under the age of 16shall be admitted to or be present at a professional match or exhibition unless accompanied by an adult.

Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport contestant licensed under section 35 who has been knocked out, technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding 12 months shall take part in a match or exhibition until he has been examined and found fit to take part in such a match or exhibition, by a physician selected by the commission, at a place and time designated by the commission. The cost of conducting the examination shall be borne by the contestant. If a contestant is found unfit to engage in a match or exhibition, he shall be excluded from participation for 3 months, after which time he may make a request to the commission for another physical examination. The license issued to an individual pursuant to section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

Section 39B. A person licensed under section 32 to conduct boxing, kickboxing, mixed martial arts or other unarmed combative sport events, sparring matches or exhibitions, except those persons to whom a special license may be granted thereunder without the requirement of a bond or payment of the annual fee, shall take out a policy of accident insurance on each contestant participating in the match or exhibition in the amount of $5,000 to compensate him for medical and hospital expenses incurred as the result of injuries received in such match or exhibition and in the amount of $50,000 in the event of death to the contestant resulting from participation in the match or exhibition, said $50,000 to be paid to the estate of the deceased contestant. The premiums on the policies shall be paid by the licensee.

Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the commencement of the final feature bout of the event, pay to the commission, a sum equal to 4 per cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee shall pay to the commission a sum equal to 2 per cent of the total gross receipts generated by the sale, lease or other exploitation of the television, pay per view, motion picture or other broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to be paid by the licensee whether or not the licensee ever receives a portion of that amount; provided, however, that if such match or exhibition is conducted as an incidental feature in an event or entertainment of a different character, such portion of the total receipts and the total amount shall be paid to the commonwealth, as the commission may determine or as may be fixed by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24 hours prior to the event but in no event shall payment be made later than 48 hours after the live event. Pay per view showings of an event more than 48 hours after the live event shall be exempt from the requirements of this section. The broadcasting fee imposed under this section shall be not more than $75,000 per event. Within 72 hours after its conclusion, the licensee shall furnish to the commission a report, showing the exact number of tickets sold and admission fees collected for the contest, the gross receipts thereof and such other data as the commission may require.

A licensee holding or conducting a boxing, kickboxing, mixed martial arts or other unarmed combative sport event, sparring match or exhibition shall, at least 48 hours before a licensed contest or exhibition, file with the commission a copy of all contracts entered into for the sale, lease or other exploitation of broadcasting rights for the contest or exhibition. All contracts filed with the commission pursuant to this section shall be exempt from disclosure pursuant to section 10 of chapter 66. The commission shall enforce this section.

SECTION 6. Section 40A of said chapter 147, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “within seventy two hours after its conclusion”, and inserting in place thereof the following words:- prior to the commencement of the feature bout of the event,

SECTION 7. Section 42 of said chapter 147, as so appearing, is hereby amended by adding the following paragraph:-

The commission may suspend a license of a combatant issued pursuant to section 35 without a hearing upon a finding that it would be unsafe for the individual to compete until either the passing of a fixed period of time or upon medical clearance. The commission may assess an administrative penalty not to exceed $2,000 for each violation of sections 32 to 51, inclusive, or the commission’s rules and regulations committed by an individual required to be licensed under this chapter.

SECTION 8. Section 45 of said chapter 147, as so appearing, is hereby amended by striking out, in lines 4, 6 and 10, and in lines 14 and 15, the words:-

“boxing or sparring”.

SECTION 9. Said chapter 147 is hereby further amended by striking out section 46, as so appearing, and inserting in place thereof the following section:-

Section 46. The commission may make such rules and regulations for the administration and enforcement of sections 32 to 47, inclusive, and to promote and regulate the sports of boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed necessary, including defining any terms requiring definition under said sections 32 to 47, inclusive. The rules and regulations may provide for and regulate the granting of special permits for exhibitions where no decision is to be rendered, no admission fee is to be charged and where skilled combatants merely demonstrate the mechanics of their respective discipline. The commission shall make an annual report to the general court of the acts of the commission.

SECTION 10. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

SECTION 11. Said chapter 147 is hereby further amended by striking out section 50A, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 12. Courses of instruction in boxing, kickboxing, mixed martial arts and other unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by recognized boys and girls clubs, youth organizations, schools and colleges, law enforcement agencies or municipal or state parks and recreation departments, under the supervision of qualified instructors and directors, may be conducted in a city or town without requiring a license pursuant to section 33.

SECTION 13. Section 51 of said chapter 147, as so appearing, is hereby amended by inserting after the word “boxing”, in line 3, the following words:- kickboxing, mixed martial arts or other unarmed combative sport event,

SECTION 14. Chapter 147 of the General Laws, is hereby amended, as so appearing, by adding the following new section:-

Section 51A. The Department of Public Safety may collect and expend an amount not to exceed $200,000 for the purpose of operating and administering the State Boxing Commission; provided, that the monies shall be derived from fees charged for licensing provided in this chapter, fines collected for violations of this chapter, and fees collected pursuant to section 40 of this chapter, with excess monies paid to the state treasurer; and further provided that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the Department may incur expense and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.

SECTION 15. Chapter 180 of the General Laws is hereby amended by striking out section 28, as so appearing, and inserting in place thereof the following section:-

Section 28. If a person is convicted of a violation of section 12 of chapter 265 for engaging in, giving or promoting a public or private boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, the contestants who have received or were promised a pecuniary reward, remuneration or consideration on the premises of or under the auspices of a club or organization described in section 4, the commissioner of public safety and homeland security, the board of selectmen or the board of aldermen in a town where the club or organization is situated, or the police commissioner of the city of Boston if the club or organization is situated in Boston shall immediately give notice to the state secretary who, upon receipt thereof, shall declare the charter of the club or organization void. The state secretary shall publish a notice in at least a newspaper published in the city or town wherein the club or organization is situated that the charter of the club or organization is void.

SECTION 16. Chapter 265 of the General Laws is hereby amended by striking out section 12, as so appearing, and inserting in place thereof the following two sections:-

Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, gives or promotes a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished by imprisonment in the house of corrections for not more than 2 ½ years or by a fine of not more than $5,000, or by imprisonment in the state prison for not more than 5 years or by a fine of not more than $25,000 or both such fine and imprisonment.”;

Section 12A. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of chapter 147, engages in a public boxing, kickboxing, mixed martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for which the contestants have received or have been promised any pecuniary reward, remuneration or consideration whatsoever shall be punished imprisonment in the state prison for not more than 3 months or by a fine of not more than $200 or both such fine and imprisonment

SECTION 17. Any existing member of the state boxing commission, appointed by the governor with the advice and consent of the council, as provided in section 12 of chapter 22 of the General Laws, prior to the effective date of this act, shall continue in office for the remainder of his unexpired term.