

25105408D

HOUSE BILL NO. 2573

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on _____)

(Patron Prior to Substitute—Delegate Leftwich)

A BILL to amend and reenact §§ 54.1-828 through 54.1-831, 54.1-833, and 54.1-834 of the Code of Virginia, relating to boxing and wrestling events; license requirements for examining physicians.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-828 through 54.1-831, 54.1-833, and 54.1-834 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-828. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Amateur" means an individual who has never participated in a boxing, martial arts, or professional wrestling event for money, compensation, or reward other than a suitably inscribed memento.

"Boxer" means a person competing in the sport of boxing.

"Boxing" means the contact sport of attack or defense using fists.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

"Contractor" means any person who has been recognized by the Director, through a contract pursuant to § 54.1-832, as an appropriate responsible party to provide services to assist the Commonwealth in complying with the provisions of this chapter.

"Department" means the Department of Professional and Occupational Regulation or its successor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Event" means any boxing, martial arts, or professional wrestling show that includes one or more bouts, contests, or matches.

~~"Exhibition" means any occurrence in which boxers or martial artists show or display skills without striving to win.~~

"Exhibition bout" means a bout that is part of any martial arts or professional boxing event in which boxers or martial artists show or display skills without a declared winner.

"Manager" means any person who serves as a representative or agent of a boxer, martial artist, or professional wrestler to arrange for his participation in an event.

"Martial artist" means a person competing in the sport of martial arts.

"Martial arts" or "mixed martial arts" means any of several Asian arts of combat or self-defense, alone or in combination, including ~~but not limited to~~ aikido, karate, judo, muay thai, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

"Matchmaker" means any person who proposes, selects, arranges for, or in any manner procures specific individuals to be contestants in an event.

"Person" means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, or any other entity.

"Professional" means a person who participates or has ever participated for money, compensation, or reward other than a suitably inscribed memento in any boxing, martial arts, or professional wrestling event.

"Professional wrestler" means any professional participating in professional wrestling.

"Professional wrestling" means an event in which contestants incorporate the sport of wrestling into choreographed performances.

"Promote" or "promotion" means to organize, arrange, publicize, or conduct an event or exhibition *bout* in the Commonwealth.

"Promoter" means any person who undertakes to promote an event or exhibition *bout*.

"Regulant" means any person required by this chapter to obtain a prior authorization from the Department.

"Sanctioning organization" means an entity approved by the Director pursuant to § 54.1-829.1.

"Trainer," "second," or "cut man" means an individual who undertakes to assure the well-being of a boxer or martial artist by providing instruction or advice concerning techniques or strategies of boxing or martial arts, and who may work in the corner with a boxer or martial artist between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

"Wrestler" means any person competing or participating as an opponent in wrestling.

"Wrestling" means any of several styles of physical competition in which individuals attempt to subdue or unbalance an opponent, including Greco-Roman, freestyle, grappling, or submission, usually practiced as a sport.

60 **§ 54.1-829. Authorization from Director required; bond; physical examination; emergency medical**
61 **services vehicles; physician; health insurance.**

62 A. No person shall act as a promoter, matchmaker, trainer, boxer, martial artist, or professional wrestler in
63 the Commonwealth without first having obtained authorization for such activity from the Department or
64 sanctioning organization approved by the Director pursuant to § 54.1-829.1 and such authorization remains in
65 full force and effect.

66 B. No authorization to act as a promoter shall be granted unless the applicant executes and files with the
67 Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the
68 payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with
69 professional contestants in accordance with Department regulations. This subsection shall not apply to a
70 promoter applying to conduct an amateur-only event under the authority of a sanctioning organization
71 approved by the Director pursuant to § 54.1-829.1.

72 C. Each boxer and martial artist shall, and each professional wrestler may, be examined prior to entering
73 the ring by a physician who has ~~been~~ *held a license to practice medicine for at least three years in any*
74 *jurisdiction of the United States and who is currently licensed to practice medicine in the Commonwealth for*
75 *at least five years*. The physician shall be ~~appointed by the Department or sanctioning organization approved~~
76 *by the Director* and shall certify in writing that the contestant's physical condition is such that he is physically
77 able to engage in the contest.

78 D. No event in which boxers or martial artists are contestants shall be conducted without the continuous
79 presence at ringside of a physician who has ~~been~~ *held a license to practice medicine for at least three years in*
80 *any jurisdiction of the United States and who is currently licensed to practice medicine in the Commonwealth*
81 *for at least five years*, and unless an emergency medical services vehicle is at the site of the event.

82 E. No boxer or martial artist shall participate in any event unless covered by a health insurance policy
83 with minimum coverage in an amount determined by Department regulation.

84 **§ 54.1-829.1. Sanctioning organization; amateur martial arts events.**

85 A. No event in which amateur participants compete in martial arts shall be authorized in the
86 Commonwealth unless the amateur event is conducted by a sanctioning organization approved by the
87 Director. Only the results of amateur events conducted by a sanctioning organization in good standing and in
88 compliance with this section shall be recognized for purposes of reporting bout results to a national database
89 or official registry. Every sanctioning organization, insofar as practicable, shall observe and apply the unified
90 rules adopted by the Association of Boxing Commissions. Notwithstanding any other provision of law or
91 regulation, for purposes of amateur martial arts events, weight classes and bout rules governing round length,
92 judging, and scoring shall conform with the Association of Boxing Commissions unified rules.

93 B. No amateur martial artist shall compete in an event who has:

- 94 1. Not attained the age of 18 years;
- 95 2. Been knocked out in the 60 days immediately preceding the date of the event;
- 96 3. Been technically knocked out in the 30 days preceding the date of the event;
- 97 4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding the
98 date of the event or (ii) six or fewer rounds during the seven days preceding the event;
- 99 5. Suffered a cerebral hemorrhage or other serious physical injury;
- 100 6. Been found to be blind or vision impaired in one or both eyes;
- 101 7. Been denied a license or approval to compete by another jurisdiction for medical reasons;
- 102 8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for the
103 following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen (HBsAg); and
104 (iii) antibodies to the hepatitis C virus; or
- 105 9. Failed to provide written certification from a licensed physician, dated within 180 days preceding the
106 date of the event, attesting to the contestant's good physical health and absence of any preexisting conditions
107 or observed abnormalities that would prevent participation in the event. The examination performed by the
108 ringside physician at the event pursuant to clause (ii) of subdivision C 3 shall not satisfy this requirement.

109 C. For each amateur martial arts event, the sanctioning organization shall:

- 110 1. Review the records, experience, and consecutive losses for each amateur martial artist prior to each
111 event to determine, to the extent possible, that contestants scheduled to compete are substantially equal in
112 skills and ability;
- 113 2. Verify that each amateur martial artist scheduled to compete is covered by health insurance;
- 114 3. Appoint a physician *who has held a license to practice medicine for at least three years in any*
115 *jurisdiction of the United States and who is currently licensed to practice medicine in the Commonwealth for*
116 *at least five years* to remain at ringside on a continuous basis. Duties of the ringside physician shall include
117 (i) conducting a physical examination of each referee immediately prior to the event to assure his fitness to
118 act in such capacity, (ii) conducting a physical examination and taking a medical history of each amateur
119 martial artist prior to the contestant's entering the ring and certifying the contestant's physical condition, (iii)
120 signaling the referee immediately in the event that an injury is observed, (iv) rendering immediate medical

121 aid to any amateur martial artist injured during an event, and (v) ensuring that all substances in the possession
 122 of seconds, trainers, or cut men are appropriate for use on amateur martial artists during the course of the
 123 event;

124 4. Assign a sufficient number of qualified officials, including locker room inspectors, judges, timekeepers,
 125 and referees, to protect the health and safety of amateur martial artists and the public. Duties of the referee
 126 shall include (i) providing prefight instructions to the contestants; (ii) ensuring that each amateur martial artist
 127 is wearing gloves supplied by the sanctioning organization or event promoter that are in new or good
 128 condition, weighing between four and six ounces; (iii) exercising supervision over the conduct of the bout
 129 and taking immediate corrective action when necessary; (iv) immediately stopping any bout when, in his
 130 judgment, one contestant is outclassed by the other, injured, or otherwise unable to continue safely; (v)
 131 striving to perform his duties in a manner that does not impede the fair participation of either contestant; (vi)
 132 consulting, when he deems appropriate, with the ringside physician on the advisability of stopping the bout if
 133 either contestant appears injured or unable to continue; (vii) counting for knockdowns and knockouts,
 134 determining fouls and stopping contests, and immediately stopping any bout if one or both contestants are not
 135 putting forth their best effort; and (viii) ensuring the health and well-being of the amateur martial artists to the
 136 greatest extent possible; and

137 5. Require a fully equipped emergency medical services vehicle with a currently trained ambulance crew
 138 at the site of every amateur event for its entire duration.

139 D. Any sanctioning organization seeking approval under this section shall make a written application on a
 140 form prescribed by the Director. The application shall be accompanied by a fee of \$500. The Director shall
 141 annually approve sanctioning organizations whose applications satisfactorily demonstrate evidence of
 142 standards and operations in place that are at least as rigorous as and limited to those required by this section.
 143 Following an informal fact-finding proceeding conducted pursuant to § 2.2-4019, the Director may withdraw
 144 his approval of any sanctioning organization that has failed to comply with this section based on (i) the
 145 review of the annual report submitted by the sanctioning organization or (ii) review of a complaint received
 146 pursuant to subdivision A 8 of § 54.1-201 or § 54.1-307.1.

147 E. A sanctioning organization seeking approval from the Director shall provide documented evidence (i)
 148 of operation as a business for at least the immediately preceding three years; (ii) of at least five years of
 149 experience as a sanctioning organization representing at least two different promotions during such five-year
 150 period or that the principal officers have at least eight years of experience working as a referee or head
 151 official for an established sanctioning organization without adverse financial or disciplinary action in any
 152 jurisdiction; (iii) indicating that none of its officers, employees, or agents, directly or indirectly, has any
 153 pecuniary interest in, or holds any position with, any business associated with a promoter or otherwise
 154 operates for the sole benefit of a single promoter; and (iv) of assurance that events will be conducted in a fair
 155 and impartial manner with avoidance of any impropriety or appearance of impropriety.

156 F. Each approved sanctioning organization shall submit an annual report to the Director on or before
 157 February 1, with a summary of the events conducted for the preceding calendar year. The Director may
 158 address any operational or compliance issues with the sanctioning organization consistent with and in
 159 furtherance of the objectives of this section. The Director shall not intervene in the internal activities of a
 160 sanctioning organization except to the extent necessary to prevent or cure violations of this section or any
 161 statute governing the persons or activities regulated pursuant to this chapter.

162 G. The Commonwealth, the Director, the Department, and any employee or representative shall be
 163 indemnified and held harmless from any liability resulting from or caused by a sanctioning organization or
 164 persons conducting activities on behalf of such regulant.

165 **§ 54.1-830. Exemptions.**

166 The provisions of this chapter shall not apply to:

- 167 1. Amateur wrestling bouts;
- 168 2. Amateur ~~exhibitions~~ *exhibition bouts* and the amateur participants therein;
- 169 3. Engagements involving amateur martial arts that are conducted by or held under the sponsorship of (i)
 170 any elementary or secondary school or public or private institution of higher education located in the
 171 Commonwealth, (ii) the Department of Corrections involving inmates of any state correctional institution, or
 172 (iii) the United States Olympic Committee; or
- 173 4. Amateur boxing.

174 **§ 54.1-831. Powers and duties of the Department.**

175 The Department shall administer and enforce the provisions of this chapter. In addition to the powers and
 176 duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as
 177 contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

- 178 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which
 179 implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the
 180 public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by
 181 this chapter.

182 The regulations shall include requirements for (i) initial authorization and renewal of the authorization;

183 (ii) authorization and conduct of events; (iii) standards of practice for persons arranging, promoting,
184 conducting, supervising, and participating in events; (iv) grounds for disciplinary actions against regulants;
185 (v) records to be kept and maintained by regulants; (vi) the manner in which fees are to be accounted for and
186 submitted to the Department, provided, however, that no gate fee shall be required for amateur-only events
187 conducted by a sanctioning organization approved by the Director pursuant to § 54.1-829.1; and (vii)
188 minimum health coverage for injuries sustained in a boxing or martial arts match. The Department shall have
189 direct oversight of professional events to assure the safety and well-being of boxers, martial artists, and
190 professional wrestlers, except that those portions of an event containing amateur bouts shall be conducted
191 under the oversight of a sanctioning organization. Sanctioning organizations shall have sole responsibility for
192 direct oversight of amateur-only events in which martial artists compete.

193 2. Charge each applicant for authorization and for renewals of authorization a nonrefundable fee subject to
194 the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201. A sanctioning organization shall be subject to
195 the application fee provisions of subsection D of § 54.1-829.1.

196 3. Conduct investigations to determine the suitability of applicants for authorization and to determine the
197 regulant's compliance with applicable statutes and regulations.

198 4. Conduct investigations as to whether monopolies, combinations, or other circumstances exist to restrain
199 matches or ~~exhibitions~~ *exhibition bouts* of boxing, martial arts, or professional wrestling anywhere in the
200 Commonwealth. The Attorney General may assist investigations at the request of the Department.

201 5. Exercise jurisdiction over all boxing, martial arts, and professional wrestling conducted within the
202 Commonwealth by any person, except where otherwise exempted.

203 **§ 54.1-833. Reports; cable television systems; fee on receipts.**

204 A. Each promoter shall furnish to the Department, within ~~twenty-four hours~~ *two weeks* after the
205 completion of each event, a written and verified report on the form provided by the Department showing the
206 number of tickets sold, unsold, and given away and the amount of gross proceeds thereof for such events
207 originating in the Commonwealth, and its total gross receipts from the sale of rights to distribute in any
208 manner such event by any video, telephonic, or other communication method involving the control of
209 electrons or other charge carriers for such live events originating in the Commonwealth. Within the
210 ~~twenty-four hour~~ *two week* period, the promoter shall pay to the Department a fee of (i) five percent of the
211 first \$100,000 of its total gross receipts; and (ii) two and one-half percent of the remainder of its total gross
212 receipts. Records of the promoter shall be subject to audit by the Department.

213 B. Each cable television system or other multichannel video programming service shall report to the
214 Department in writing the name and address of each person from whom it obtains the rights to provide a live
215 event originating in the Commonwealth.

216 C. The Department shall hold all license fees in a special fund of the state treasury subject to
217 appropriation of the General Assembly. Payments from this fund shall be made to the contractors for their
218 services on behalf of the Commonwealth. No payment shall exceed the balance of the fund. The Department
219 shall draw from the fund to cover any expenses associated with the provisions of this chapter.

220 **§ 54.1-834. Prohibited activities; penalties.**

221 A. No betting or wagering shall be permitted at an event or exhibition *bout* before, during, or after the
222 event in the building where the event is held.

223 B. No person shall participate in a sham or fake boxing or martial arts contest. The Department shall have
224 the authority to order, without a hearing, the person controlling the purse to hold the distribution to
225 contestants, promoters, and trainers pending a public hearing by the Department. The Department shall,
226 simultaneously with the issuance of such order to retain the share or purse, institute proceedings for a hearing
227 to determine whether a sham or fake boxing or martial arts contest has occurred.

228 C. It shall be a Class 1 misdemeanor for any person to violate this section or any statute or regulation
229 governing the persons or activities regulated pursuant to this chapter.

230 D. The third or any subsequent conviction for violating any provision of this section during a 36-month
231 period shall constitute a Class 6 felony.