

1 HB33
2 129640-2
3 By Representative Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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2 ENROLLED, An Act,

3 Relating to the Alabama Sunset Law; to continue the
4 existence and functioning of the Alabama Athletic Commission
5 until October 1, 2013, with certain modifications; to amend
6 Sections 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1029, and
7 41-9-1030, Code of Alabama 1975, as amended by Act 2010-222
8 (Acts 2010, p. 392), so as to provide further for the
9 regulation of amateur and professional mixed martial arts
10 matches, contests, or exhibitions; to require that board
11 members be citizens of this state; to require that applicants
12 for licensure be United States citizens or legally present in
13 the United States; and to repeal Sections 41-9-90.1 and
14 41-9-96, Code of Alabama 1975, relating to the inactive State
15 Athletic Commission.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Pursuant to the Alabama Sunset Law, the
18 sunset committee recommends the continuance of the Alabama
19 Athletic Commission until October 1, 2013, with the additional
20 recommendations for statutory change as set out in Section 3.

21 Section 2. The existence and functioning of the
22 Alabama Athletic Commission, created and functioning pursuant
23 to Sections 41-9-1020 to 41-9-1040, inclusive, Code of Alabama
24 1975, is continued until October 1, 2013, and those code
25 sections are expressly preserved.

1 Section 3. Sections 41-9-1021, 41-9-1023, 41-9-1024,
2 41-9-1029, and 41-9-1030 of the Code of Alabama 1975, are
3 amended to read as follows:

4 "§41-9-1021.

5 "As used in this article, the following terms shall
6 have the following meanings:

7 "(1) AMATEUR. A person who engages in a match,
8 contest, or exhibition of boxing or mixed martial arts which
9 is governed or authorized by any of the following:

10 "a. U.S.A. Boxing.

11 "b. The Alabama High School Athletic Association.

12 "c. The National Collegiate Athletic Association.

13 "d. Amateur Athletic Union.

14 "e. Golden Gloves.

15 "f. The local affiliate of any organization listed
16 in this subdivision.

17 "g. Any organization ~~approved~~ licensed by the
18 commission.

19 "(2) BOXING MATCH. A contest between two individuals
20 in which contestants score points in rounds of two or three
21 minutes by striking with gloved fists the head and upper torso
22 of the opponent or by knocking the opponent down and rendering
23 the opponent unconscious or incapable of continuing the
24 contest by the blows, which contest is held in a square ring
25 supervised by a referee and scored by three judges.

1 "(3) BOXING REGISTRY. A registry created or
2 designated pursuant to subsection (j) of Section 41-9-1024.

3 "(4) CHARITABLE ORGANIZATION. An entity described by
4 either of the following:

5 "a. Section 501(c)(3), Internal Revenue Code of 1986
6 (26 U.S.C. Section 501(c)(3)).

7 "b. Section 170(c), Internal Revenue Code of 1986
8 (26 U.S.C. Section 170(c)).

9 "(5) COMMISSION. Alabama Athletic Commission.

10 "(6) EXHIBITION. A contest where the participants
11 engage in the use of boxing skills and techniques or mixed
12 martial arts skills and techniques, or both, and where the
13 objective is to display the skills and techniques without
14 striving to win.

15 "(7) FACE VALUE. The dollar value of a ticket or
16 order shall reflect the dollar amount that the customer shall
17 pay in order to view the match, contest, exhibition, or
18 entertainment event. Face value shall include any charges or
19 fees, such as dinner, gratuity, parking, surcharges, or any
20 other charges or fees which are charged to and must be paid by
21 the customer in order to view the match, contest, exhibition,
22 or entertainment event. It shall exclude any portion paid by
23 the customer for federal, state, or local taxes.

24 "(8) GROSS RECEIPTS. Any of the following:

1 "a. The gross price charged for the sale or lease of
2 broadcasting, television, closed circuit, or motion picture
3 rights without any deductions for commissions, brokerage fees,
4 distribution fees, production fees, advertising, or other
5 expenses or charges.

6 "b. The face value of all tickets sold .

7 "(9) MANAGER. A person who, under contract,
8 agreement, or other arrangement with a boxer or a mixed
9 martial arts competitor, undertakes to control or administer,
10 directly or indirectly, a matter on behalf of a boxer or a
11 mixed martial arts competitor. The term includes, but is not
12 limited to, a person who functions as a booking agent,
13 adviser, or consultant.

14 "(10) MATCHMAKER. A person who is employed by or
15 associated with a promoter in the capacity of booking and
16 arranging professional matches, contests, or exhibitions of
17 boxing or mixed martial arts between opponents or who proposes
18 professional matches, contests, or exhibitions of boxing or
19 mixed martial arts and selects and arranges for the
20 participants in such events and for whose activities in this
21 regard the promoter is legally responsible.

22 "(11) MIXED MARTIAL ARTS. Unarmed combat involving
23 the use of any combination of techniques from different
24 disciplines of the martial arts, including, without
25 limitation, grappling, submission holds, throws, and striking

1 or kicking with the hands, feet, knees, or elbows. The term
2 mixed martial arts includes kickboxing.

3 "(12) PERSON. An individual, partnership, firm,
4 association, corporation, or combination of individuals of
5 whatever form or character.

6 "(13) PHYSICIAN. A doctor of medicine or doctor of
7 osteopathy licensed to practice medicine in the State of
8 Alabama.

9 "(14) PROFESSIONAL. A person who is participating or
10 has participated in a match, contest, or exhibition of boxing
11 or mixed martial arts which is not governed or authorized by
12 one or more of the organizations listed in subdivision (1) and
13 any of the following:

14 "a. Has received or competed for or is receiving or
15 competing for any cash as a salary, purse, or prize for
16 participating in any match, contest, or exhibition of boxing
17 or mixed martial arts.

18 "b. Is participating or has participated in any
19 match, contest, or exhibition of boxing or mixed martial arts
20 to which admission is granted upon payment of any ticket for
21 admission or other evidence of the right of entry.

22 "c. Is participating or has participated in any
23 match, contest, or exhibition of boxing or mixed martial arts
24 which is or was filmed, broadcast, or transmitted for viewing.

1 "d. Is participating or has participated in any
2 match, contest, or exhibition of boxing or mixed martial arts
3 which provides a commercial advantage by attracting persons to
4 a particular place or promoting a commercial product or
5 enterprise.

6 "(15) PROFESSIONAL MATCH, CONTEST, or EXHIBITION OF
7 BOXING or MIXED MARTIAL ARTS.

8 "a. A boxing match, contest, or exhibition, or a
9 mixed martial arts match, contest, or exhibition, which is not
10 governed or authorized by one or more of the organizations
11 listed in subdivision (1) and which does any of the following:

12 "1. Rewards a boxer or mixed martial arts competitor
13 participating with cash as a salary, purse, or prize for such
14 participation.

15 "2. Requires for admission payment of a ticket or
16 other evidence of the right of entry.

17 "3. Is filmed, broadcast, or transmitted for
18 viewing.

19 "4. Provides a commercial advantage by attracting
20 persons to a particular place or promoting a commercial
21 product or enterprise.

22 "b. The term does not include unarmed combat.

23 "(16) PROMOTER. The person primarily responsible for
24 organizing, promoting, and producing a professional match,
25 contest, or exhibition of boxing and who is legally

1 responsible for the lawful conduct of such professional match,
2 contest, or exhibition of boxing or mixed martial arts.

3 "(17) PURSE or RING EARNINGS. The financial
4 guarantee or any other remuneration, or part thereof, which a
5 professional boxer or mixed martial arts competitor
6 participating in a match, contest, or exhibition will receive
7 and includes any share of any payment received for radio
8 broadcasting, television, or motion picture rights.

9 "(18) UNARMED COMBAT.

10 "a. Any form of competition between human beings in
11 which both of the following occurs:

12 "1. One or more blows are struck which may
13 reasonably be expected to inflict injury on a human being.

14 "2. There is some compensation or commercial benefit
15 arising from such competition, whether in the form of cash or
16 non-cash payment to the competitors or the person arranging
17 the competition; the sale of the right to film, broadcast,
18 transmit, or view the competition; or the use of the
19 competition to attract persons to a particular location for
20 some commercial advantage or to promote a commercial product
21 or commercial enterprise.

22 "b. Unarmed combat includes, but is not limited to,
23 tough man fights and bad man fights.

24 "c. Unarmed combat does not include any of the
25 following:

1 "1. Professional boxing.

2 "2. Professional wrestling.

3 "3. Amateur boxing.

4 "4. Amateur wrestling.

5 "5. Any competition displaying the skills of a
6 single form of a system of unarmed self-defense, including,
7 but not limited to, kickboxing, karate, or full-contact
8 karate, which is held pursuant to the rules of that form and
9 governed or authorized by a nationally recognized
10 organization.

11 "6. ~~Mixed~~ Professional mixed martial arts.

12 "7. Amateur mixed martial arts.

13 "§41-9-1023.

14 "(a) There is created the Alabama Athletic
15 Commission composed of five members.

16 "(b) (1) The membership of the commission shall be
17 inclusive and reflect the racial, gender, geographic,
18 urban/rural, and economic diversity of the state. The five
19 initial members shall be as follows:

20 "a. Two members appointed by the Governor.

21 "b. One member appointed by the Alabama Athlete
22 Agents Commission.

23 "c. One member appointed by the Speaker of the House
24 of Representatives.

1 "d. One member appointed by the President of the
2 Senate.

3 "(2) Initial appointments by the Governor shall be
4 for one and three years, the initial appointment by the
5 Speaker of the House of Representatives shall be for four
6 years, and the initial appointment of the President of the
7 Senate shall be for two years. The initial appointment by the
8 commission shall be for four years. All subsequent
9 appointments shall be for terms of four years. Vacancies shall
10 be filled for the unexpired terms under the same procedures
11 and requirements as appointments for full terms. ~~No~~ Each
12 member of the commission shall be a citizen of this state and
13 no two members shall be from the same congressional district
14 at the time of appointment.

15 "(c) The commission shall elect a chair from among
16 its membership for a term of one year. The commission may
17 elect a vice chair from its membership for a term of one year.
18 Any member serving as chair shall be eligible for successive
19 election to the office by the commission. The chair may
20 designate another member of the commission to perform the
21 duties of chair in his or her absence. The commission may
22 employ an executive director to manage the day-to-day
23 operations of the commission within the available funds of the
24 commission.

1 "(d) A medical advisory panel of the commission
2 shall be appointed by the Governor and shall consist of four
3 persons licensed to practice medicine in this state,
4 representing the specialties of neurology, ophthalmology,
5 sports medicine, and general medicine. The medical advisory
6 panel shall advise and assist the commission and its staff
7 regarding issues and questions concerning the medical safety
8 of professional boxers and mixed martial arts competitors,
9 including, but not limited to, matters relating to medical
10 suspensions. The medical advisory panel may meet separately
11 from the commission to discuss and formulate recommendations
12 for the commission in connection with medical safety. Members
13 of the medical advisory panel shall not be counted in
14 determining a quorum of the commission and shall not vote as
15 commission members.

16 "(e) Each member of the commission and the medical
17 advisory panel shall be reimbursed for expenses and travel as
18 provided for public officials of this state.

19 "§41-9-1024.

20 "(a) (1) The commission shall be the sole regulator
21 of professional boxing in this state and shall have authority
22 to protect the physical safety and welfare of professional
23 boxers and serve the public interest by closely supervising
24 all professional boxing in this state.

1 "(2) The commission shall be the sole regulator of
2 professional matches, contests, or exhibitions of mixed
3 martial arts and shall have the authority to protect the
4 physical safety and welfare of professional competitors in
5 mixed martial arts and serve the public interest by closely
6 supervising all professional competitors in mixed martial
7 arts. The commission shall regulate mixed martial arts to the
8 same extent as professional boxing unless any rule of the
9 commission is not by its nature applicable to mixed martial
10 arts.

11 "(3) The commission shall have the sole authority to
12 license an amateur mixed martial arts sanctioning organization
13 to safeguard the public health, to protect competitors, and to
14 provide for competitive matches by requiring each licensed
15 organization to abide by rules promulgated by the commission.

16 "(b) The commission shall have the sole jurisdiction
17 to license the promotion or holding of each professional
18 match, contest, or exhibition of boxing or mixed martial arts
19 promoted or held within this state.

20 "(c) The commission shall have the authority to
21 license participants in any professional match, contest, or
22 exhibition of boxing or mixed martial arts held in this state.

23 "(d) The commission shall have the authority to
24 direct, manage, control, and supervise all professional
25 matches, contests, or exhibitions of boxing or mixed martial

1 arts. It may adopt bylaws for its own management and
2 promulgate and enforce rules and regulations consistent with
3 this article.

4 "(e) The commission shall have the sole authority to
5 inquire into the plans or arrangements for compliance of a
6 licensed organization with rules promulgated by the
7 commission. The commission may require an amateur mixed
8 martial arts organization to pay an annual licensure fee, and
9 any other fee determined necessary by the board, and may
10 penalize any organization for violation of this article or any
11 rule promulgated by the commission pursuant to this article.

12 "(f) ~~(e)~~ The commission may appoint one or more
13 inspectors as duly authorized representatives of the
14 commission to ensure that the rules are strictly observed. The
15 inspectors shall be present at all professional matches,
16 contests, or exhibitions of boxing or mixed martial arts.

17 "(g) ~~(f)~~ The commission may designate physicians as
18 duly authorized representatives of the commission to conduct
19 physical examinations of boxers or mixed martial arts
20 competitors licensed under this article and shall designate a
21 roster of physicians authorized to conduct prefight physicals
22 and serve as ringside physicians in all professional boxing or
23 mixed martial arts matches held in this state.

24 "(h) ~~(g)~~ (1) The commission or any agent duly
25 designated by the commission may do any of the following:

1 "a. Make investigations.

2 "b. Hold hearings.

3 "c. Issue subpoenas to compel the attendance of
4 witnesses and the production of books, papers, and records.

5 "d. Administer oaths to and examine any witnesses
6 for the purpose of determining any question coming before it
7 under this article or under the rules and regulations adopted
8 pursuant to this article.

9 "(2) During an investigation of any allegation
10 which, if proven, would result in criminal or civil sanctions
11 as provided in this article, the commission may withhold all
12 or a portion of the gross receipts to which the person under
13 investigation is entitled until such time as the matter has
14 been resolved.

15 "(i) ~~(h)~~ The commission may engage in activities
16 which promote amateur boxing and amateur mixed martial arts in
17 this state and contract with any nonprofit organization which
18 is exempted from the taxation of income. To support amateur
19 boxing and amateur mixed martial arts in this state, the
20 commission may promote voluntary contributions through the
21 application process or through any fund-raising or other
22 promotional technique deemed appropriate by the commission.

23 "(j) ~~(i)~~ Pursuant to 15 U.S.C. Section 6301, et seq.,
24 the commission may issue to each boxer who is a resident of
25 this state an identification card bearing the photograph of

1 the boxer and in such form and containing such information as
2 the commission deems necessary and appropriate. The commission
3 shall ensure that the form and manner of issuance of the
4 identification cards comply with any applicable federal law or
5 regulation. The commission may charge an amount not to exceed
6 one hundred dollars (\$100) per card for the issuance or
7 replacement of each identification card.

8 "(k)~~(j)~~ The commission may create a boxing registry
9 or designate a nationally recognized boxing registry and
10 register each boxer who is a resident of this state or who is
11 a resident of another state which has no boxing registry.

12 "(l)~~(k)~~ The commission may inquire into the
13 financial backing of any professional match, contest, or
14 exhibition of boxing or mixed martial arts and obtain answers
15 to written or oral questions propounded to all persons
16 associated with the professional event.

17 "§41-9-1029.

18 "(a) (1) No person shall promote or hold a
19 professional match, contest, or exhibition of boxing or mixed
20 martial arts within this state without first applying for and
21 obtaining a promoter's license from the commission.

22 "(2) Licenses shall be issued annually and shall
23 expire on December 31 of each calendar year.

24 "(b) Promoters shall apply to the commission for a
25 license required by subsection (a) on a form provided by the

1 commission. The application shall be accompanied by a
2 nonrefundable fee not to exceed two hundred fifty dollars
3 (\$250). The application shall also be accompanied by a
4 performance bond in an amount and under any conditions
5 required by the commission. To qualify for a promoter's
6 license, an applicant shall be a citizen of the United States
7 or, if not a citizen of the United States, a person who is
8 legally present in the United States with appropriate
9 documentation from the federal government.

10 "(c) (1) In addition to the license required by
11 subsection (a), a professional match, contest, or exhibition
12 of boxing or mixed martial arts within this state shall not be
13 staged unless a match permit has been issued by the commission
14 for the professional match, contest, or exhibition of boxing
15 or mixed martial arts.

16 "(2) Each application for a match permit shall be on
17 a form provided by the commission and shall be accompanied by
18 a nonrefundable application fee not to exceed two hundred
19 fifty dollars (\$250). The commission may charge an additional
20 match fee in accordance with rules and regulations promulgated
21 by the commission.

22 "(d) The commission may, prior to issuing any match
23 permit, require a performance bond in addition to that
24 required in subsection (b).

1 "(e) The commission may refund any portion of the
2 match permit fee in excess of two hundred fifty dollars (\$250)
3 to any person who paid the excess fee if the professional
4 match, contest, or exhibition of boxing or mixed martial arts
5 for which the fees were paid is not held.

6 "(f) A licensed amateur mixed martial arts
7 sanctioning organization shall provide written notice to the
8 commission at least 15 calendar days before the date of each
9 match, contest, or exhibition authorized and governed by the
10 organization. The licensed amateur mixed martial arts
11 sanctioning organization governing the match, contest, or
12 exhibition shall provide to the commission all of the
13 following information regarding the match, contest, or
14 exhibition:

15 "(1) The names and other relevant information
16 relating to the contestants.

17 "(2) The venue.

18 "(3) The rules of the competition.

19 "(4) The anticipated level of physical conditioning
20 and training of the contestants.

21 "(5) Any other information deemed necessary by the
22 commission.

23 "(g) The commission shall have the sole authority to
24 certify the results of each amateur mixed martial arts match,
25 contest, or exhibition held within the state. The results

1 shall be submitted to the commission not later than three
2 calendar days after the match, contest, or exhibition. A match
3 may not be certified by the commission until all information
4 required by the commission is provided to the commission.

5 "§41-9-1030.

6 "(a) Prior to participating in a professional match,
7 contest, or exhibition of boxing or mixed martial arts
8 supervised by the commission, referees, judges, timekeepers,
9 matchmakers, boxers, mixed martial arts competitors, managers,
10 trainers, and each person who assists a boxer or mixed martial
11 arts competitor immediately before and after a match, contest,
12 or exhibition of boxing or mixed martial arts and between
13 rounds during a match, contest, or exhibition of boxing or
14 mixed martial arts shall apply for and be issued a license.
15 Licenses shall be issued annually and shall expire on December
16 31 of each calendar year. Each applicant shall make
17 application on a form provided by the commission and pay an
18 annual license fee not to exceed two hundred fifty dollars
19 (\$250).

20 "(b) The nonrefundable initial licensing fee and
21 annual renewal fee for an amateur mixed martial arts
22 sanctioning organization may not exceed one thousand dollars
23 (\$1,000).

24 "(c) ~~(b)~~ The commission shall issue a license under
25 this section only if:

1 "(1) The commission has determined to the best of
2 its ability that the applicant has the training or skills
3 necessary to perform in a manner appropriate to the license.

4 "(2) The applicant has complied with all applicable
5 requirements of this article and any rules and regulations
6 promulgated pursuant to this article.

7 "(3) The commission or its designated representative
8 has determined from information provided by the applicant and
9 from any medical evaluation required by the commission that
10 the health, welfare, and physical safety of the applicant will
11 not be unduly jeopardized by the issuance of the license.

12 "(4) The applicant is a citizen of the United States
13 or, if not a citizen of the United States, a person who is
14 legally present in the United States with appropriate
15 documentation from the federal government."

16 Section 4. The Legislature concurs in the
17 recommendations of the Sunset Committee as provided in
18 Sections 1, 2, and 3.

19 Section 5. All laws or parts of laws which conflict
20 with this act are repealed. Specifically, Sections 41-9-90.1
21 and 41-9-96, Code of Alabama 1975, relating to the State
22 Athletic Commission, inactive since inception, are repealed.

23 Section 6. This act shall become effective
24 immediately upon its passage and approval by the Governor, or
25 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-11.

Greg Pappas
Clerk

Senate	14-APR-11	Amended and Passed
House	21-APR-11	Concurred in Senate Amendment