

2016 RECONVENED SESSION

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HB1228ER2

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 54.1-828 through 54.1-831 and 54.1-834 of the Code of Virginia,
3 relating to the Department of Professional and Occupational Regulation; boxing and wrestling
4 events; sanctioning organizations.

5 [H 1228]
6 Approved

7 Be it enacted by the General Assembly of Virginia:

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

10 § 54.1-828. Definitions.

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

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

14 "Boxer" means a person competing in the sport of boxing or martial arts.

15 "Boxing" means the contact sport of attack or defense using fists, feet, or both, including kick
16 boxing, boxing, martial arts, or any similar contest.

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

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

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

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

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

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

30 "License" means a method of regulation whereby any person arranging, conducting or participating in
31 boxing, martial arts, or professional wrestling activities is required to obtain a prior authorization from
32 the Department.

33 "Licensee" means any person holding a valid license under the provisions of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

56 "Trainer," "second" or "cut man" means an individual who undertakes to assure the well-being of a

57 boxer or martial artist by providing instruction or advice concerning techniques or strategies of boxing
 58 or martial arts, and who may work in the corner with a boxer or martial artist between the rounds of a
 59 match to assure his well-being and provide necessary equipment and advice concerning match
 60 participation.

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

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

65 **§ 54.1-829. Authorization from Director required; bond; physical examination; emergency**
 66 **medical services vehicles; physician; and health insurance.**

67 A. No person shall promote or conduct a boxing, martial arts, or professional wrestling event in the
 68 Commonwealth without first having obtained a license for such event from the Department. No such
 69 license shall be granted except to a licensed promoter.

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

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

80 D. C. Each boxer and martial artist shall, and each professional wrestler may, be examined prior to
 81 entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at
 82 least five years. The physician shall be appointed by the Department or sanctioning organization and
 83 shall certify in writing that the contestant's physical condition is such that he is physically able to
 84 engage in the contest.

85 E. D. No event in which boxers or martial artists are contestants shall be conducted without the
 86 continuous presence at ringside of a physician who has been licensed to practice medicine in the
 87 Commonwealth for at least five years, and unless an emergency medical services vehicle is at the site of
 88 the event.

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

91 **§ 54.1-829.1. Sanctioning organization; amateur martial arts events.**

92 A. No event in which amateur participants compete in ~~boxing or~~ martial arts shall be permitted
 93 authorized in the Commonwealth unless the amateur event is conducted by a sanctioning organization
 94 approved by the Director. *Only the results of amateur events conducted by a sanctioning organization in*
 95 *good standing and in compliance with this section shall be recognized for purposes of reporting bout*
 96 *results to a national database or official registry. Every sanctioning organization, insofar as practicable,*
 97 *shall observe and apply the unified rules adopted by the Association of Boxing Commissions.*
 98 *Notwithstanding any other provision of law or regulation, for purposes of amateur martial arts events,*
 99 *weight classes and bout rules governing round length, judging, and scoring shall conform with the*
 100 *Association of Boxing Commissions unified rules.*

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

- 102 1. Not attained the age of 18 years;
- 103 2. Been knocked out in the 60 days immediately preceding the date of the event;
- 104 3. Been technically knocked out in the 30 days preceding the date of the event;
- 105 4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding
 106 the date of the event or (ii) six or fewer rounds during the seven days preceding the event;
- 107 5. Suffered a cerebral hemorrhage or other serious physical injury;
- 108 6. Been found to be blind or vision impaired in one or both eyes;
- 109 7. Been denied a license or approval to compete by another jurisdiction for medical reasons;
- 110 8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for
 111 the following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen
 112 (HBsAg); and (iii) antibodies to the hepatitis C virus; or

113 9. Failed to provide written certification from a licensed physician, dated within 180 days preceding
 114 the date of the event, attesting to the contestant's good physical health and absence of any preexisting
 115 conditions or observed abnormalities that would prevent participation in the event. The examination
 116 performed by the ringside physician at the event pursuant to clause (ii) of subdivision C 3 shall not
 117 satisfy this requirement.

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

119 1. Review the records, experience, and consecutive losses for each amateur martial artist prior to
120 each event to determine, to the extent possible, that contestants scheduled to compete are substantially
121 equal in skills and ability;

122 2. Verify that each amateur martial artist scheduled to compete is covered by health insurance;

123 3. Appoint a physician licensed to practice medicine in the Commonwealth for at least five years to
124 remain at ringside on a continuous basis. Duties of the ringside physician shall include (i) conducting a
125 physical examination of each referee immediately prior to the event to assure his fitness to act in such
126 capacity, (ii) conducting a physical examination and taking a medical history of each amateur martial
127 artist prior to the contestant's entering the ring and certifying the contestant's physical condition, (iii)
128 signaling the referee immediately in the event that an injury is observed, (iv) rendering immediate
129 medical aid to any amateur martial artist injured during an event, and (v) ensuring that all substances
130 in the possession of seconds, trainers, or cut men are appropriate for use on amateur martial artists
131 during the course of the event;

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

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

148 D. Any sanctioning organization seeking approval under this section shall make a written application
149 on a form prescribed by the Director. The application shall be accompanied by a fee of \$500. The
150 Director shall annually approve such sanctioning organizations that apply for and whose applications
151 satisfactorily demonstrate evidence of standards and operations in place that are at least as rigorous as
152 and limited to those required by this chapter section. The Following an informal fact-finding proceeding
153 conducted pursuant to § 2.2-4019, the Director may withdraw his approval for a of any sanctioning
154 organization's failure organization that has failed to comply with this chapter, associated regulations,
155 section or any administrative requirements for demonstrating compliance based on (i) the review of the
156 annual report submitted by the sanctioning organization or (ii) review of a complaint received pursuant
157 to subdivision A 8 of § 54.1-201 or § 54.1-307.1.

158 C. Minimum provisions for approval as an amateur sanctioning organization shall include that the
159 sanctioning organization (i) has at least five years' documented experience without adverse financial or
160 disciplinary action in any jurisdiction; (ii) provides evidence that none of its officers, employees, or
161 agents, directly or indirectly, have any pecuniary interest in, or hold any position with, any business
162 associated with a licensee; (iii) certifies the contestants' physical condition prior to any contest and at
163 ringside; and (iv) ensures the continuous presence of a ringside physician and an on-site ambulance.

164 D. Approved sanctioning organizations shall ensure that each boxer and martial artist provides a
165 negative test for the following prior to an event in order to participate:

- 166 1. Antibodies to the human immunodeficiency virus;
- 167 2. Hepatitis B surface antigen (HBsAg); and
- 168 3. Antibodies to virus hepatitis C.

169 Such tests shall be conducted within the 180 days preceding the event. A boxer or martial artist who
170 fails to provide negative results for all required tests shall not be permitted to compete in the event.

171 E. A sanctioning organization seeking approval from the Director shall provide documented evidence
172 (i) of operation as a business for at least the immediately preceding three years; (ii) of at least five
173 years of experience as a sanctioning organization representing at least two different promotions during
174 such five-year period or that the principal officers have at least eight years of experience working as a
175 referee or head official for an established sanctioning organization without adverse financial or
176 disciplinary action in any jurisdiction; (iii) indicating that none of its officers, employees, or agents,
177 directly or indirectly, has any pecuniary interest in, or holds any position with, any business associated
178 with a promoter or otherwise operates for the sole benefit of a single promoter; and (iv) of assurance

179 *that events will be conducted in a fair and impartial manner with avoidance of any impropriety or*
 180 *appearance of impropriety.*

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

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

190 **§ 54.1-830. Exemptions.**

191 The provisions of this chapter shall not apply to:

192 1. Amateur wrestling bouts;

193 2. Amateur exhibitions and the amateur participants therein; ~~or~~

194 3. Engagements involving amateur ~~boxing~~ ~~or~~ martial arts that are conducted by or held under the
 195 sponsorship of (i) any elementary or secondary school or public or private institution of higher education
 196 located in the Commonwealth ~~or~~, (ii) the Department of Corrections involving inmates of any state
 197 correctional institution, *or (iii) the United States Olympic Committee; or*

198 4. Amateur boxing.

199 **§ 54.1-831. Powers and duties of the Department.**

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

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

207 The regulations shall include requirements for (i) initial *authorization* and renewal ~~license~~, *of the*
 208 *authorization*; (ii) ~~license~~ *authorization* and conduct of events; (iii) standards of practice for persons
 209 arranging, promoting, conducting, supervising, and participating in events; (iv) grounds for disciplinary
 210 actions against ~~licensees~~, *regulants*; (v) records to be kept and maintained by ~~licensees~~, *regulants*; (vi)
 211 *the manner in which fees are to be accounted for and submitted to the Department, provided, however,*
 212 *that no gate fee shall be required for amateur-only events conducted by a sanctioning organization*
 213 *approved by the Director pursuant to § 54.1-829.1; and (vii) minimum health coverage for injuries*
 214 *sustained in a boxing or martial arts match. The Department shall have direct oversight of professional*
 215 *events to assure the safety and well-being of boxers, martial artists, and professional wrestlers, except*
 216 *that those portions of an event containing amateur bouts shall be conducted under the oversight of a*
 217 *sanctioning organization. Sanctioning organizations shall have sole responsibility for direct oversight of*
 218 *amateur-only events in which martial artists compete.*

219 2. Charge each applicant for ~~license~~ *authorization* and for renewals of ~~license~~ *authorization* a
 220 nonrefundable fee subject to the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201. A
 221 *sanctioning organization shall be subject to the application fee provisions of subsection C of*
 222 *§ 54.1-829.1.*

223 3. Conduct investigations to determine the suitability of applicants for ~~license~~ *authorization* and to
 224 determine the ~~licensee's~~ *regulant's* compliance with applicable statutes and regulations.

225 4. Conduct investigations as to whether monopolies, combinations, or other circumstances exist to
 226 restrain matches or exhibitions of boxing, martial arts, or professional wrestling anywhere in the
 227 Commonwealth. The Attorney General may assist investigations at the request of the Department.

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

230 **§ 54.1-834. Prohibited activities; penalties.**

231 A. No betting or wagering shall be permitted at an event or exhibition ~~authorized to be conducted by~~
 232 ~~a promoter or other licensee~~ before, during, or after the event in the building where the event is held.

233 B. No ~~licensee~~ *person* shall participate in a sham or fake boxing *or martial arts* contest. The
 234 Department shall have the authority to order, without a hearing, the person controlling the purse to hold
 235 the distribution to contestants, promoters, and trainers pending a public hearing by the Department. The
 236 Department shall, simultaneously with the issuance of such order to retain the share or purse, institute
 237 proceedings for a hearing to determine whether a sham or fake boxing *or martial arts* contest has
 238 occurred.

239 C. It shall be a Class 1 misdemeanor for any person to violate this section or any statute or

240 regulation governing a profession ~~the persons or activities~~ regulated pursuant to this chapter.
241 D. The third or any subsequent conviction for violating any provision of this section during a
242 36-month period shall constitute a Class 6 felony.
243 **2. That an emergency exists and the provisions of this act amending §§ 54.1-828 and 54.1-830 of**
244 **the Code of Virginia are in force from its passage.**