THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII S.B. NO. 1712

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JAN 2 4 2007

#### A BILL FOR AN ACT

RELATING TO MIXED MARTIAL ARTS.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

| 1  | SECTION 1. The Hawaii Revised Statutes is amended by            |
|----|---|
| 2  | adding a new chapter to be appropriately designated and to read |
| 3  | as follows:   |
| 4  | "CHAPTER  |
| 5  | MIXED MARTIAL ARTS CONTESTS                                     |
| 6  | <b>§ -1 Definitions.</b> As used in this chapter, unless the    |
| 7  | context otherwise requires:                                     |
| 8  | "Amateur mixed martial arts contest" means a mixed martial      |
| 9  | arts contest in which no money, prize, purse, or other form of  |
| 10 | compensation is offered or given to contestants.                |
| 11 | "Department" means the department of commerce and consumer      |
| 12 | affairs.  |
| 13 | "Director" means the director of commerce and consumer          |
| 14 | affairs.  |
| 15 | "Executive officer" means the executive officer assigned to     |
| 16 | the director.   |
| 17 | "Manager" means any person who:                                 |



Undertakes or has undertaken to represent in any way 1 (1)2 the interests of any mixed martial arts contestant in procuring, arranging, or conducting any contest in 3 which the mixed martial arts contestant is to 4 participate; provided that "manager" shall not include 5 an attorney licensed to practice in this State while 6 7 the attorney is representing the legal interests of a mixed martial arts contestant as a client; or 8 Directs or controls the mixed martial arts activities 9 (2)of the mixed martial arts contestant. 10 11 "Mixed martial arts" means unarmed combat involving the use, subject to any applicable limits set forth in this chapter 12 and any rules adopted to implement these limits, of a 13 combination of techniques from different disciplines of martial 14 arts, including grappling, kicking, and striking. 15 "Mixed martial arts contest" or "contest" means a contest 16 or exhibition in which a mixed martial arts contestant competes 17 with another mixed martial arts contestant, using mixed martial 18

19 arts, whether or not for money, prize, purse, or other forms of 20 compensation, including an amateur mixed martial arts contest.



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| 1  | "Mixed martial arts contestant" or "contestant" means a          |
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| 2  | person who is trained in mixed martial arts and competes in a    |
| 3  | mixed martial arts contest.                                      |
| 4  | "No rules combat, extreme or ultimate fighting, or similar       |
| 5  | contest" means a contest or exhibition performed in this State   |
| 6  | in which the contestants:  |
| 7  | (1) Are permitted to use, with few or no rules or                |
| 8  | restrictions, a combination of combative contact                 |
| 9  | techniques, including punches, kicks, chokes, joint              |
| 10 | locks, and other maneuvers, with or without the use of           |
| 11 | weapons, that place contestants at an unreasonably               |
| 12 | high risk of bodily injury or death; and                         |
| 13 | (2) Have received, directly or indirectly, any money,            |
| 14 | prize, reward, purse, or other compensation, or                  |
| 15 | promise thereof, for the expenses of training, taking            |
| 16 | part in the contest, or winning the contest;                     |
| 17 | provided that the term does not include a contest involving the  |
| 18 | exclusive use of boxing, wrestling, kickboxing, martial arts, or |
| 19 | mixed martial arts.  |
| 20 | "Promoter" means an individual, corporation, joint venture,      |

20 Promoter means an individual, corporation, joint venture, 21 partnership, limited liability corporation, limited liability



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partnership, or any other type of business entity that promotes, 1 conducts, holds, or gives a mixed martial arts contest. 2 3 S -2 Executive officer. The director shall assign an executive officer to carry out the director's activities, 4 duties, and other obligations under this chapter. 5 -3 Assistants. The director may appoint and remove 6 S 7 assistants. The director may direct one or more assistants to 8 be present at any mixed martial arts contest and to supervise and control the mixed martial arts contest, in accordance with 9 this chapter and the rules adopted by the director pursuant 10 thereto. The assistants shall submit a written report to the 11 executive officer in the manner and form prescribed by the 12 director detailing the conditions prevailing at every contest. 13 -4 Other employees. Subject to chapter 76, the 14 S department may employ clerks, inspectors, and other employees as 15 it deems necessary for the purposes of this chapter. 16 -5 Authority to subpoena witnesses and administer 17 S oaths and penalties. The director may issue subpoenas for the 18 attendance of witnesses, with the same effect as if the 19 20 subpoenas were issued in an action in the circuit court, and may administer oaths in all matters connected with the 21 administration of this chapter. Disobedience of a subpoena and 22



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1 false swearing before the executive officer or the director
2 shall be attended by the same consequences and be subject to the
3 same penalties as if disobedience or false swearing occurred in
4 an action in the circuit court.

5 § -6 Powers and duties of the director. (a) The
6 director may adopt rules pursuant to chapter 91 necessary or
7 expedient for the conduct of its business and the regulation of
8 the matters in this chapter committed to its charge, including:
9 (1) An appropriate method of ensuring that all financial

10 obligations are met by a promoter who conducts, holds,
11 or gives a mixed martial arts contest;

12 (2) A public record accounting for the distribution of all
13 tickets provided to the director by a promoter and
14 anything else of value which is provided to the
15 director;

16 (3) Clinics or seminars on health and safety for licensees
17 deemed necessary by the director;

18 (4) A mandatory neurological examination for any mixed
19 martial arts contestant who is knocked out in a mixed
20 martial arts contest, and an eye examination as part
21 of a mixed martial arts contestant's annual medical
22 examination;



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An automatic medical suspension from mixed martial 1 (5)arts contests for a period of time to be determined by 2 the director for any mixed martial arts contestant who 3 is knocked out from head blows or who has received a 4 severe beating about the head. The period of time of 5 the automatic medical suspension shall be based upon 6 the severity of the beating received by the mixed 7 martial arts contestant; 8 (6) Procedures to evaluate the professional records and 9 10 physician's certification of each mixed martial arts contestant participating in a mixed martial arts 11 contest in the State and to deny authorization to a 12 mixed martial arts contestant to fight when the 13 requirements of this paragraph are not met; 14 Procedures to ensure that no mixed martial artist is (7)15 permitted to compete while under suspension from any 16 government entity which regulates mixed martial arts 17 due to: 18 A recent knockout or series of consecutive 19 (A) 20 losses; An injury, any required medical procedure, or a 21 (B) physician's denial of certification to compete; 22



| 1  |           | (C) Failure of any drug test; or                     |
|----|-----------|--|
| 2  |           | (D) The use of false aliases or falsifying or        |
| 3  |           | attempting to falsify official identification        |
| 4  |           | cards or documents relating to mixed martial arts    |
| 5  |           | contests;  |
| 6  | (8)       | Procedures to review a suspension if appealed by a   |
| 7  |           | mixed martial arts contestant, including an          |
| 8  |           | opportunity for the contestant to present            |
| 9  |           | contradictory evidence;                              |
| 10 | (9)       | Procedures to revoke a suspension if a mixed martial |
| 11 |           | arts contestant furnishes proof of sufficiently      |
| 12 |           | improved medical or physical condition or furnishes  |
| 13 |           | proof that the suspension was not, or is no longer,  |
| 14 |           | warranted by the facts; and                          |
| 15 | (10)      | Delegation of authority over amateur mixed martial   |
| 16 |           | arts contests to amateur sports associations         |
| 17 |           | recognized or approved by the director.              |
| 18 | (b)       | The director shall establish a mixed martial arts    |
| 19 | registry  | or data bank on mixed martial arts contestants and   |
| 20 | issue ide | ntification cards to mixed martial arts contestants. |
| 21 | S         | -7 Jurisdiction of director. (a) The director is     |
| 22 | vested wi | th the sole jurisdiction, direction, management, and |
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control over all mixed martial arts contests to be conducted, 1 held, or given within the State, including amateur mixed martial 2 arts contests. No mixed martial arts contest shall be 3 conducted, held, or given within the State except in accordance 4 with this chapter and the rules adopted by the director pursuant 5 thereto. The director may place amateur mixed martial arts 6 7 contests held by schools, colleges, universities, and 8 associations or any organizations associated with schools, colleges, and universities where contestants are students under 9 the control and supervision of any recognized national amateur 10 11 athletic association whose standing has been approved by the director, subject to rules adopted by the director. 12 No mixed martial arts contest shall take place unless 13 (b)

15 (b) No mined married area context of an problem and problem

17 (1) The contest consists of not more than five rounds of a
18 duration of not more than five minutes each with an
19 interval of at least one minute between each round and
20 the succeeding round;

21 (2) Each contestant is at least eighteen years of age, is
22 not disqualified from competing in a similar mixed

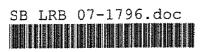


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| 1  |           | martial arts contest in another jurisdiction at the    |
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| 2  |           | time of the contest, and does not use stimulants or    |
| 3  |           | banned substances before or during the contest;        |
| 4  | (3)       | Each mixed martial arts contestant is examined one     |
| 5  |           | hour prior to the contest by at least one physician    |
| 6  |           | licensed under chapter 453 or 460 who shall certify in |
| 7  |           | writing to the referee of the contest that the         |
| 8  |           | contestant is physically fit to engage therein;        |
| 9  | (4)       | Each contestant furnishes to the director:             |
| 10 |           | (A) A medical report of a medical examination          |
| 11 |           | completed not less than six months before the          |
| 12 |           | contest, including the results of HIV and              |
| 13 |           | hepatitis testing; and                                 |
| 14 |           | (B) Previous fight records that establish the          |
| 15 |           | contestant's fitness to compete in the contest;        |
| 16 | (5)       | The contest is under the control of a licensed referee |
| 17 |           | in the ring who has at least one year's experience in  |
| 18 |           | refereeing a match or exhibition involving mixed       |
| 19 |           | martial arts and who has passed a physical examination |
| 20 |           | by a physician licensed under chapter 453 or 460,      |
| 21 |           | including an eye examination, within two years prior   |
| 22 |           | to the contest;  |
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| 1  | (6)       | At least thirty days prior to a mixed martial arts      |
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| 2  |           | contest, a promoter provides to the director            |
| 3  |           | information and documents, as prescribed by the         |
| 4  |           | director, together with a review and enforcement fee    |
| 5  |           | of \$500, to establish that the mixed martial arts      |
| 6  |           | contest is not prohibited under this chapter; provided  |
| 7  |           | that if the director determines that the contest is     |
| 8  |           | prohibited by this chapter, then the director shall     |
| 9  |           | refund the \$500 review and enforcement fee to the      |
| 10 |           | promoter;   |
| 11 | (7)       | The promoter has complied with sections -8 and          |
| 12 |           | -9; and   |
| 13 | (8)       | All participants have complied with the requirements    |
| 14 |           | of this chapter and rules adopted in accordance with    |
| 15 |           | chapter 91, including any rules or requirements that    |
| 16 |           | protect the safety of the contestants to the extent     |
| 17 |           | feasible.   |
| 18 | (C)       | No person shall hold, promote, or participate in no     |
| 19 | rules com | bat, extreme or ultimate fighting, or similar contests. |
| 20 | The direc | tor shall enforce the prohibition on no rules combat,   |
| 21 | extreme o | r ultimate fighting, or similar contests, and may adopt |
| 22 | rules, pu | rsuant to chapter 91, to enforce the prohibition. In    |



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addition to any applicable judicial remedy, a person who
 violates this subsection shall be subject to the penalties,
 fines, and other provisions applicable to violators of this
 chapter.

5 § -8 Licenses; promoters. (a) A promoter may apply to
6 the director for a license which shall be required to conduct,
7 hold, or give mixed martial arts contests. The application
8 shall be in writing, addressed to the director, and signed by
9 the applicant, and shall include the following:

10 (1) Evidence of financial integrity in accordance with
11 rules adopted by the director pursuant to chapter 91;
12 and

13 (2) Proof that the applicant has currently satisfied all
14 of the applicable requirements of the department's
15 business registration division.

16 (b) The application shall contain a recital of the facts
17 as may be specified by the director for the director to
18 determine whether or not the applicant possesses the necessary
19 physical, mental, moral, and financial qualifications to entitle
20 the applicant to a license.

(c) The director shall not issue any license to conduct,
hold, or give mixed martial arts contests unless the director is



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| 1  | satisfied that the applicant has complied with the conditions of |  |
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| 2  | this chapter, possesses the necessary qualifications for a       |  |
| 3  | license, and is the real party in interest, and intends to       |  |
| 4  | conduct, hold, or give the mixed martial arts contest itself.    |  |
| 5  | The director shall not issue a promoter's license to an          |  |
| 6  | applicant if the applicant or any of the applicant's officers,   |  |
| 7  | partners, members, or associates have been convicted of any      |  |
| 8  | crime related to gambling or a crime that is directly related to |  |
| 9  | the person's performance in the sport of mixed martial arts.     |  |
| 10 | (d) A license may be revoked at any time if the director         |  |
| 11 | finds after a hearing that:                                      |  |
| 12 | (1) The licensee is not the real party in interest or has        |  |
| 13 | not complied with this chapter or the rules of the               |  |
| 14 | director; or   |  |
| 15 | (2) The licensee or any of the licensee's officers,              |  |
| 16 | partners, members, or associates have been convicted             |  |
| 17 | of any crime related to gambling or a crime that is              |  |
| 18 | directly related to the person's performance in the              |  |
| 19 | sport of mixed martial arts.                                     |  |
| 20 | (e) Every license shall be subject to this chapter and the       |  |
| 21 | rules of the director.   |  |



| 1  | ş         | -9 Permit required to hold each mixed martial arts      |
|----|-----------|---|
| 2  | contest.  | (a) The application for a license to promote mixed      |
| 3  | martial a | arts contests shall be accompanied by a fee as provided |
| 4  | in rules  | adopted by the director pursuant to chapter 91.         |
| 5  | (b)       | No mixed martial arts contest shall be held unless the  |
| 6  | director  | issues a permit for the contest. To obtain a permit to  |
| 7  | conduct,  | hold, or give a mixed martial arts contest, a promoter  |
| 8  | shall:    |   |
| 9  | (1)       | Provide proof of medical insurance for mixed martial    |
| 10 |           | arts contestants in accordance with rules adopted by    |
| 11 |           | the director. All promoters shall be responsible for    |
| 12 |           | paying any deductible amount of the medical insurance   |
| 13 |           | policy;   |
| 14 | (2)       | Submit all contracts with managers, mixed martial arts  |
| 15 |           | contestants, and venues, including any agreement of     |
| 16 |           | pre-contest training funds advanced to any contestant   |
| 17 |           | either by the promoter or manager or any party of       |
| 18 |           | interest, to the director for the director's review     |
| 19 |           | and approval;   |
| 20 | (3)       | Submit to the director, for the director's review and   |
| 21 |           | approval, all ring records of all mixed martial arts    |
| 22 |           | contestants scheduled to participate in the contest;    |



| 1  | (4)       | Provide cashier's or certified checks made payable to  |
|----|-----------|--|
| 2  |           | each mixed martial arts contestant for the amount due  |
| 3  |           | the contestant or the contestant's manager, as the     |
| 4  |           | case may be, in accordance with the contracts approved |
| 5  |           | by the director;                                       |
| 6  | (5)       | Provide to the director written confirmation that an   |
| 7  |           | ambulance with paramedics and appropriate security     |
| 8  |           | have been obtained and will be present at all times at |
| 9  |           | the venue of the mixed martial arts contest;           |
| 10 | (6)       | Provide evidence to the director that security         |
| 11 |           | personnel and resources will be present in sufficient  |
| 12 |           | number and force to exercise crowd control and to      |
| 13 |           | protect spectators at the mixed martial arts contest;  |
| 14 | (7)       | Provide to the director evidence that the mixed        |
| 15 |           | martial arts contest will be conducted in compliance   |
| 16 |           | with municipal fire codes; and                         |
| 17 | (8)       | Maintain sanitary conditions at the mixed martial arts |
| 18 |           | contest.   |
| 19 | (c)       | Failure, refusal, or neglect of any licensed promoter  |
| 20 | to comply | with this section shall result in the automatic denial |
| 21 | of a perm | it to hold the mixed martial arts contest.             |



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(d) Licensed promoters may engage in promotions with other
 licensed promoters as long as each promoter holds a valid,
 unexpired license and has received the written approval of the
 director prior to the promotion.

5 (e) Within seven days following a mixed martial arts
6 contest, the promoter shall provide the director with an
7 unedited video record of the contest in a format prescribed by
8 the director.

9 (f) No mixed martial arts contest shall be commenced10 without a permit from the director pursuant to this section.

11 -10 Licenses, participants. (a) Any person may apply S to the director for a license to act as a physician, referee, 12 manager, second, or mixed martial arts contestant to 13 participate, either directly or indirectly, in any mixed martial 14 arts contest. The application shall be in writing, addressed to 15 the director, and signed by the applicant. The application 16 shall contain a recital of facts as specified by the director 17 for the director to determine whether or not the applicant 18 possesses the necessary licensure and physical, mental, and 19 moral qualifications to entitle the applicant to a license. The 20 director shall adopt rules for licensure in accordance with 21 22 chapter 91.



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1 In addition, the applicant for a referee, manager, or (b) 2 second license shall take and pass a written examination as 3 provided by the director. The director may exempt an applicant 4 for a manager or second license from taking the examination, if 5 the applicant holds a valid manager or second license in another 6 jurisdiction with comparable mixed martial arts regulations. 7 (c) Any license to act as a physician, referee, manager, 8 second, or mixed martial arts contestant may be suspended or 9 revoked, or the person otherwise disciplined by the director 10 after a contested case hearing held in accordance with chapter 11 91.

(d) No license shall be granted to a contestant unless the
contestant has authorized the Hawaii criminal data justice
center to release a criminal history record check on the
contestant to the director and the director has received the
criminal history record information.

17 § -11 License fees. License fees shall be paid annually
18 to the State by every applicant to whom a license is issued to
19 participate in the conduct of mixed martial arts in any of the
20 following capacities set forth in this chapter: promoter,
21 physician, referee, manager, second, and mixed martial arts
22 contestant. The charge for a duplicate license and all fees



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required by this chapter shall be as provided in rules adopted
 by the director pursuant to chapter 91 and shall be deposited
 with the director to the credit of the compliance resolution
 fund.

§ -12 Licenses, limitations, renewals. (a) No mixed
martial arts contest shall be conducted, held, or given unless
all the parties participating, as designated in this chapter,
are licensed by the director, and it shall be unlawful for any
individual or promoter to participate in a contest in any
capacity designated in this chapter unless the person is
licensed to do so.

12 (b) The director may limit the number of licenses issued 13 for any purpose as specified in this chapter and may limit the 14 number of mixed martial arts contests conducted, held, or given 15 in any county or state.

16 (c) All licenses shall be for a period of not more than 17 one year and all licenses shall expire on December 31 of the 18 year in which the licenses are issued.

19 (d) The director, at the director's discretion and upon
20 application, may renew a license for the following year.
21 Failure to timely apply for renewal of any license shall result
22 in the automatic forfeiture of the license. Any applicant whose



license has been forfeited shall file an application for a new
 license and meet all current requirements, including successful
 passage of the examination, as the case may be, for the license.
 (e) Every individual or promoter licensed under this

5 chapter shall be subject to the rules adopted by the director.

-13 Receipts and reports thereon. (a) Every promoter 6 S 7 holding a license to conduct, hold, or give mixed martial arts 8 contests, within seventy-two hours after the determination of 9 every contest for which admission fees are charged and received, 10 shall furnish to the director a written report, duly verified, showing the number of tickets sold for the contest, the amount 11 of the gross receipts or proceeds thereof, and other matters as 12 13 the director prescribes.

14 (b) For purposes of this section, "gross receipts"
15 includes income received from the sale of print, internet,
16 broadcasting, television, and motion picture rights.

17 § -14 Failure to report receipts. Whenever any promoter 18 holding a license to conduct, hold, or give mixed martial arts 19 contests fails to make a report of any contest at the time and 20 in the manner prescribed by this chapter, or whenever the report 21 is unsatisfactory to the director, the executive officer, at the



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licensee's expense, may examine or cause to be examined, the
 books and records of the promoter.

3 § -15 Admission tickets. All tickets of admission to
4 any mixed martial arts contest for which admission fees are
5 charged and received shall have printed clearly upon the face
6 thereof the purchase price of same, and no ticket shall be sold
7 for more than the price as printed thereon.

8 S -16 Inspectors; duties. The director shall appoint 9 official representatives designated as inspectors, each of whom 10 shall receive from the director a card or badge authorizing the person to act as inspector whenever the director may designate 11 the person to so act. An inspector or the executive officer 12 shall be present at all mixed martial contests and see that this 13 chapter and the rules adopted pursuant thereto are strictly 14 15 observed.

16 § -17 Judges; duties. The director, in the director's 17 discretion may appoint two judges to act with the referee in 18 rendering a decision, or three judges to act with a nonvoting 19 referee in rendering a decision.

20 § -18 Physician; duties. Every promoter holding a
21 license to conduct, hold, or give mixed martial arts contests
22 shall have in attendance at every contest at least two



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physicians licensed to practice medicine in the State under 1 chapter 453 or 460, who shall observe the physical condition of 2 the mixed martial arts contestants and advise the referee with 3 regard thereto and, one hour before each contestant enters the 4 ring, certify in writing as to the physical condition of the 5 contestant to engage in the contest. A report of the medical 6 7 examination shall be filed with the director not later than forty-eight hours after the termination of the contest. 8 In addition, at least one physician shall immediately examine every 9 contestant who was knocked down or who sustained a severe 10 11 beating about the head during the contest and shall file a written medical opinion within forty-eight hours of the contest 12 to the executive officer. 13

14 § -19 Referees; duties. (a) At each mixed martial arts 15 contest there shall be in attendance a duly licensed referee 16 designated by the director, who shall direct and control the 17 contest. The referee shall render a decision for each contest, 18 except as otherwise provided under section -17.

(b) The referee may recommend and the director, in the
director's discretion, may declare the termination of the
contest or the forfeiture of any prize, purse, or remuneration,
or any part thereof, to which one or both of the mixed martial



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arts contestants may be entitled, or any part of the gate
 receipts for which the contestants are competing, if in the
 director's judgment one or both of the contestants are not
 honestly competing.

5 (c) Each referee shall warn contestants of the referee's 6 power to terminate the contest or to recommend the forfeiture of 7 any purse or purses, should there be any apparent cause for the 8 warning.

9 (d) In any case where the referee decides that the 10 contestants are not honestly competing and that under the law the contest should be terminated or that the purse or purses of 11 one or both of the contestants should be forfeited, the contest 12 shall be stopped before the end of the last round, and no 13 decision shall be given. A contestant earns nothing and shall 14 15 not be paid for a contest in which there is stalling, faking, dishonesty, or collusion. The director, independently of the 16 referee or the referee's decision, may determine the merits of 17 any contest and take whatever action the director considers 18 proper. In any case, the executive officer may order the purse 19 of the offender held up for investigation and action. 20



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(e) The referee shall stop the contest when, in the
 referee's judgment, either of the contestants shows a marked
 superiority or is apparently outclassed.

-20 Sham mixed martial arts contest; forfeiture of S 4 license. Any promoter who conducts, holds, gives, or 5 participates in any sham or fake mixed martial arts contest, 6 7 knowing the same to be a sham or fake, shall forfeit the license issued in accordance with this chapter, and the license shall be 8 canceled and declared void by the director. The promoter and 9 any officers, partners, or members of the promoter shall not 10 11 thereafter be entitled to receive and shall not be given another 12 license.

-21 Sham mixed martial arts contest; penalty against S 13 contestant. Any mixed martial arts contestant who knowingly 14 participates in any sham or false mixed martial arts contest 15 shall be suspended by the director for not less than twelve 16 months from the date of the offense from further participation 17 in any contest held or given under this chapter and may be 18 permanently disgualified from further participation in any 19 20 contest held or given under this chapter.

21 § -22 Financial interest in mixed martial arts
22 contestant prohibited. (a) The director shall not receive any



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1 compensation from any person who sanctions, arranges, or 2 promotes mixed martial arts contests; nor shall the director 3 have, either directly or indirectly, any financial interest in any contestant competing in any mixed martial arts contest. 4 5 (b) For the purposes of this section, "compensation" shall not include funds held in escrow for payment to another person 6 7 in connection with a mixed martial arts contest. The prohibition set forth in this section shall not apply to any 8 9 contract entered into, or any reasonable compensation received, 10 by the director to supervise a mixed martial arts contest in 11 this State or another state. -23 Wages of contestant; prepayment prohibited. All 12 S 13 moneys paid to a mixed martial arts contestant for services, as 14 money prize, reward, compensation, or otherwise, shall be

16 before a mixed martial arts contest; provided that with the 17 approval of the director, a promoter may advance sums of money 18 for training purposes.

considered wages. No contestant shall be paid for services

19 § -24 Disposition of receipts. Except as otherwise
20 provided for in this chapter, all fees and other moneys received
21 by the director shall be deposited into the compliance
22 resolution fund.



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-25 Summary disciplinary action. The director may 1 S fine, withhold purse money or fees, and issue immediate 2 temporary suspensions of not more than sixty days against a 3 licensee for violations of this chapter or rules adopted 4 pursuant thereto. The director shall notify the licensee in 5 writing of any temporary suspension, fine, or withholding of 6 7 purse money within five days of the director's action. The licensee shall have a right to a hearing in accordance with 8 chapter 91; provided that the licensee notifies the director in 9 writing of the request for a hearing within thirty days after 10 11 the director notifies the licensee in writing, by mail or personal service, of the director's order. 12

-26 Chapter does not apply to active duty armed S 13 forces, national guard, armed forces reserve, or Police 14 Activities League. This chapter shall not apply to any mixed 15 16 martial arts contest held as a recreational activity by active duty armed forces, armed forces reserve, or national guard 17 personnel, or the Police Activities League, when the contest is 18 held under the supervision of a recreational officer of the 19 active duty armed forces, armed forces reserve, national guard, 20 21 or a Police Activities League staff member.



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| 1  | ş         | -27 Revocation; suspension. (a) In addition to any     |
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| 2  | other act | ions authorized by law, the director shall have the    |
| 3  | power to  | revoke or suspend the license of any person licensed   |
| 4  | under any | of the classifications designated in this chapter, or  |
| 5  | fine the  | licensee, or both, for any cause authorized by law,    |
| 6  | including | but not limited to the following:                      |
| 7  | (1)       | Violation of any provision of this chapter or the      |
| 8  |           | rules adopted pursuant thereto, or any other law or    |
| 9. |           | rule that applies to those persons licensed under this |
| 10 |           | chapter;   |
| 11 | (2)       | Manifest incapacity, professional misconduct, or       |
| 12 |           | unethical conduct;                                     |
| 13 | (3)       | Making any false representations or promises through   |
| 14 |           | advertising or other dissemination of information;     |
| 15 | (4)       | Any fraudulent, dishonest, or deceitful act in         |
| 16 |           | connection with the licensing of any promoter under    |
| 17 |           | this chapter or in connection with any mixed martial   |
| 18 |           | arts contest;  |
| 19 | (5)       | Making any false or misleading statement in any        |
| 20 |           | application or document submitted or required to be    |
| 21 |           | filed under this chapter;                              |



## S.B. NO. 1712

1 Revocation or suspension of a license or other (6) 2 disciplinary action against the licensee by any other regulatory entity over mixed martial arts contests; 3 Failure to report any disciplinary action, including 4 (7)medical and mandatory suspensions, or revocation or 5 suspension of a license in another jurisdiction within 6 7 fifteen days preceding any mixed martial arts match in which the licensee participates; or 8 9 (8) Participation in any sham or false mixed martial arts

10 contest.

(b) A manager may be held responsible for all violations of this chapter by a mixed martial arts contestant whom the manager manages and may be subject to license revocation or suspension, or a fine, or any combination thereof, irrespective of whether any disciplinary action is taken against the mixed martial arts contestant.

17 § -28 Penalties. (a) Any person in violation of this
18 chapter or the rules adopted pursuant thereto shall be fined not
19 more than \$5,000 for each violation. Each day's violation or
20 failure to comply shall be deemed a separate offense.

(b) In addition to the penalties provided in this chapter,any person in violation of this chapter may be prohibited from



27

engaging in any mixed martial arts activities in the State for a
 period in conformity with that set forth in section 92-17.

3 § -29 Cumulative penalties. Unless otherwise expressly
4 provided, the remedies or penalties provided by this chapter are
5 cumulative to each other and to the remedies or penalties
6 available under all other laws of this State.

7 § -30 Injunctive relief. The director may, in addition 8 to any other remedies available, bring an action in any court of 9 this State to enjoin a person from continuing any violation of 10 this chapter or doing any acts in furtherance thereof, and for 11 any other relief that the court deems appropriate."

12 SECTION 2. Chapter 440D, Hawaii Revised Statutes, is 13 repealed.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ , or so much thereof as may be necessary for fiscal year 2007-2008, to fund the operational and administrative expenses in regulating mixed martial arts contests.

19 The sum appropriated shall be expended by the department of 20 commerce and consumer affairs for the purposes of this Act.

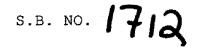
21 SECTION 4. This Act shall take effect on July 1, 2008;22 provided that:



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| 1 | (1) | Section -6 in section 1 of this Act shall take     |
|---|-----|--|
| 2 |     | effect upon the date of approval of this Act; and  |
| 3 | (2) | Section 3 of this Act shall take effect on July 1, |
| 4 |     | 2007.  |
| 5 |     | INTRODUCED BY:                                     |





#### Report Title:

Mixed Martial Arts; Prohibition on No Rules Combat

#### Description:

Gives the director of commerce and consumer affairs licensing authority over mixed martial arts contests. Prohibits no rules combat, extreme or ultimate fighting, or other similar contests.

