

FIRST REGULAR SESSION

SENATE BILL NO. 527

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 19, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2128S.011

AN ACT

To repeal sections 317.001, 317.006, 317.011, 317.013, 317.015, and 317.018, RSMo, and to enact in lieu thereof seven new sections relating to the licensing of boxing, sparring, wrestling, kickboxing, and full-contact karate contests, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 317.001, 317.006, 317.011, 317.013, 317.015, and 317.018, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.017, and 317.018, to read as follows:

317.001. As used in sections 317.001 to 317.021, the following words and terms mean:

(1) "Amateur", a person who competes in a boxing, wrestling, kickboxing, or full-contact karate event who has not competed as a contestant for valuable consideration in any event in which similar boxing, wrestling, kickboxing, or full-contact karate skills were used or allowed;

(2) "Bout", one match involving [either] professional boxing, sparring, professional wrestling, professional kickboxing or professional full-contact karate, including professional mixed martial arts;

(3) "Boxing", the sport of attack and defense where contestants are allowed to only use the fist to attack or strike in competition;

[(2)] (4) "Combative fighting", [also known as "toughman fighting", "toughwoman fighting", "badman fighting", "ultimate fighting", "U.F.C." and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 "extreme fighting", any boxing or wrestling match, contest or exhibition, between
16 two or more contestants, with or without protective headgear, who use their
17 hands, with or without gloves, or their feet, or both, and who compete for a
18 financial prize or any item of pecuniary value, and which match, contest,
19 tournament championship or exhibition is not recognized by and not sanctioned
20 by any officially recognized state, regional or national boxing or athletic
21 sanctioning authority, or any promoter duly licensed by the division of
22 professional registration] **a bout or contest, with or without gloves or**
23 **protective headgear, whereby any part of the contestant's body may be**
24 **used as a weapon or any other means of fighting may be used with the**
25 **specific purpose of intentionally injuring the other contestants in such**
26 **a manner that they may not defend themselves and in which there is no**
27 **referee;**

28 [(3)] (5) "Contest", a bout or a group of bouts involving licensed
29 contestants competing in professional boxing, sparring, professional wrestling,
30 professional kickboxing or professional full-contact karate;

31 [(4)] (6) "Contestant", a person who competes in any [activity covered by
32 sections 317.001 to 317.021] **boxing, wrestling, kickboxing, or full-contact**
33 **karate event;**

34 [(5)] (7) "Division", the division of professional registration;

35 [(6)] (8) "Director", the director of the division of professional
36 registration;

37 (9) **"Exhibition", a boxing, wrestling, kickboxing, or full-contact**
38 **karate engagement in which persons are participating to show or**
39 **display their boxing, wrestling, kickboxing, or full-contact karate skill**
40 **and in which no decision is rendered;**

41 [(7)] (10) "Fund", the athletic fund established [pursuant to] **under**
42 sections 317.001 to 317.021;

43 (11) **"Full-contact karate", any form of full-contact martial arts**
44 **including, but not limited to, full-contact kung fu, full-contact tae kwan**
45 **do, or any form of martial arts, mixed martial arts, combat or self-**
46 **defense conducted on a full-contact basis in a match where contestants**
47 **are allowed to deliver blows or strikes;**

48 (12) **"Kickboxing", any match in which contestants are allowed to**
49 **use any form of boxing and are also allowed to use any part of the fist,**
50 **foot, or leg, with or without shin guards or protective gear, or any**

51 **combination thereof to deliver strikes above the waist and which does**
52 **not constitute mixed martial arts;**

53 [(8) "Mandatory count of eight", a required count of eight that is given by
54 a referee to a contestant who has been knocked down;

55 (9) "Noncompetitive boxing", boxing or sparring where a decision is not
56 rendered;]

57 **(13) "Mixed martial arts", any match in which any form of martial**
58 **arts or self-defense is conducted on a full-contact basis and where other**
59 **combative techniques or tactics are allowed in competition including,**
60 **but not limited to, kicking, striking, chokeholds, boxing, wrestling,**
61 **kickboxing, grappling, or joint manipulation. Professional mixed**
62 **martial arts is a form of full-contact karate;**

63 [(10)] **(14) "Office", the division of professional registration, office of**
64 **athletics;**

65 [(11) "Professional boxing", the sport of attack and defense which uses the
66 fist and where contestants compete for valuable consideration;

67 (12) "Professional full-contact karate", any form of full-contact martial
68 arts including but not limited to full-contact kung fu, full-contact taekwon-do,
69 or any form of martial arts or self-defense conducted on a full-contact basis in a
70 bout or contest where weapons are not used and where contestants compete for
71 valuable consideration. Such contests take place in a rope-enclosed ring and are
72 fought in timed rounds;

73 (13) "Professional kickboxing", any form of boxing in which blows are
74 delivered with any part of the arm below the shoulder, including the hand, and
75 any part of the leg below the hip, including the foot, and where contestants
76 compete for valuable consideration. Such contests take place in a rope-enclosed
77 ring and are fought in timed rounds;

78 (14) "Professional wrestling", any performance of wrestling skills and
79 techniques by two or more professional wrestlers, to which any admission is
80 charged. Participating wrestlers may not be required to use their best efforts in
81 order to win, the winner may have been selected before the performance
82 commences and contestants compete for valuable consideration. Such contests
83 take place in a rope-enclosed ring and are fought in timed rounds;]

84 **(15) "Professional", a wrestling, boxing, kickboxing, or full-**
85 **contact karate bout or contest where the participants compete for any**
86 **valuable consideration or a person who competes in any wrestling,**

87 **boxing, kickboxing, or full-contact karate bout or contest for any such**
88 **consideration;**

89 ~~[(15)]~~ **(16)** "Sparring", [boxing for practice or as an exhibition] **any**
90 **boxing, wrestling, kickboxing, or full-contact karate conducted for**
91 **practice and for which admission or other similar consideration, in any**
92 **form, is charged to any member of the public;**

93 [(16) "Standing mandatory eight count", the count of eight that is given
94 at the discretion of a referee to a contestant who has been dazed by a blow and
95 is unable to defend himself or herself. The standing mandatory eight count may
96 be waived in a bout only with special permission of the office.]

97 **(17) "Wrestling", any performance of wrestling skills and**
98 **techniques by two or more individuals. Participating wrestlers may**
99 **perform without being required to use their best efforts in order to win**
100 **and the winner may have been selected before the performance**
101 **commences.**

317.006. 1. The division [of professional registration] shall have general
2 charge and supervision of all professional boxing, sparring, professional wrestling,
3 professional kickboxing and professional full-contact karate contests held in the
4 state of Missouri, and it shall have the power, and it shall be its duty:

5 (1) To make and publish rules governing in every particular professional
6 boxing, sparring, professional wrestling, professional kickboxing and professional
7 full-contact karate contests;

8 **(2) To promulgate rules governing the approval of amateur**
9 **sanctioning bodies;**

10 **(3)** To accept applications for and issue licenses to contestants in
11 professional boxing, sparring, professional wrestling, professional kickboxing and
12 professional full-contact karate contests in the state of Missouri, and
13 referees, judges, matchmakers, managers, promoters, seconds, announcers,
14 timekeepers and physicians involved in professional boxing, sparring, professional
15 wrestling, professional kickboxing and professional full-contact karate contests
16 held in the state of Missouri, as authorized herein. Such licenses shall be issued
17 in accordance with rules duly adopted by the division;

18 ~~[(3)]~~ **(4)** To charge fees to be determined by the director and established
19 by rule for every license issued and to assess a tax of five percent of the gross
20 receipts of any person, organization, corporation, partnership, limited liability
21 company, or association holding a promoter's license and permit under sections

22 317.001 to 317.021, derived from admission charges connected with or as an
23 incident to the holding of any professional boxing, sparring, professional
24 wrestling, professional kickboxing or professional full-contact karate contest in
25 [this state] **the state of Missouri**. Such funds shall be paid to the division of
26 professional registration which shall pay said funds into the **Missouri** state
27 treasury to be set apart into a fund to be known as the "Athletic Fund" which is
28 hereby established;

29 [(4)] **(5)** To assess a tax of five percent of the gross receipts of any
30 person, organization, corporation, partnership, limited liability company or
31 association holding a promoter's license [and permit] under sections 317.001 to
32 317.021, derived from the sale, lease or other exploitation in this state of
33 broadcasting, television, **pay-per-view**, closed-circuit telecast, and motion
34 picture rights for any professional boxing, sparring, professional wrestling,
35 professional kickboxing or professional full-contact karate contest. Such funds
36 shall be paid to the division [of professional registration] which shall pay said
37 funds into the **Missouri** state treasury to be set apart into a fund to be known
38 as the "Athletic Fund";

39 [(5) To assess a tax of twenty-five percent of the gross receipts of any
40 person, organization, corporation, partnership, limited liability company or
41 association derived from the sale, lease or other exploitation in this state of
42 broadcasting, television, closed-circuit telecast, and motion picture rights for any
43 combative fighting contest. Such funds shall be paid to the division of
44 professional registration, which shall pay said funds into the state treasury to be
45 set apart into a fund to be known as the athletic fund;]

46 (6) Each cable television system operator whose pay-per-view **or closed-**
47 **circuit** facilities are utilized to telecast a bout or contest shall, within thirty
48 calendar days following the date of the telecast, file a report with the office
49 stating the number of orders sold and the price per order.

50 2. All fees established pursuant to sections 317.001 to 317.021 shall be
51 determined by the director by rule in such amount as to produce sufficient
52 revenue to fund the necessary expenses and operating costs incurred in the
53 administration of the provisions of sections 317.001 to 317.021. All expenses
54 shall be paid as otherwise provided by law.

317.011. 1. The division [of professional registration] shall have the
2 power, and it shall be its duty, to accept application for and issue permits to hold
3 professional boxing, sparring, professional wrestling, professional kickboxing or

4 professional full-contact karate contests in the state of Missouri, and to charge
5 a fee for the issuance of same in an amount established by rule; such funds to be
6 paid to the division [of professional registration] which shall pay such funds into
7 the **Missouri** state treasury to be set apart into the athletic fund.

8 2. The provisions of section 33.080, RSMo, to the contrary
9 notwithstanding, money in this fund shall not be transferred and placed to the
10 credit of general revenue until the amount in the fund at the end of the biennium
11 exceeds two times the amount of the appropriation from the fund for the
12 preceding fiscal year or, if the division requires by rule renewal less frequently
13 than yearly then three times the appropriation from the fund for the preceding
14 fiscal year. The amount, if any, in the fund which shall lapse is that amount in
15 the fund which exceeds the appropriate multiple of the appropriations from the
16 fund for the preceding fiscal year.

17 3. The division [of professional registration] shall not grant any permit
18 to hold professional boxing, sparring, professional wrestling, professional
19 kickboxing or professional full-contact karate contests in the state of Missouri
20 except:

21 (1) Where such professional boxing, sparring, professional wrestling,
22 professional kickboxing or professional full-contact karate contest is to be held
23 under the auspices of a promoter duly licensed by the division;

24 (2) Where such contest shall be of not more than [fifteen] **twelve** rounds
25 of a **maximum of** three minutes each duration per bout; and

26 (3) Where a fee has been paid for such permit, in an amount established
27 by rule.

28 4. In such contests a decision shall be rendered by three judges licensed
29 by the division.

30 5. Specifically exempted from the provisions of this chapter are contests
31 or exhibitions for amateur boxing, amateur kickboxing, amateur wrestling and
32 amateur full-contact karate. However, all amateur boxing, amateur kickboxing,
33 amateur wrestling and amateur full-contact karate must be sanctioned by a
34 nationally recognized amateur sanctioning body approved by the office.

317.013. 1. In order to protect the health and welfare of the contestants,
2 there shall be a mandatory medical suspension of any contestant, not to exceed
3 one hundred [twenty] **eighty** days, who loses consciousness or who has been
4 injured as a result of blows received to the head or body during a [boxing bout or
5 semiprofessional elimination contest] **professional boxing, professional**

6 **wrestling, professional kickboxing, or professional full-contact karate**
7 **contest.** The determination of consciousness is to be made only by a physician
8 licensed by the board of healing arts and the division. Medical suspensions
9 issued in accordance with this section shall not be reviewable by any tribunal.

10 2. No license shall be issued to any person who has been injured in such
11 a manner that they may not continue **to participate in boxing, wrestling,**
12 **kickboxing, or full-contact karate contests** in the future. Such a person
13 shall be deemed medically retired. No person with a status of medically retired
14 shall compete in any events governed by this chapter. Medical retirements issued
15 in accordance with this section shall not be reviewable by any tribunal.

317.015. 1. Any person wishing to make a complaint against a licensee
2 under sections 317.001 to 317.014 shall file the written complaint with the
3 division setting forth supporting details. If the division determines that the
4 charges warrant a hearing to ascertain whether the licensee shall be disciplined,
5 it shall file a complaint with the administrative hearing commission as provided
6 in chapter 621, RSMo. Any person holding more than one license issued by the
7 division and disciplined under one license will automatically be disciplined under
8 all licenses.

9 2. (1) The division may refuse to issue any permit or license pursuant to
10 this chapter for one or any combination of reasons stated in paragraphs (a)
11 through (m) of subdivision (2) of this subsection. The division shall notify the
12 applicant in writing of the reasons for the refusal and shall advise the applicant
13 of their rights to file a complaint or an appeal with the administrative hearing
14 commission as provided in chapter 621, RSMo.

15 (2) The division may file a complaint with the administrative hearing
16 commission, as provided in chapter 621, RSMo, against any holder of any permit
17 or license issued pursuant to this chapter, or against any person who has failed
18 to renew or has surrendered their permit or license, for any one or more of the
19 following reasons:

20 (a) Use of an alcoholic beverage or any controlled substance, as defined
21 in chapter 195, RSMo, before or during a bout;

22 (b) The person has been found guilty or has entered a plea of guilty or
23 nolo contendere in a criminal prosecution under any state or federal law for any
24 offense reasonably related to the qualifications, functions or duties of any
25 profession licensed or regulated under this chapter, for any offense an essential
26 element of which is fraud, dishonesty or an act of violence, or for any offense

27 involving moral turpitude, whether or not a sentence is imposed;

28 (c) Use of fraud, deception, misrepresentation or bribery in securing any
29 permit or license issued pursuant to this chapter;

30 (d) Providing false information on applications or medical forms;

31 (e) Incompetency, misconduct, gross negligence, fraud, misrepresentation
32 or dishonesty in the performing of the functions or duties of any profession
33 licensed or regulated by this chapter;

34 (f) Violating or enabling any person to violate any provision of this
35 chapter or any rule adopted pursuant to this chapter;

36 (g) Impersonating any permit or license holder or allowing any person to
37 use their permit or license;

38 (h) Contestants failing to put forth their best effort during a bout;

39 (i) Disciplinary action against the holder of a license or other right to
40 practice any profession regulated by this chapter and issued by another state,
41 territory, federal agency or country upon grounds for which revocation or
42 suspension is authorized in this state;

43 (j) A person adjudged mentally incompetent by a court of competent
44 jurisdiction;

45 (k) Use of any advertisement or solicitation which is false, misleading or
46 deceptive to the general public or persons to whom the advertisement or
47 solicitation is primarily directed;

48 (l) Use of foul or abusive language or mannerisms or threats of physical
49 harm by any person associated with any bout or contest licensed pursuant to this
50 chapter; or

51 (m) Issuance of a permit or license based upon a mistake of fact.

52 (3) After the complaint is filed, the proceeding shall be conducted in
53 accordance with the provisions of chapter 621, RSMo. If the administrative
54 hearing commission finds that a person has violated one or more of the grounds
55 as provided in paragraphs (a) through (m) of subdivision (2) of this subsection,
56 the division may censure or place the person named in the complaint on probation
57 on appropriate terms and conditions for a period not to exceed five years, may
58 suspend the person's license for a period not to exceed three years, or may revoke
59 the person's license.

60 **3. Upon a finding that the grounds provided in subsection 2 of**
61 **this section for disciplinary action are met, the office may, singly or in**
62 **combination, censure or place on probation, a license on such terms**

63 and conditions as the office deems appropriate for a period not to
64 exceed five years, or may suspend for a period not to exceed three
65 years or revoke the certificate, license, or permit. In any order of
66 revocation, the office may provide that the person shall not apply for
67 a new license for a maximum of three years and one day following the
68 date of the order of revocation. All stay orders shall toll the
69 disciplinary time periods allotted in this subsection. In lieu of or in
70 addition to any remedy specifically provided in subsection 1 of this
71 section, the office may require of a licensee:

72 (1) Satisfactory completion of medical testing or rehabilitation
73 programs, or both, as the office may specify; or

74 (2) A review conducted as the office may specify and satisfactory
75 completion of medical testing or rehabilitation programs, or both, as
76 the office may specify.

317.017. 1. The promoter of a professional boxing, professional
2 kickboxing, or professional full-contact karate contest shall sign
3 written bout contracts with each professional contestant. Original bout
4 contracts shall be filed with the division prior to the event as required
5 by the rules of the office. The bout contract shall be on a form supplied
6 by the division and contain at least the following:

7 (1) The weight required of the contestant at weigh-in;

8 (2) The amount of the purse to be paid for the contest;

9 (3) The date and location of the contest;

10 (4) The glove size allotted for each contestant;

11 (5) Any other payment or consideration provided to the
12 contestant;

13 (6) List of all fees, charges, and expenses including training
14 expenses that will be assessed to the contestant or deducted from the
15 contestant's purse;

16 (7) Any advances paid to the contestant before the bout;

17 (8) The amount of any compensation or consideration that a
18 promoter has contracted to receive in connection with the bout or
19 contest;

20 (9) The signature of the promoter and contestant;

21 (10) The date signed by both the promoter and contestant; and

22 (11) Any information required by the office.

23 2. If the bout contract between a contestant and promoter is

24 **changed, the promoter shall provide the division with the amended**
25 **contract containing all contract changes at least two hours prior to the**
26 **event's scheduled start time. The amended contract shall comply with**
27 **all requirements for original bout contracts and shall contain the**
28 **signature of the promoter and contestant.**

29 **3. A promoter of an event shall not be a manager for a contestant**
30 **who is contracted for ten rounds or more at that event.**

31 **4. The promoter of an event shall provide payments for the event**
32 **official's fees to the office prior to the start of the event. The form of**
33 **payment shall be at the discretion of the office provided that payments**
34 **remitted by check or money order shall be made payable directly to the**
35 **applicable official.**

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2 2. Anyone who promotes or participates in combative fighting, or anyone
3 who serves as an agent, principal partner, publicist, vendor, producer, referee, or
4 contractor of or for combative fighting is guilty of a class D felony.

5 3. Any medical personnel who administers to, treats or assists any
6 participants of combative fighting shall not be subject to the provisions of this
7 section.

8 [4. Nothing in section 317.001 or this section shall be construed to give
9 authority to the Missouri state athletic commission to regulate boxing, sparring,
10 wrestling or contact karate conducted by entities which are not regulated on July
11 10, 1996, including but not limited to events conducted by the:

- 12 (1) Military;
- 13 (2) Private schools;
- 14 (3) Church schools;
- 15 (4) Home schools;
- 16 (5) Martial arts academies;
- 17 (6) Private gyms;
- 18 (7) YWCAs and YMCAs;
- 19 (8) Elementary and secondary schools;
- 20 (9) College and university inter- and intra-mural;
- 21 (10) Fraternal organizations;
- 22 (11) Camps, conducted by church or not for profit organizations;
- 23 (12) Olympic committees; or
- 24 (13) Correctional facilities.

25 5. Nothing in section 317.001 or this section is intended to regulate, or
26 interfere with or make illegal, traditional, sanctioned boxing, including
27 professional, amateur, scholastic, championship boxing, amateur wrestling or
28 scholastic wrestling.]

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