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SENATE BILL NO. 790

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 26, 2015)

(Patron Prior to Substitute—Senator Carrico)

A BILL to amend and reenact §§ 54.1-828, 54.1-829, and 54.1-830 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 54.1-828.1 through 54.1-828.4 and by adding in Chapter 8.1 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-836, 54.1-837, and 54.1-838; and to repeal §§ 54.1-831, 54.1-832, 54.1-834, and 54.1-835 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; amateur boxing, wrestling, and martial arts.

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-828, 54.1-829, and 54.1-830 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 54.1-828.1 through 54.1-828.4 and by adding in Chapter 8.1 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-836, 54.1-837, and 54.1-838, as follows:

Article 1.

General Provisions.

§ 54.1-828. Definitions.

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

"Amateur" means a person who has never competed as a professional in a boxing, wrestling, or martial arts event, having received no money, compensation, or reward of more than \$50 in addition to any suitably inscribed memento for his participation in any such event.

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

"Boxing" means the contact sport of attack or defense using fists, feet, or both, including professional and amateur kick boxing, muay thai boxing, boxing, martial arts, or any similar contest.

"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, including a sanctioning organization, who has been recognized by the Director, through a contract, 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 or any entity with whom the Director has entered into a contract in accordance with this chapter.

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

"Event" means any professional or amateur boxing or wrestling show which that includes one or more contests or matches.

"Exhibition" means a boxing, wrestling, or martial arts event in which the participants show or display their skills without necessarily striving to win.

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

"Licensee" means any person holding a valid license under the provisions of Article 2 (§ 54.1-829 et seq.).

"Manager" means any person who receives compensation for service as a representative or agent of a boxer or wrestler to arrange for his participation in an event.

"Martial arts" means any of several Asian arts of combat or self-defense, including but not limited to aikido, karate, judo, 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.

"Permit" means a certification of approval for an amateur event or exhibition, issued by the Director or the sanctioning organization contracted pursuant to § 54.1-828.2.

"Permittee" means any person holding a valid permit under the provisions of Article 3 (§ 54.1-836 et seq.).

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

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

60 "Promoter" means any person who undertakes to promote an event.

61 "Sanctioning organization" means an organization contracted pursuant to § 54.1-828.2 by the
62 Director to sanction amateur events in the Commonwealth.

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

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

68 "Wrestling" means any contact sport or exhibition in which individuals attempt to subdue or
69 unbalance an opponent.

70 **§ 54.1-828.1. Powers and duties of the Department.**

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

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

78 The regulations shall include requirements for (i) initial and renewal licensure; (ii) licensure and
79 conduct of events; (iii) standards of practice for persons arranging, promoting, conducting, supervising,
80 and participating in events; (iv) grounds for disciplinary actions against licensees; (v) records to be kept
81 and maintained by licensees; (vi) the manner in which fees are to be accounted for and submitted to the
82 Department; and (vii) minimum health insurance coverage for injuries sustained in a boxing match. The
83 Department shall have direct oversight of events to ensure the safety and well-being of boxers and
84 wrestlers.

85 2. Charge each applicant for licensure and for renewals of licensure a nonrefundable fee subject to
86 the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201.

87 3. Conduct investigations to determine the suitability of applicants for licensure and to determine
88 compliance of licensees with applicable statutes and regulations.

89 4. Conduct investigations as to whether monopolies, combinations, or other circumstances exist to
90 restrain matches or exhibitions of professional boxing or wrestling anywhere in the Commonwealth. The
91 Department may request assistance from the Attorney General for such investigations.

92 5. Exercise jurisdiction over all wrestling and boxing conducted within the Commonwealth by any
93 person, except where otherwise exempted.

94 **§ 54.1-828.2. Director authorized to contract for certain services; award of contract; authority
95 when no contract is in effect; sanctioning organization.**

96 A. The Director may contract with a private person, firm, corporation, or association to provide any
97 or all of the following services on behalf of the Department: examining and recommending licensure,
98 investigating and ensuring that events are conducted in compliance with statutes and regulations,
99 performing clerical duties, collecting fees, maintaining records, developing proposed regulations in
100 accordance with Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act, and recommending
101 enforcement actions in accordance with Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act.

102 B. The Director may enter into a contract with a sanctioning organization to carry out all necessary
103 activities to comply with Article 2 (§ 54.1-829 et seq.). The sanctioning organization shall have
104 direction, management, and sanctioning authority over all amateur events.

105 C. The Director shall procure any contract in accordance with the provisions of the Virginia Public
106 Procurement Act (§ 2.2-4300 et seq.). Prior to the award of such contract, a proposer shall
107 demonstrate, to the satisfaction of the Director:

108 1. Personnel and financial resources necessary to carry out the provisions of the contract;

109 2. Adequate indemnification to protect the Commonwealth and its agencies and instrumentalities from
110 all claims and losses incurred as a result of the contract;

111 3. The ability to develop and enforce health and safety standards to protect competitors participating
112 in an event;

113 4. Compliance with applicable federal, state, and local laws; and

114 5. The ability to meet any other qualifications the Director deems appropriate in the procurement
115 process.

116 D. Any contract awarded in accordance with this section shall not exceed a three-year term, but may
117 be renewed annually upon the approval of the Director. The Director shall be the signatory to the
118 contract on behalf of the Commonwealth.

119 E. Nothing in this section is intended to deprive (i) the contractor or the Commonwealth of the
120 benefits of any law limiting exposure to liability or setting a limit on damages or (ii) the Director of his
121 authority to carry out the requirements of this chapter when no contract is in effect.

§ 54.1-828.3. Prohibited activities; penalties.

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

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

C. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

§ 54.1-828.4. Other penalties.

A. Any person required to possess a (i) license under this article or (ii) permit under Article 2 (§ 54.1-829 et seq.) to engage in the promotion, arrangement, or conduct of or to participate in a boxing or wrestling event without first obtaining the appropriate license or permit from the Department is guilty of a Class 1 misdemeanor.

B. Any person who employs or otherwise arranges for an individual to compete in a boxing or wrestling event when such individual is not a licensee or permittee as required by § 54.1-829 or 54.1-838 is guilty of a Class 1 misdemeanor.

C. Any person who conducts a boxing or wrestling event to permit any betting or wagering at the event before, during, or after the event in the building where the contest is held is guilty of a Class 1 misdemeanor.

D. Any person who violates any statute or regulation governing a profession regulated pursuant to this chapter is guilty of a Class 1 misdemeanor.

E. Any person convicted of a third or subsequent violation pursuant to any provision of this section during a 36-month period is guilty of a Class 6 felony.

Article 2.

Professional Boxing, Wrestling, and Martial Arts.

§ 54.1-829. License required for professional events; bond; physical examination; ambulance; physician; and health insurance.

A. Unless exempted by § 54.1-830, no person shall promote or conduct a professional boxing, martial arts, or wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.

B. Unless exempted by § 54.1-830, no person shall act as a promoter, matchmaker, trainer, boxer, or wrestler in the Commonwealth without first having obtained a license for such activity from the Department and such license remains in full force and effect.

C. No license to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with boxers and wrestlers in accordance with Department regulations.

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

E. No boxing event shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an ambulance is at the site of the boxing event.

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

§ 54.1-830. Exemptions.

Amateur exhibitions and the participants therein shall be exempt from the provisions of this chapter provided the participants receive no money, compensation or reward other than a suitably inscribed memento for their participation article.

Article 3.

Amateur Boxing, Wrestling, and Martial Arts.

§ 54.1-836. Permit required for amateur events and exhibitions.

A. Unless exempted by § 54.1-838, no amateur event or exhibition shall be held without first obtaining a permit from the Department.

B. Before granting any permit, the applicant shall establish to the satisfaction of the Department that he is (i) of good moral character, (ii) physically fit, (iii) mentally sound, and (iv) not engaged in substance use, abuse, or dependency that renders him unfit to participate in an event. In addition, applicant shall demonstrate compliance with § 54.1-837 regarding the submission of required blood tests

183 *by all participants.*

184 **§ 54.1-837. Required blood testing of participants in amateur events and exhibitions.**

185 *At least 180 days prior to the amateur event, each participant shall submit blood tests results*
186 *negative for (i) antibodies to the human immunodeficiency virus, (ii) hepatitis B surface antigen, and*
187 *(iii) antibodies to virus hepatitis C. No participant who fails to provide the blood tests results required*
188 *by this section shall be permitted to participate in the amateur event or exhibition.*

189 **§ 54.1-838. Certain amateur matches exempted.**

190 *This article shall not apply to amateur boxing, wrestling, or martial arts matches or exhibitions*
191 *conducted by or held under the sponsorship of (i) any elementary or secondary school or any public or*
192 *private institution of higher education located in the Commonwealth or (ii) the Department of*
193 *Corrections involving inmates of any state correctional institution.*

194 **2. That §§ 54.1-831, 54.1-832, 54.1-834, and 54.1-835 of the Code of Virginia are repealed.**