

1 SB396  
2 197979-2  
3 By Senator Allen  
4 RFD: Healthcare  
5 First Read: 09-MAY-19

1 SB396

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3  
4 ENROLLED, An Act,

5 To amend Sections 41-9-1021, 41-9-1023, 41-9-1024,  
6 41-9-1027, 41-9-1028, 41-9-1029, 41-9-1030, 41-9-1031,  
7 41-9-1032, 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036,  
8 41-9-1037, and 41-9-1038 of the Code of Alabama 1975, relating  
9 to the Alabama Boxing, Wrestling, and Mixed Martial Arts Act  
10 and the Alabama Athletic Commission; to define the term  
11 professional bare knuckle boxing; to revise the membership of  
12 the medical advisory panel; to authorize the Alabama Athletic  
13 Commission to regulate professional bare knuckle boxing in the  
14 same manner as boxing and mixed martial arts; to provide  
15 further for the drug testing of competitors; to authorize the  
16 commission to issue a temporary license to any applicant who  
17 applies for a license less than 30 days before participating  
18 in a scheduled, sanctioned event; and in connection therewith  
19 would have as its purpose or effect the requirement of a new  
20 or increased expenditure of local funds.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 41-9-1021, 41-9-1023, 41-9-1024,  
23 41-9-1027, 41-9-1028, 41-9-1029, 41-9-1030, 41-9-1031,  
24 41-9-1032, 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036,

1 41-9-1037, and 41-9-1038 of the Code of Alabama 1975, are  
2 amended to read as follows:

3 "§41-9-1021.

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

6 "(1) AMATEUR. ~~A person~~ An individual who engages in  
7 a match, contest, or exhibition of boxing, tough man contests,  
8 wrestling, or mixed martial arts, for no compensation or thing  
9 of value for participating, which is governed or authorized by  
10 any of the following:

11 "a. U.S.A. Boxing.

12 "b. The Alabama High School Athletic Association.

13 "c. The National Collegiate Athletic Association.

14 "d. Amateur Athletic Union.

15 "e. Golden Gloves.

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

18 "g. USA Wrestling.

19 "h. The National Junior College Athletic  
20 Association.

21 "i. The National Association of Intercollegiate  
22 Athletics.

23 "j. The National Collegiate Wrestling Association.

24 "k. Any organization licensed by the commission.

1           "(2) BARE KNUCKLE BOXING. The original form of  
2 boxing, involving two individuals fighting without boxing  
3 gloves or other padding on their hands.

4           "~~(2)~~(3) BOXING MATCH. A contest between two  
5 individuals in which contestants score points in rounds of two  
6 or three minutes by striking with gloved fists the head and  
7 upper torso of the opponent or by knocking the opponent down  
8 and rendering the opponent unconscious or incapable of  
9 continuing the contest by the blows, which contest is held in  
10 a square ring supervised by a referee and scored by three  
11 judges.

12           "~~(3)~~(4) BOXING REGISTRY. A registry created or  
13 designated pursuant to subsection (k) of Section 41-9-1024.

14           "~~(4)~~(5) CHARITABLE ORGANIZATION. An entity described  
15 by either of the following:

16           "a. Section 501(c)(3), Internal Revenue Code of 1986  
17 (26 U.S.C. Section 501(c)(3)).

18           "b. Section 170(c), Internal Revenue Code of 1986  
19 (26 U.S.C. Section 170(c)).

20           "~~(5)~~(6) COMMISSION. The Alabama Athletic Commission.

21           "~~(6)~~(7) EXHIBITION. A contest where the participants  
22 engage in the use of boxing skills and techniques, bare  
23 knuckle skills and techniques, tough man skills and  
24 techniques, wrestling skills and techniques, or mixed martial  
25 arts skills and techniques, or any or all of these, and where

1 the objective is to display the skills and techniques without  
2 striving to win.

3 "~~(7)~~(8) FACE VALUE. The dollar value of a ticket or  
4 order shall reflect the dollar amount that the customer shall  
5 pay in order to view the match, contest, exhibition, or  
6 entertainment event. Face value shall include any charges or  
7 fees, such as dinner, gratuity, parking, surcharges, or any  
8 other charges or fees which are charged to and must be paid by  
9 the customer in order to view the match, contest, exhibition,  
10 or entertainment event. It shall exclude any portion paid by  
11 the customer for federal, state, or local taxes.

12 "~~(8)~~(9) GROSS RECEIPTS. Any of the following:

13 "a. The gross price charged for the sale or lease of  
14 broadcasting, television, closed circuit, or motion picture  
15 rights without any deductions for commissions, brokerage fees,  
16 distribution fees, production fees, advertising, or other  
17 expenses or charges.

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

19 "~~(9)~~(10) MANAGER. ~~A person~~ An individual who, under  
20 contract, agreement, or other arrangement with a boxer, bare  
21 knuckle boxer, or a mixed martial arts competitor, undertakes  
22 to control or administer, directly or indirectly, a matter on  
23 behalf of a boxer or a mixed martial arts competitor. The term  
24 includes, but is not limited to, a person who functions as a  
25 booking agent, adviser, or consultant.

1           "~~(10)~~ (11) MATCHMAKER. A person who is employed by or  
2 associated with a promoter in the capacity of booking and  
3 arranging professional matches, contests, or exhibitions of  
4 boxing, bare knuckle boxing, or mixed martial arts between  
5 opponents or who proposes professional matches, contests, or  
6 exhibitions of boxing, bare knuckle boxing, or mixed martial  
7 arts and selects and arranges for the participants in such  
8 events and for whose activities in this regard the promoter is  
9 legally responsible.

10           "~~(11)~~ (12) MIXED MARTIAL ARTS. Unarmed combat  
11 involving the use of any combination of techniques from  
12 different disciplines of the martial arts, including, without  
13 limitation, grappling, submission holds, throws, and striking  
14 or kicking with the hands, feet, knees, or elbows. The term  
15 mixed martial arts includes kickboxing.

16           "~~(12)~~ (13) PERSON. An individual, partnership, firm,  
17 association, corporation, or combination of individuals of  
18 whatever form or character.

19           "~~(13)~~ (14) PHYSICIAN. A doctor of medicine or doctor  
20 of osteopathy licensed to practice medicine in the State of  
21 Alabama.

22           "~~(14)~~ (15) PROFESSIONAL. A person who is  
23 participating or has participated in a match, contest, or  
24 exhibition of boxing, bare knuckle boxing, wrestling, or mixed  
25 martial arts which is not governed or authorized by one or

1 more of the organizations listed in subdivision (1) and any of  
2 the following:

3 "a. Has received or competed for or is receiving or  
4 competing for any cash as a salary, purse, or prize for  
5 participating in any match, contest, or exhibition of boxing,  
6 bare knuckle boxing, wrestling, or mixed martial arts.

7 "b. Is participating or has participated in any  
8 match, contest, or exhibition of boxing, bare knuckle boxing,  
9 wrestling, or mixed martial arts to which admission is granted  
10 upon payment of any ticket for admission or other evidence of  
11 the right of entry.

12 "c. Is participating or has participated in any  
13 match, contest, or exhibition of boxing, bare knuckle boxing,  
14 wrestling, or mixed martial arts which is or was filmed,  
15 broadcast, or transmitted for viewing.

16 "d. Is participating or has participated in any  
17 match, contest, or exhibition of boxing, bare knuckle boxing,  
18 wrestling, or mixed martial arts which provides a commercial  
19 advantage by attracting persons to a particular place or  
20 promoting a commercial product or enterprise.

21 "~~(15)~~ (16) PROFESSIONAL MATCH OF BOXING, BARE KNUCKLE  
22 BOXING, WRESTLING, or MIXED MARTIAL ARTS.

23 "a. A boxing match, contest, or exhibition; a bare  
24 knuckle boxing match, contest, or exhibition; a wrestling  
25 match; or a mixed martial arts match, contest, or exhibition,

1 which is not governed or authorized by one or more of the  
2 organizations listed in subdivision (1) and which does any of  
3 the following:

4 "1. Rewards a boxer, bare knuckle boxer, wrestler,  
5 or mixed martial arts competitor participating with cash as a  
6 salary, purse, or prize for such participation.

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

9 "3. Is filmed, broadcast, or transmitted for  
10 viewing.

11 "4. Provides a commercial advantage by attracting  
12 persons to a particular place or promoting a commercial  
13 product or enterprise.

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

15 "~~(16)~~ (17) PROFESSIONAL WRESTLING. Any organized  
16 event between two unarmed contestants in which participants  
17 compete primarily for the purpose of providing entertainment  
18 to spectators that may or may not comprise a bona fide  
19 athletic contest or competition.

20 "~~(17)~~ (18) PROMOTER. The person primarily responsible  
21 for organizing, promoting, and producing a match, contest, or  
22 exhibition of professional boxing, bare knuckle boxing, tough  
23 man contest, professional wrestling, or mixed martial arts and  
24 who is legally responsible for the lawful conduct of such  
25 professional match, contest, or exhibition.

1           "~~(18)~~(19) PURSE or RING EARNINGS. The financial  
2     guarantee or any other remuneration, or part thereof, which a  
3     professional boxer, bare knuckle boxer, wrestler, or mixed  
4     martial arts competitor participating in a match, contest, or  
5     exhibition will receive and includes any share of any payment  
6     received for radio broadcasting, television, or motion picture  
7     rights.

8           "~~(19)~~(20) TOUGH MAN CONTEST. A boxing match and  
9     tournament where each contestant wears headgear and oversized  
10    gloves. A contestant in a tough man contest is not an amateur  
11    or a professional and cash prizes may be awarded.

12          "~~(20)~~(21) UNARMED COMBAT.

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

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

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

1            "b. Unarmed combat does not include any of the  
2 following:

3            "1. Professional boxing.

4            "2. Professional wrestling.

5            "3. Amateur boxing.

6            "4. Amateur wrestling.

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

13           "6. Professional mixed martial arts.

14           "7. Amateur mixed martial arts.

15           "8. Tough man contests.

16           "9. Professional wrestling.

17           "10. Bare knuckle boxing.

18           "§41-9-1023.

19           "(a) There is created the Alabama Athletic  
20 Commission composed of six members.

21           "(b) (1) The membership of the commission shall be  
22 inclusive and reflect the racial, gender, geographic,  
23 urban/rural, and economic diversity of the state. The six  
24 initial members shall be as follows:

25           "a. Two members appointed by the Governor.

1            "b. One member appointed by the Alabama Athlete  
2 Agents Commission.

3            "c. One member appointed by the Speaker of the House  
4 of Representatives.

5            "d. One member appointed by the President of the  
6 Senate.

7            "e. One member appointed by the President Pro  
8 Tempore of the Senate.

9            "(2) Initial appointments by the Governor shall be  
10 for one and three years, the initial appointment by the  
11 Speaker of the House of Representatives shall be for four  
12 years, the initial appointment of the President of the Senate  
13 shall be for two years, and the initial appointment of the  
14 President Pro Tempore of the Senate shall be for one year. The  
15 initial appointment by the commission shall be for four years.  
16 All subsequent appointments shall be for terms of four years.  
17 Vacancies shall be filled for the unexpired terms under the  
18 same procedures and requirements as appointments for full  
19 terms. Each member of the commission shall be a citizen of  
20 this state and no two members shall be from the same  
21 congressional district at the time of appointment.

22            "(c) The commission shall elect a chair from among  
23 its membership for a term of one year. While serving as chair,  
24 a member may not vote on any matter coming before the  
25 commission. The commission may elect a vice chair from its

1 membership for a term of one year. Any member serving as chair  
2 shall be eligible for successive election to the office by the  
3 commission. The chair may designate another member of the  
4 commission to perform the duties of chair in his or her  
5 absence. The commission may employ an executive director to  
6 manage the day-to-day operations of the commission within the  
7 available funds of the commission.

8 "(d) A medical advisory panel of the commission  
9 shall be appointed by the Governor and shall consist of four  
10 persons licensed to practice medicine in this state, with one  
11 member each representing the specialties of ~~neurology,~~  
12 ~~ophthalmology, sports medicine,~~ and general medicine and two  
13 members representing the specialty of sports medicine. The  
14 medical advisory panel shall advise and assist the commission  
15 and its staff regarding issues and questions concerning the  
16 medical safety of professional boxers, bare knuckle boxers,  
17 tough man contestants, professional wrestlers, amateur mixed  
18 martial arts competitors, and professional mixed martial arts  
19 competitors including, but not limited to, matters relating to  
20 medical suspensions. The medical advisory panel may meet  
21 separately from the commission to discuss and formulate  
22 recommendations for the commission in connection with medical  
23 safety. Members of the medical advisory panel shall not be  
24 counted in determining a quorum of the commission and shall  
25 not vote as commission members.

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

4           "§41-9-1024.

5           "(a) (1) The commission shall be the sole regulator  
6 of professional boxing in this state and shall have authority  
7 to protect the physical safety and welfare of professional  
8 boxers and serve the public interest by closely supervising  
9 all professional boxing in this state.

10           "(2) The commission shall be the sole regulator of  
11 professional and amateur matches, contests, or exhibitions of  
12 mixed martial arts and shall have the authority to protect the  
13 physical safety and welfare of professional competitors in  
14 mixed martial arts and serve the public interest by closely  
15 supervising all competitors in mixed martial arts. The  
16 commission shall regulate professional and amateur mixed  
17 martial arts to the same extent as professional boxing unless  
18 any rule of the commission is not by its nature applicable to  
19 mixed martial arts.

20           "(3) ~~Commencing on May 22, 2013, the~~ The commission  
21 shall be the sole regulator of professional matches, contests,  
22 or exhibitions of wrestling and shall have the authority to  
23 protect the physical safety and welfare of professional  
24 competitors in professional wrestling and serve the public  
25 interest by closely supervising all competitors in

1 professional wrestling. The commission shall regulate  
2 professional wrestling to the same extent as professional  
3 boxing unless any rule of the commission is not by its nature  
4 applicable to professional wrestling.

5 "(4) The commission shall have the sole authority to  
6 license a wrestling sanctioning organization to safeguard the  
7 public health, to protect competitors, and to provide for  
8 competitive matches by requiring each licensed organization to  
9 abide by rules promulgated by the commission. The commission,  
10 at the request of a licensed sanctioning organization, may  
11 provide direct oversight of any event sanctioned by the  
12 organization for a fee negotiated between the commission and  
13 the licensed sanctioning organization.

14 "(5) The commission shall have the sole authority to  
15 license the promoters of tough man contests to safeguard the  
16 public health, to protect competitors, and to provide for  
17 competitive matches by requiring each licensed promoter to  
18 abide by rules promulgated by the commission. The commission,  
19 at the request of a promoter, may provide direct oversight of  
20 any tough man match for a fee negotiated between the  
21 commission and the promoter.

22 "(6) The commission shall be the sole regulator of  
23 professional bare knuckle boxing matches, contests, or  
24 exhibitions of bare knuckle boxing and shall have the  
25 authority to protect the physical safety and welfare of

1 professional competitors in bare knuckle boxing and serve the  
2 public interest by closely supervising all competitors in bare  
3 knuckle boxing. The commission shall regulate professional  
4 bare knuckle boxing to the same extent as professional boxing  
5 unless any rule of the commission is not by its nature  
6 applicable to bare knuckle boxing.

7           "(b) The commission shall have the sole jurisdiction  
8 to license the promotion or holding of each match, contest, or  
9 exhibition of professional boxing, bare knuckle boxing, tough  
10 man contests, professional wrestling, amateur mixed martial  
11 arts, or professional mixed martial arts promoted or held  
12 within this state.

13           "(c) The commission shall have the authority to  
14 license participants in any match, contest, or exhibition of  
15 professional boxing, professional bare knuckle boxing,  
16 professional wrestling, amateur mixed martial arts, or  
17 professional mixed martial arts held in this state.

18           "(d) The commission shall have the authority to  
19 direct, manage, control, and supervise all matches, contests,  
20 or exhibitions of professional boxing, professional bare  
21 knuckle boxing, tough man contests, professional wrestling,  
22 amateur mixed martial arts, or professional mixed martial arts  
23 including, but not limited to, the authority to enforce safety  
24 measures and restrict access to certain areas for the  
25 protection of the public and participants. The commission may

1 adopt bylaws for its own management and promulgate and enforce  
2 rules ~~and regulations~~ consistent with this article.

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

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

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

1           "(h) (1) The commission or any agent duly designated  
2 by the commission may do any of the following:

3           "a. Make investigations.

4           "b. Hold hearings.

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

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

11           "e. Swear out a warrant of arrest against any person  
12 violating the criminal provisions of this article, and the  
13 commission shall not be liable in damages or to any action for  
14 damages by reason of swearing out a warrant or for causing the  
15 arrest and detention or imprisonment of any person under such  
16 warrant, unless the commission or agent fails to act in a  
17 reasonably prudent manner.

18           "(2) During an investigation of any allegation  
19 which, if proven, would result in criminal or civil sanctions  
20 as provided in this article, the commission may withhold all  
21 or a portion of the gross receipts to which the person under  
22 investigation is entitled until such time as the matter has  
23 been resolved.

24           "(i) The commission may engage in activities which  
25 promote amateur boxing, amateur wrestling, and amateur mixed

1 martial arts in this state and contract with any nonprofit  
2 organization which is exempted from the taxation of income. To  
3 support amateur boxing, amateur wrestling, and amateur mixed  
4 martial arts in this state, the commission may promote  
5 voluntary contributions through the application process or  
6 through any fund-raising or other promotional technique deemed  
7 appropriate by the commission.

8 "(j) Pursuant to 15 U.S.C. Section 6301, et seq.,  
9 the commission may issue to each boxer who is a resident of  
10 this state an identification card bearing the photograph of  
11 the boxer and in such form and containing such information as  
12 the commission deems necessary and appropriate. The commission  
13 shall ensure that the form and manner of issuance of the  
14 identification cards comply with any applicable federal law or  
15 regulation. The commission may charge an amount not to exceed  
16 one hundred dollars (\$100) per card for the issuance or  
17 replacement of each identification card.

18 "(k) The commission may create a boxing registry or  
19 designate a nationally recognized boxing registry and register  
20 each boxer who is a resident of this state or who is a  
21 resident of another state which has no boxing registry.

22 "(l) The commission may inquire into the financial  
23 backing of any professional match, contest, or exhibition of  
24 boxing, bare knuckle boxing, wrestling, or mixed martial arts

1 and obtain answers to written or oral questions propounded to  
2 all persons associated with the professional event.

3 "(m) The commission, pursuant to rule, may license  
4 any concessionaire, ring announcer, photographer, or other  
5 person receiving any portion of the gate proceeds from a  
6 match, contest, or exhibition held in the state pursuant to  
7 this article.

8 "§41-9-1027.

9 "(a) The commission shall adopt rules ~~and~~  
10 ~~regulations~~ governing professional boxing, professional bare  
11 knuckle boxing, tough man contests, amateur mixed martial  
12 arts, and professional mixed martial arts to establish the  
13 following:

14 "(1) Procedures to evaluate the professional records  
15 and physician certifications of each ~~boxer participating~~  
16 participant in a match, contest, or exhibition of professional  
17 boxing, professional bare knuckle boxing, tough man contests,  
18 amateur mixed martial arts, and professional mixed martial  
19 arts and to deny authorization for a professional boxer,  
20 professional bare knuckle boxer, tough man contestant, amateur  
21 mixed martial arts competitor, or professional mixed martial  
22 arts competitor to fight where appropriate.

23 "(2) Procedures to ensure that, except as otherwise  
24 provided in subsection (c) of Section 41-9-1032, no  
25 professional boxer, professional bare knuckle boxer, amateur

1 mixed martial arts competitor, or professional mixed martial  
2 arts competitor shall be permitted to participate while under  
3 suspension from any state boxing or athletic commission  
4 because of any of the following:

5 "a. A recent knockout, technical knockout, or series  
6 of consecutive losses.

7 "b. An injury, requirement for a medical procedure,  
8 or physician's denial of certification.

9 "c. Failure of a drug test.

10 "d. The use of false aliases or falsifying official  
11 identification cards or document.

12 "e. Other reasons as determined by the commission.

13 "(3) Procedures to report to the boxing registry the  
14 results of all professional matches, contests, or exhibitions  
15 of boxing held in this state or being supervised by the  
16 commission and any related suspensions.

17 "(b) (1) Drug tests, as provided in paragraph c. of  
18 subdivision (2) of subsection (a), shall be conducted in  
19 accordance with the most recent list of prohibited substances  
20 and pursuant to the methods outlined by the World Anti-Doping  
21 Agency. Drug tests shall include both in-competition testing  
22 and out-of-competition testing, as applicable.

23 "(2) To affirm or disprove the presence of  
24 a prohibited substance detected in the primary specimen  
25 sample, a competitor who is accused of violating the drug

1 testing policy shall be given the option of having a secondary  
2 specimen sample, collected at the same time as the primary  
3 specimen sample, if available, tested.

4 "(3) A violation of the drug testing policy shall  
5 constitute a civil violation punishable pursuant to guidelines  
6 provided in Section 41-9-1034, by a suspension of licensure  
7 and a civil fine not to exceed twenty-five thousand dollars  
8 (\$25,000), together with a percentage of the purse not to  
9 exceed 15 percent, for each violation.

10 "(4) The Administrative Procedure Act shall govern  
11 all matters and procedures respecting the hearing and judicial  
12 overview of any contested case.

13 "§41-9-1028.

14 "A member or employee of the commission and any  
15 person who administers or enforces this article or rules  
16 ~~promulgated~~ adopted in accordance with this article shall not  
17 be a member of, contract with, or receive any compensation  
18 from any person or organization who authorizes, arranges, or  
19 promotes matches, contests, or exhibitions of professional  
20 boxing, professional bare knuckle boxing, tough man contests,  
21 professional wrestling, amateur mixed martial arts, or  
22 professional mixed martial arts or who otherwise has a  
23 financial interest in any activity or licensee regulated by  
24 the commission. The term compensation does not include funds  
25 held in escrow for payment to another person in connection

1 with a professional match, contest, or exhibition of boxing,  
2 bare knuckle boxing, wrestling, or mixed martial arts.

3 "§41-9-1029.

4 "(a) (1) No person shall promote or hold a match,  
5 contest, or exhibition of professional boxing, professional  
6 bare knuckle boxing, tough man contests, professional  
7 wrestling, amateur mixed martial arts, or professional mixed  
8 martial arts within this state without first applying for and  
9 obtaining a promoter's license from the commission.

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

12 "(b) Promoters shall apply to the commission for a  
13 license required by subsection (a) on a form provided by the  
14 commission. The application shall be accompanied by a  
15 nonrefundable fee not to exceed two hundred fifty dollars  
16 (\$250). The application shall also be accompanied by a  
17 performance bond in an amount and under any conditions  
18 required by the commission.

19 "(c) (1) In addition to the license required by  
20 subsection (a), a match, contest, or exhibition of  
21 professional boxing, professional bare knuckle boxing, tough  
22 man contests, professional wrestling, amateur mixed martial  
23 arts, or professional mixed martial arts within this state  
24 shall not be staged unless a match permit has been issued by  
25 the commission for the match, contest, or exhibition.

1           "(2) Each application for a match permit shall be on  
2 a form provided by the commission and shall be accompanied by  
3 a nonrefundable application fee not to exceed two hundred  
4 fifty dollars (\$250). The commission may charge an additional  
5 match fee in accordance with rules ~~and regulations promulgated~~  
6 adopted by the commission.

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

10           "(e) The commission may refund any portion of the  
11 match permit fee in excess of two hundred fifty dollars (\$250)  
12 to any person who paid the excess fee if the match, contest,  
13 or exhibition of professional boxing, professional bare  
14 knuckle boxing, tough man contests, professional wrestling,  
15 amateur mixed martial arts, or professional mixed martial arts  
16 for which the fees were paid is not held.

17           "(f) The commission shall have the sole authority to  
18 certify the results of each amateur mixed martial arts match,  
19 contest, or exhibition held within the state.

20           "§41-9-1030.

21           "(a) Prior to participating in a match, contest, or  
22 exhibition of professional boxing, professional bare knuckle  
23 boxing, professional wrestling, amateur mixed martial arts, or  
24 professional mixed martial arts supervised by the commission,  
25 referees, judges, timekeepers, matchmakers, boxers, bare

1 knuckle boxers, wrestlers, mixed martial arts competitors,  
2 managers, trainers, and each person who assists a boxer, bare  
3 knuckle boxer, wrestler, or mixed martial arts competitor  
4 immediately before and after a match, contest, or exhibition  
5 of boxing, bare knuckle boxing, wrestling, or mixed martial  
6 arts and between rounds during a match, contest, or exhibition  
7 of boxing, bare knuckle boxing, wrestling, or mixed martial  
8 arts shall be required by the commission to apply for and be  
9 issued a license. Licenses shall be issued annually and shall  
10 expire on December 31 of each calendar year. Each applicant  
11 shall make application on a form provided by the commission  
12 and pay an annual license fee not to exceed two hundred fifty  
13 dollars (\$250). The commission may issue a temporary license  
14 to any applicant who applies for a license less than 30 days  
15 before participating in a scheduled, sanctioned event.

16 "(b) The nonrefundable initial licensing fee and  
17 annual renewal fee for a professional wrestling sanctioning  
18 organization may not exceed one thousand dollars (\$1,000).

19 "(c) The commission shall issue a license under this  
20 section only if:

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

1           "(2) The applicant has complied with all applicable  
2 requirements of this article and any rules ~~and regulations~~  
3 ~~promulgated~~ adopted pursuant to this article.

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

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

13           "§41-9-1031.

14           "(a) In addition to the license required in Section  
15 41-9-1030, each professional boxer, professional bare knuckle  
16 boxer, amateur mixed martial arts competitor, or professional  
17 mixed martial arts competitor who is a resident of this state  
18 or another state which has no state boxing or athletic  
19 commission shall register with a boxing, bare knuckle boxing,  
20 amateur mixed martial arts, or professional mixed martial arts  
21 registry created or designated by the commission and renew his  
22 or her registration as prescribed by rules of the commission.

23           "(b) At the time of registration and renewal, the  
24 boxer, bare knuckle boxer, amateur mixed martial arts  
25 competitor, or professional mixed martial arts competitor

1 shall provide the registry with a recent photograph of the  
2 licensee and the Social Security number of the licensee or, in  
3 the case of a foreign licensee, any similar citizen  
4 identification number or licensee number from the country of  
5 residence of the licensee, along with any other information  
6 the commission requires. The registries shall issue a personal  
7 identification number to each licensee and the number shall  
8 appear on the identification card issued to the licensee as a  
9 result of registration. Each licensee shall present to the  
10 commission an identification card issued by the state in which  
11 he or she resides not later than the time of the weigh-in for  
12 a match, contest, or exhibition.

13 "(c) The commission may charge a registration fee in  
14 an amount calculated to cover the administrative expense of  
15 the registration.

16 "§41-9-1032.

17 "(a) The commission may refuse to grant a license to  
18 an applicant upon a finding by a majority of the entire  
19 commission that the applicant has failed to demonstrate the  
20 qualifications or standards for a license contained in this  
21 section or under the laws, and rules, ~~and regulations~~ under  
22 which licensure is sought. The applicant shall demonstrate to  
23 the satisfaction of the commission that he or she meets all  
24 the requirements for the issuance of a license, and, if the  
25 commission is not satisfied as to the qualifications of the

1 applicant, it may deny a license without a prior hearing;  
2 however, the applicant shall be allowed to appear before the  
3 commission if he or she so desires.

4 "(b) (1) The commission, by majority vote, after  
5 prior notice to the holder of a license and after affording  
6 such a holder an opportunity to be heard, may fine the license  
7 holder, revoke or suspend the license, or take other  
8 disciplinary action against the licensee upon the  
9 recommendation of any officially designated representative for  
10 reasons involving the medical or physical safety of any  
11 professional boxer, tough man contestant, amateur mixed  
12 martial arts competitor, or professional mixed martial arts  
13 competitor licensed by the commission, summarily suspend any  
14 license previously issued by the commission, or take other  
15 disciplinary action against any licensee. The licensee shall,  
16 after the summary suspension, be afforded an opportunity to be  
17 heard, in accordance with the rules of the commission and the  
18 Alabama Administrative Procedure Act. A summary suspension  
19 imposed against such a licensee may include, but shall not be  
20 limited to, the following:

21 "a. Prohibiting any professional boxer, professional  
22 bare knuckle boxer, tough man contestant, amateur mixed  
23 martial arts competitor, or professional mixed martial arts  
24 competitor from competing, appearing in, or participating in

1 any match, contest, or exhibition within 60 days of having  
2 suffered a knockout.

3 "b. Prohibiting any professional boxer, professional  
4 bare knuckle boxer, amateur mixed martial arts competitor, or  
5 professional mixed martial arts competitor, from competing,  
6 appearing in, or participating in any match, contest, or  
7 exhibition within 30 days of having suffered a technical  
8 knockout where evidence of head trauma has been determined by  
9 the attending ringside physician.

10 "(2) The length of any summary suspension invoked  
11 pursuant to this subsection, upon the recommendation of the  
12 ringside physician, may be extended to any number of days. The  
13 terms and conditions of the suspension or revocation may  
14 require that the boxer submit to further medical evaluation as  
15 determined by the ringside physician.

16 "(c) The commission, its executive director, or its  
17 duly authorized representative, at any time prior to the  
18 completion of a permitted match, contest, or exhibition of  
19 professional boxing, professional bare knuckle boxing, a tough  
20 man contest, professional wrestling, amateur mixed martial  
21 arts, or professional mixed martial arts, may summarily  
22 suspend or revoke the match permit or the license of any  
23 specific boxer, bare knuckle boxer, wrestler, or mixed martial  
24 arts competitor should it be determined by such person that  
25 the continuation of the match, contest, or exhibition of

1 professional boxing, professional bare knuckle boxing,  
2 professional wrestling, amateur mixed martial arts, or  
3 professional mixed martial arts may jeopardize the health,  
4 welfare, morals, or safety of the citizens of this state or  
5 may jeopardize the health or personal safety of any  
6 participant of the match, contest, or exhibition of  
7 professional boxing, professional bare knuckle boxing,  
8 professional wrestling, amateur mixed martial arts, or  
9 professional mixed martial arts; provided, however, that the  
10 licensee, after a summary suspension, shall be afforded an  
11 opportunity to be heard, in accordance with the rules of the  
12 commission and the Alabama Administrative Procedure Act.

13 "(d) The commission may revoke a suspension of a  
14 professional boxer, professional bare knuckle boxer,  
15 professional wrestler, amateur mixed martial arts competitor,  
16 or professional mixed martial arts competitor if any of the  
17 following applies:

18 "(1) The professional boxer, professional bare  
19 knuckle boxer, professional wrestler, or mixed martial arts  
20 competitor was suspended pursuant to rules ~~and regulations~~  
21 adopted pursuant to Section 41-9-1027 and has furnished proof  
22 of a sufficiently improved medical or physical condition.

23 "(2) The professional boxer, professional bare  
24 knuckle boxer, professional wrestler, or mixed martial arts  
25 competitor furnishes proof that a suspension pursuant to

1 Section 41-9-1027 was not or is no longer merited by the  
2 facts.

3 "§41-9-1033.

4 "No person shall arrange, promote, organize,  
5 produce, or participate in a match, contest, or exhibition of  
6 professional boxing, professional bare knuckle boxing,  
7 professional wrestling, amateur mixed martial arts, or  
8 professional mixed martial arts unless he or she has complied  
9 with the following requirements:

10 "(1) An examination by a physician who has certified  
11 that the boxer, bare knuckle boxer, or mixed martial arts  
12 competitor is physically fit to compete safely. Copies of each  
13 certificate shall be provided to the commission prior to the  
14 match, contest, or exhibition of professional boxing,  
15 professional bare knuckle boxing, amateur mixed martial arts,  
16 or professional mixed martial arts. The commission may require  
17 a boxer, bare knuckle boxer, tough man contestant, wrestler,  
18 or mixed martial arts competitor to undergo a physical  
19 examination, including neurological or neuropsychological  
20 tests and procedures.

21 "(2) A physician approved by the commission shall be  
22 continuously present at ringside during every match, contest,  
23 or exhibition of professional boxing, professional bare  
24 knuckle boxing, tough man contest, professional wrestling,  
25 amateur mixed martial arts, or professional mixed martial

1 arts. The physician shall observe the physical condition of  
2 the boxers, bare knuckle boxers, tough man contestants,  
3 wrestlers, or competitors in mixed martial arts and advise the  
4 referee with regard to the boxers, bare knuckle boxers, tough  
5 man contestants, wrestlers, or competitors.

6 "(3) One or more inspectors appointed by the  
7 commission as duly authorized representatives of the  
8 commission shall be present at each match, contest, or  
9 exhibition of professional boxing, professional bare knuckle  
10 boxing, tough man contests, professional wrestling, amateur  
11 mixed martial arts, or professional mixed martial arts to  
12 ensure that the rules are strictly observed. An inspector or  
13 other duly authorized representative of the commission shall  
14 be present at the weigh-in and at the ring during the conduct  
15 of the match, contest, or exhibition of professional boxing,  
16 professional bare knuckle boxing, amateur mixed martial arts,  
17 or professional mixed martial arts. Inspectors and other duly  
18 authorized representatives of the commission shall have free  
19 access to the dressing rooms of the professional boxers,  
20 professional bare knuckle boxers, tough man contestants, and  
21 mixed martial arts competitors.

22 "(4) Each boxer, bare knuckle boxer, tough man  
23 contestant, wrestler, or competitor in mixed martial arts  
24 shall be covered by health insurance which will cover injuries  
25 sustained during the match, contest, or exhibition of

1 professional boxing, professional bare knuckle boxing, tough  
2 man contest, professional wrestling, amateur mixed martial  
3 arts, or professional mixed martial arts.

4 "(5) An ambulance and medical personnel with  
5 appropriate resuscitation equipment shall be continuously  
6 present at the site during any match, contest, or exhibition  
7 of professional boxing, professional bare knuckle boxing,  
8 tough man contest, professional wrestling, amateur mixed  
9 martial arts, or professional mixed martial arts.

10 "§41-9-1034.

11 "It shall be unlawful for any professional boxer,  
12 professional bare knuckle boxer, tough man contestant,  
13 professional wrestler, amateur mixed martial arts competitor,  
14 or professional competitor in mixed martial arts to  
15 participate or attempt to participate in a match, contest, or  
16 exhibition of professional boxing, professional bare knuckle  
17 boxing, tough man contest, professional wrestling, amateur  
18 mixed martial arts, or professional mixed martial arts while  
19 under the influence of alcohol or any drug. A professional  
20 boxer, professional bare knuckle boxer, tough man contestant,  
21 professional wrestler, amateur mixed martial arts competitor,  
22 or professional mixed martial arts competitor shall be deemed  
23 under the influence of alcohol or a drug for the purposes of  
24 this section if a physical examination made during a period of  
25 time beginning not more than six hours prior to the beginning

1 of the match, contest, or exhibition and ending not more than  
2 one hour after the completion of the match, contest, or  
3 exhibition reveals that the mental or physical ability of the  
4 professional boxer, professional bare knuckle boxer, tough man  
5 contestant, professional wrestler, amateur mixed martial arts  
6 competitor, or professional mixed martial arts competitor is  
7 impaired as a direct result of the use of alcohol or a drug.

8 "§41-9-1035.

9 "All buildings or structures used or intended to be  
10 used for holding or giving matches, contests, or exhibitions  
11 of professional boxing, professional bare knuckle boxing,  
12 tough man contest, professional wrestling, amateur mixed  
13 martial arts, or professional mixed martial arts shall be safe  
14 and shall in all manner conform to the laws, ordinances, and  
15 regulations pertaining to buildings in the municipality or  
16 unincorporated area of the county where the building or  
17 structure is situated.

18 "§41-9-1036.

19 "No person under the age of 18 years shall  
20 participate as a contestant in any match, contest, or  
21 exhibition of professional boxing, professional bare knuckle  
22 boxing, tough man contest, professional wrestling, amateur  
23 mixed martial arts, or professional mixed martial arts.

24 "§41-9-1037.

1           "The commission shall have jurisdiction over any  
2 match, contest, or exhibition of professional boxing,  
3 professional bare knuckle boxing, tough man contests,  
4 professional wrestling, amateur mixed martial arts, or  
5 professional mixed martial arts which occurs or is held within  
6 this state, is filmed in this state, or is broadcast or  
7 transmitted from this state.

8           "§41-9-1038.

9           "(a) The Attorney General may bring a civil action  
10 requesting relief, including a permanent or temporary  
11 injunction, restraining order, or other order, against any  
12 person who he or she believes is violating Sections 41-9-1029,  
13 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034,  
14 41-9-1035, and 41-9-1037.

15           "(b) (1) Any manager, promoter, matchmaker, or  
16 licensee who knowingly violates or coerces or causes any other  
17 person to violate Sections 41-9-1030, 41-9-1031, 41-9-1032,  
18 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036, and 41-9-1037  
19 shall, upon conviction, be guilty of a Class C felony.

20           "(2) Any member or employee of the commission or any  
21 person who administers or enforces this article or rules ~~and~~  
22 ~~regulations promulgated~~ adopted pursuant to this article who  
23 knowingly violates Sections 41-9-1033 or 41-9-1034 shall, upon  
24 conviction, be guilty of a Class C felony.

1           "(3) Any professional boxer, professional bare  
2 knuckle boxer, tough man contestant, professional wrestler,  
3 amateur mixed martial arts competitor, or professional  
4 competitor in mixed martial arts who knowingly violates this  
5 article, except Section 41-9-1034, shall, upon conviction, be  
6 guilty of a Class B misdemeanor.

7           "(4) Any professional boxer, professional bare  
8 knuckle boxer, tough man contestant, professional wrestler,  
9 amateur mixed martial arts competitor, or professional  
10 competitor in mixed martial arts who violates Section  
11 41-9-1034 may be punished by a civil fine not to exceed  
12 twenty-five thousand dollars (\$25,000) together with a  
13 percentage of the purse not to exceed 15 percent for each  
14 violation.

15           "(c) A person who participates in or promotes  
16 unarmed combat shall be guilty of a Class A misdemeanor.

17           "(d) The criminal penalties in this section shall  
18 not be construed to repeal other criminal laws. Whenever  
19 conduct prescribed by this article is also prescribed by other  
20 provision of law, the provision which carries the more serious  
21 penalty shall be applied."

22           Section 2. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB396

Senate 23-MAY-19

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 31-MAY-19

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By: Senator Allen