VIRGINIA ACTS OF ASSEMBLY -- 2016 RECONVENED SESSION

CHAPTER 756

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

[H 1228]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-828 through 54.1-831 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 ~~or martial arts~~.

"Boxing" means the contact sport of attack or defense using fists~~, feet, or both, including kick 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 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.

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

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

"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 in the Commonwealth.

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

"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.

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

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

~~C.~~ *B.* No ~~license~~ *authorization* 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 professional contestants in accordance with Department regulations. This subsection shall not apply to a promoter applying to conduct an amateur-only event under the authority of a sanctioning organization approved by the Director *pursuant to § 54.1-829.1*.

~~D.~~ *C.* Each boxer and martial artist shall, and each professional 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 or sanctioning organization and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.

~~E.~~ *D.* No event in which boxers or martial artists are contestants 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 emergency medical services vehicle is at the site of the event.

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

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

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

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

1. Not attained the age of 18 years;

2. Been knocked out in the 60 days immediately preceding the date of the event;

3. Been technically knocked out in the 30 days preceding the date of the event;

4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding the date of the event or (ii) six or fewer rounds during the seven days preceding the event;

5. Suffered a cerebral hemorrhage or other serious physical injury;

6. Been found to be blind or vision impaired in one or both eyes;

7. Been denied a license or approval to compete by another jurisdiction for medical reasons;

8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for the following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen (HBsAg); and (iii) antibodies to the hepatitis C virus; or

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

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

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

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

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

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

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

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

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

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

~~1. Antibodies to the human immunodeficiency virus;~~

~~2. Hepatitis B surface antigen (HBsAg); and~~

~~3. Antibodies to virus hepatitis C.~~

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

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

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

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

§ 54.1-830. Exemptions.

The provisions of this chapter shall not apply to:

1. Amateur wrestling bouts;

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

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

4. Amateur boxing.

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

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

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

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

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

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

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

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

§ 54.1-834. Prohibited activities; penalties.

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

B. No ~~licensee~~ *person* shall participate in a sham or fake boxing *or martial arts* 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 *or martial arts* contest has occurred.

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

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

2. That an emergency exists and the provisions of this act amending §§ 54.1-828 and 54.1-830 of the Code of Virginia are in force from its passage.