

FIRST REGULAR SESSION

# HOUSE BILL NO. 914

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOUGHERTY.

Read 1st time February 20, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2316L.01I

### 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 athletics.

*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Section A. Sections 317.001, 317.006, 317.011, 317.013, 317.015, and 317.018, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 317.001, 317.006, 317.011, 317.013, 317.015, 317.018, and 317.019, to read as follows: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 "extreme fighting", any boxing or wrestling match, contest or exhibition, between two or more contestants, with or without protective headgear, who use their hands, with or without gloves, or their feet, or both, and who**

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.

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

23 [(3)] (5) "Contest", a bout or a group of bouts involving licensed contestants competing  
24 in professional boxing, sparring, professional wrestling, professional kickboxing, or professional  
25 full-contact karate;

26 [(4)] (6) "Contestant", a person who competes in any [activity covered by sections  
27 317.001 to 317.021] **boxing, wrestling, kickboxing, or full-contact karate event;**

28 [(5)] (7) "Division", the division of professional registration;

29 [(6)] (8) "Director", the director of the division of professional registration;

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

33 [(7)] (10) "Fund", the athletic fund established pursuant to sections 317.001 to 317.021;

34 [(8) "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)] (11) **"Full-contact karate", any form of full-contact martial arts including, but**  
38 **not limited to, full-contact kungfu, full-contact tae kwon do, or any form of martial arts,**  
39 **mixed martial arts, combat or self-defense conducted on a full-contact basis in a match**  
40 **where contestants are allowed to deliver blows or strikes;**

41 (12) **"Kickboxing", any match in which contestants are allowed to use any form of**  
42 **boxing and are also allowed to use any part of the fist, foot, or leg, with or without shin**  
43 **guards or protective gear, or any combination thereof to deliver strikes above the waist and**  
44 **which does not constitute mixed martial arts as defined by this section;**

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

50 (14) "Office", the division of professional registration, office of athletics;

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

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

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

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

67 (15) **"Professional", a wrestling, boxing, kickboxing, or full-contact karate bout or**  
68 **contest where the participants compete for any valuable consideration or a person who**  
69 **competes in any wrestling, boxing, kickboxing, or full-contact karate bout or contest for**  
70 **any such consideration;**

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

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

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

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

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

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

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

17 [(3)] (4) 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 contest in [this state] **the state of**  
23 **Missouri**. Such funds shall be paid to the division of professional registration which shall pay  
24 said funds into the **Missouri** state treasury to be set apart into a fund to be known as the "Athletic  
25 Fund" which is hereby established;

26 [(4)] (5) 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, **pay-per-view**, closed-circuit telecast, and motion picture  
30 rights for any professional boxing, sparring, professional wrestling, professional kickboxing or  
31 professional full-contact karate contest. Such funds shall be paid to the division [of professional  
32 registration] which shall pay said funds into the **Missouri** state treasury to be set apart into a fund  
33 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 **or closed-circuit** facilities  
41 are utilized to telecast a bout or contest shall, within thirty calendar days following the date of  
42 the telecast, file 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 contests in the  
4 state of Missouri, and to charge a fee for the issuance of same in an amount established by rule;  
5 such funds to be paid to the division [of professional registration] which shall pay such funds  
6 into the **Missouri** state treasury to be set apart into the athletic fund.

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

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

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

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

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

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

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

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, or professional full-contact karate contest.**  
6 The determination of consciousness is to be made only by a physician licensed by the board of  
7 healing arts and the division. Medical suspensions issued in accordance with this section shall  
8 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, or full-contact karate**  
11 **contests** in the future. Such a person shall be deemed medically retired. No person with a status  
12 of medically retired shall compete in any events governed by this chapter. Medical retirements  
13 issued 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 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.
- 50 **3. Upon a finding that the grounds provided in subsection 2 of this section for**  
51 **disciplinary action are met, the office may, singly or in combination, censure or place on**  
52 **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 the disciplinary time**  
57 **periods allotted herein. In lieu of or in addition to any remedy specifically provided in**  
58 **subsection 1 of this section, the office may require of a licensee:**

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

61           **(2) A review conducted as the office may specify and satisfactory completion of**  
62 **medical testing and/or 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 a professional boxing, professional kickboxing, and**  
2 **professional full-contact karate contest shall sign written bout contracts with each**  
3 **professional contestant. Original bout contracts shall be filed with the division prior to the**  
4 **event as required by the rules of the office. The bout contract shall be on a form supplied**  
5 **by the division and contain at least the following:**

6           **(1) The weight required of the contestant 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) The glove size allotted for each contestant;  
10          (5) Any other payment or consideration provided to the contestant;  
11          (6) List of all fees, charges, and expenses including training expenses that will be  
12 assessed to the contestant or deducted from the contestant's purse;  
13          (7) Any advances paid to the contestant before the bout;  
14          (8) The amount of any compensation or consideration that a promoter has  
15 contracted to receive in connection with the bout or contest;  
16          (9) The signature of the promoter and contestant;  
17          (10) The date signed by both the promoter and the contestant; and  
18          (11) Any information required by the office.
- 19          2. If the bout contract between a contestant and promoter is changed, the promoter  
20 shall provide the division with the amended contract containing all contract changes at  
21 least two hours prior to the event's scheduled start time. The amended contract shall  
22 comply with all requirements for original bout contracts and shall contain the signature  
23 of the promoter and contestant.
- 24          3. A promoter of an event shall not be a manager for a contestant who is contracted  
25 for ten rounds or more at the event.
- 26          4. The promoter of an event shall provide payments for the event official's fees to  
27 the office prior to the start of the event. The form of payment shall be at the discretion of  
28 the office provided that payments remitted by check or money order shall be made payable  
29 directly to the applicable official.

✓