

SECOND REGULAR SESSION

HOUSE BILL NO. 1662

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4804L.01I

AN ACT

To repeal sections 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, and 317.018, RSMo, and to enact in lieu thereof eight new sections relating to certain athletic contests, with a penalty provision.

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, 317.014, 317.015, and
2 317.018, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as
3 sections 317.001, 317.006, 317.011, 317.013, 317.014, 317.015, 317.018, and 317.019, to read
4 as follows:

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

- 2 (1) **"Amateur", a person who engages in a bout, contest, or exhibition as a pastime**
3 **rather than a professional which is governed or authorized by:**
4 (a) **U.S.A. Boxing;**
5 (b) **The Missouri State High Schools Activities Association;**
6 (c) **The National Collegiate Athletic Association;**
7 (d) **Amateur Athletic Union;**
8 (e) **Golden Gloves; or**
9 (f) **The local affiliate of any organization listed in this subdivision;**
10 (2) **"Bout", one match involving either professional boxing, sparring, professional**
11 **wrestling, professional kickboxing or professional full-contact karate;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 [(2)] (3) "Combative fighting", also known as "toughman fighting", "toughwoman
13 fighting", "badman fighting", "ultimate fighting", "U.F.C." and "extreme fighting", any boxing
14 or wrestling match, contest or exhibition, between two or more contestants, with or without
15 protective headgear, who use their hands, with or without gloves, or their feet, or both, and who
16 compete for a financial prize or any item of pecuniary value, and which match, contest,
17 tournament championship or exhibition is not recognized by and not sanctioned by any officially
18 recognized state, regional or national boxing or athletic sanctioning authority, or any promoter
19 duly licensed by the division of professional registration;

20 [(3)] (4) "Contest", a [bout or a group of bouts involving licensed contestants competing
21 in professional boxing, sparring, professional wrestling, professional kickboxing or professional
22 full-contact karate] **boxing, wrestling, kickboxing, full-contact karate, or mixed martial arts**
23 **match in which persons participating strive earnestly to win using, but not necessarily**
24 **being limited to, strikes and blows to the head;**

25 [(4)] (5) "Contestant", a person who competes in any activity covered by sections
26 317.001 to 317.021;

27 [(5)] (6) "Division", the division of professional registration;

28 [(6)] (7) "Director", the director of the division of professional registration;

29 [(7)] (8) **"Exhibition", a boxing, wrestling, kickboxing, full-contact karate, or mixed**
30 **martial arts engagement in which persons participating show or display their skill without**
31 **necessarily striving to win using, but not necessarily being limited to, strikes, and blows to**
32 **the head;**

33 (9) "Fund", the athletic fund established pursuant to sections 317.001 to 317.021;

34 [(8)] (9) "Mandatory count of eight", a required count of eight that is given by a referee to
35 a contestant who has been knocked down;

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

37 (10) **"Kickboxing", to compete with the fists, feet, legs, or any combination thereof;**

38 (11) **"Martial arts", kickboxing, full-contact karate, or mixed martial arts;**

39 (12) **"Mixed martial arts", professional and amateur, involves the use, subject to**
40 **any applicable limitations set forth in this chapter, of a combination of techniques from**
41 **different disciplines of the martial arts, including but not limited to, grappling, kicking,**
42 **and striking;**

43 (13) "Office", the division of professional registration, office of athletics;

44 (14) **"Professional", a person who has received or competed for any purse or other**
45 **article of value for participating in any match;**

46 [(11)] (15) "Professional boxing", the sport of attack and defense which uses the fist and
47 where contestants compete for valuable consideration;

48 [(12)] (16) "Professional full-contact karate", any form of full-contact martial arts
49 including but not limited to full-contact kungfu, full-contact taw kwon-do, or any form of martial
50 arts or self-defense conducted on a full-contact basis in a bout or contest where weapons are not
51 used and where contestants compete for valuable consideration. Such contests take place in a
52 rope-enclosed ring and are fought in timed rounds;

53 [(13)] (17) "Professional kickboxing", any form of boxing in which blows are delivered
54 with any part of the arm below the shoulder, including the hand, and any part of the leg below
55 the hip, including the foot, and where contestants compete for valuable consideration. Such
56 contests take place in a rope-enclosed ring and are fought in timed rounds;

57 [(14)] (18) "Professional wrestling", any performance of wrestling skills and techniques
58 by two or more professional wrestlers, to which any admission is charged. Participating
59 wrestlers may not be required to use their best efforts in order to win, the winner may have been
60 selected before the performance commences and contestants compete for valuable consideration.
61 Such contests take place in a rope-enclosed ring and are fought in timed rounds[;

62 (15) "Sparring", boxing for practice or as an exhibition;

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

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

6 (1) To make and publish rules governing in every particular professional boxing,
7 [sparring,] professional wrestling, professional kickboxing [and], professional full-contact karate
8 **and professional and amateur mixed martial arts** contests;

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

17 (3) To charge fees to be determined by the director and established by rule for every
18 license issued and to assess a tax of five percent of the gross receipts of any person, organization,
19 corporation, partnership, limited liability company, or association holding a promoter's license
20 and permit under sections 317.001 to 317.021, derived from admission charges connected with
21 or as an incident to the holding of any professional boxing, [sparring,] professional wrestling,
22 professional kickboxing [or], professional full-contact karate, **and professional and amateur**
23 **mixed martial arts** contest in [this] **the state of Missouri**. Such funds shall be paid to the
24 division of professional registration which shall pay said funds into the **Missouri** state treasury
25 to be set apart into a fund to be known as the "Athletic Fund" which is hereby established;

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

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

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

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

317.011. 1. The division [of professional registration] shall have the power, and it shall
2 be its duty, to accept application for and issue permits to hold professional boxing, [sparring,]
3 professional wrestling, professional kickboxing [or], professional full-contact karate, **and**
4 **professional and amateur mixed martial arts** 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 paid to the

6 division [of professional registration] which shall pay such funds into the **Missouri** state treasury
7 to be set apart into the athletic fund.

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

15 3. The division [of professional registration] shall not grant any permit to hold
16 professional boxing, [sparring,] professional wrestling, professional kickboxing [or], professional
17 full-contact karate, **and professional and amateur mixed martial arts** contests in the state of
18 Missouri except:

19 (1) Where such professional boxing, [sparring,] professional wrestling, professional
20 kickboxing, or professional full-contact karate, **and professional and amateur mixed martial**
21 **arts** contest is to be held under the auspices of a promoter duly licensed by the division;

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

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

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

26 5. Specifically exempted from the provisions of this chapter are contests or exhibitions
27 for amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact karate.
28 However, all amateur boxing, amateur kickboxing, amateur wrestling and amateur full-contact
29 karate must be [sanctioned by a nationally recognized amateur sanctioning body approved by the
30 office.] **governed or authorized by:**

31 **(1) U.S.A. Boxing;**

32 **(2) The Missouri State High Schools Activities Association;**

33 **(3) The National Collegiate Athletic Association;**

34 **(4) Amateur Athletic Union;**

35 **(5) Golden Gloves; or**

36 **(6) The local affiliates of any organization listed in this subsection.**

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

6 **professional and amateur mixed martial arts contest.** The determination of consciousness
7 is to be made only by a physician licensed by the board of healing arts and the division. Medical
8 suspensions issued in accordance with this section shall not be reviewable by any tribunal.

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

317.014. 1. Upon proper application by the director, or the director of the office, a court
2 of competent jurisdiction may grant an injunction, restraining order or any other order as may
3 be appropriate to enjoin a person, partnership, organization, corporation, limited liability
4 company or association from:

5 (1) Promoting or offering to promote any professional boxing, [sparring,] professional
6 wrestling, professional kickboxing [and], professional full-contact karate, **and professional and**
7 **amateur mixed martial arts** contests in Missouri;

8 (2) Advertising or offering to advertise any professional boxing, [sparring,] professional
9 wrestling, professional kickboxing [and], professional full-contact karate, **and professional and**
10 **amateur mixed martial arts** contests in Missouri;

11 (3) Conducting or offering to conduct any professional boxing, [sparring,] professional
12 wrestling, professional kickboxing [and], professional full-contact karate, **and professional and**
13 **amateur mixed martial arts** contests in Missouri; or

14 (4) Competing or offering to compete in any professional boxing, [sparring,] professional
15 wrestling, professional kickboxing [and], professional full-contact karate, **and professional and**
16 **amateur mixed martial arts** contests in Missouri.

17 2. Any such actions shall be commenced either in the county in which such conduct
18 occurred or in the county in which the defendant resides.

19 3. Any action brought under this section shall be in addition to, and not in lieu of, any
20 penalty provided by law and may be brought concurrently with other actions to enforce this
21 chapter.

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

7 2. (1) The division may refuse to issue any permit or license pursuant to this chapter for
8 one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this
9 subsection. The division shall notify the applicant in writing of the reasons for the refusal and
10 shall advise the applicant of their rights to file a complaint or an appeal with the administrative
11 hearing commission as provided in chapter 621, RSMo.

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

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

18 (b) The person has been found guilty or has entered a plea of guilty or nolo contendere
19 in a criminal prosecution under any state or federal law for any offense reasonably related to the
20 qualifications, functions or duties of any profession licensed or regulated under this chapter, for
21 any offense an essential element of which is fraud, dishonesty or an act of violence, or for any
22 offense involving moral turpitude, whether or not a sentence is imposed;

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

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

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

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

31 (g) Impersonating any permit or license holder or allowing any person to use their permit
32 or license;

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

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

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

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

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

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

43 (3) [After the complaint is filed, the proceeding shall be conducted in accordance with
44 the provisions of chapter 621, RSMo. If the administrative hearing commission finds that a
45 person has violated one or more of the grounds as provided in paragraphs (a) through (m) of
46 subdivision (2) of this subsection, the division may censure or place the person named in the
47 complaint on probation on appropriate terms and conditions for a period not to exceed five years,
48 may suspend the person's license for a period not to exceed three years, or may revoke the
49 person's license.] **Upon a finding that the grounds provided in subsection 2 of this section
50 for disciplinary action are met, the office may, singly or in combination, assess an
51 administrative penalty not to exceed two thousand dollars per violation, censure or place
52 on probation on such terms and conditions as the office deems appropriate for a period not
53 to exceed five years, or may suspend for a period not to exceed three years or revoke the
54 certificate, license, or permit. In any order of revocation, the office may provide that the
55 person shall not apply for a new license for a maximum of three years and one day
56 following the date of the order of revocation. All stay orders shall toll this time period. In
57 lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the
58 office may require of a licensee:**

59 (a) **A review conducted as the office may specify; and/or**

60 (b) **Satisfactory completion of medical testing and rehabilitation programs or
61 medical testing or rehabilitation programs as the office may specify; and/or**

62 (c) **A review conducted as the office may specify and satisfactory completion of
63 medical testing programs and rehabilitation programs or medical testing programs or
64 rehabilitation programs as the office may specify.**

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

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

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

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

11 (1) Military;

12 (2) Private schools;

13 (3) Church schools;

14 (4) Home schools;

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

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

**317.019. 1. The promoter of an event shall sign written bout contracts with each
2 contestant in boxing, kickboxing, full-contact karate, and professional and amateur mixed
3 martial arts contests. Original bout contracts shall be filed with the division at least five
4 days prior to the event. The bout contract shall be on a form supplied by the division and
5 contain at least the following:**

- 6 (1) The weight of the boxer at weigh-in;
- 7 (2) The amount of the purse to be paid for the contest;
- 8 (3) The date and location of the contest;
- 9 (4) Any other payment or consideration provided to the boxer;
- 10 (5) List of all fees, charges, and expenses including training expenses that will be
11 assessed to the boxer or deducted from the boxer's purse;
- 12 (6) Any reduction in a boxer's purse contrary to a previous agreement between the
13 promoter and the boxer;
- 14 (7) The signature of the promoter and boxer; and
- 15 (8) The date signed by both the promoter and boxer.

16 **2. If a bout contract between a boxer and promoter is renegotiated, the promoter
17 shall provide the division with the contract at least two hours prior to the event's scheduled
18 start time.**

19 **3. A promoter of an event shall not be a manager for a boxer who is contracted for
20 ten rounds or more of boxing at that event or have direct or indirect financial interest in
21 a boxer in the event.**

22 **4. The promoter of an event shall provide payments for the boxers' purses and
23 event official's fees in the form of checks or money orders to the office prior to an event.
24 The office may allow other form of payments if arranged in advance. The office shall pay**

25 the boxers and officials immediately after the event, but not later than seventy-two hours
26 from the conclusion of the event.

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