

JAN 24 2007

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# A BILL FOR AN ACT

RELATING TO MIXED MARTIAL ARTS.

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

1 SECTION 1. Chapter 440, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4 "PART . MIXED MARTIAL ARTS CONTESTS

5 §440-A Definitions. As used in this part, unless the  
6 context otherwise requires:

7 "Commission" means the boxing commission.

8 "Department" means the department of commerce and consumer  
9 affairs.

10 "Director" means the director of commerce and consumer  
11 affairs.

12 "Executive officer" means the executive officer assigned to  
13 the commission.

14 "Kickboxing" means any form of boxing in which blows are  
15 delivered with the hand and any part of the leg below the hip,  
16 including the foot.

17 "Manager" means any person who:



- 1           (1) Undertakes or has undertaken to represent in any way  
2           the interests of any mixed martial arts contestant in  
3           procuring, arranging, or conducting any contest in  
4           which the mixed martial arts contestant is to  
5           participate; provided that "manager" shall not include  
6           an attorney licensed to practice in this State while  
7           the attorney is representing the legal interests of a  
8           mixed martial arts contestant as a client; or  
9           (2) Directs or controls the mixed martial arts activities  
10          of the mixed martial arts contestant.

11          "Mixed martial arts" means unarmed combat involving the  
12          use, subject to any applicable limits set forth in this part and  
13          any rules adopted to implement these limits, of a combination of  
14          techniques from different disciplines of martial arts, including  
15          grappling, kicking, and striking. The term includes, but is not  
16          limited to any of the following or a combination thereof: any  
17          form of karate, kung fu, tae kwon-do, kickboxing or any  
18          combination of full contact martial arts, or other self-defense  
19          conducted on a full contact basis where a weapon is not used;  
20          and

21          "Mixed martial arts contest" or "contest" means a contest  
22          or exhibition in which a mixed martial arts contestant competes



1 with another mixed martial arts contestant, using mixed martial  
2 arts, for money, prize, purse, or other forms of compensation.

3 "Mixed martial arts contestant" or "contestant" means a  
4 person who is trained in mixed martial arts and competes in a  
5 mixed martial arts contest.

6 "No rules combat, extreme or ultimate fighting, or similar  
7 contest" means a contest or exhibition performed in this State  
8 in which the contestants:

9 (1) Are permitted to use, with few or no rules or  
10 restrictions, a combination of combative contact  
11 techniques, including punches, kicks, chokes, joint  
12 locks, and other maneuvers, with or without the use of  
13 weapons, that place contestants at an unreasonably  
14 high risk of bodily injury or death; and

15 (2) Have received, directly or indirectly, any money,  
16 prize, reward, purse, or other compensation, or  
17 promise thereof, for the expenses of training, taking  
18 part in the contest, or winning the contest;

19 provided that the term does not include a contest involving the  
20 exclusive use of boxing, wrestling, kickboxing, martial arts, or  
21 mixed martial arts.



1 "Promoter" means an individual, corporation, joint venture,  
2 partnership, limited liability corporation, limited liability  
3 partnership, or any other type of business entity that promotes,  
4 conducts, holds, or gives a mixed martial arts contest.

5 **§440-B Other employees.** Subject to chapter 76, the  
6 department may employ clerks, inspectors, and other employees as  
7 it deems necessary for the purposes of this part.

8 **§440-C Authority to subpoena witnesses and administer**  
9 **oaths and penalties.** The chairperson of the commission or the  
10 executive officer may issue subpoenas for the attendance of  
11 witnesses before the commission, with the same effect as if the  
12 subpoenas were issued in an action in the circuit court, and may  
13 administer oaths in all matters connected with the  
14 administration of the affairs of the commission. Disobedience  
15 of a subpoena and false swearing before the executive officer or  
16 the commission shall be attended by the same consequences and be  
17 subject to the same penalties as if disobedience or false  
18 swearing occurred in an action in the circuit court.

19 **§440-D Powers and duties of the commission.** The  
20 commission may adopt rules pursuant to chapter 91 necessary or  
21 expedient for the conduct of its business and the regulation of  
22 the matters in this part committed to its charge, including:



- 1           (1) An appropriate method of ensuring that all financial  
2           obligations are met by a promoter who conducts, holds,  
3           or gives a mixed martial arts contest;
- 4           (2) A public record accounting for the distribution of all  
5           tickets provided to the commission by a promoter and  
6           anything else of value that is provided to the  
7           commission;
- 8           (3) Clinics or seminars on health and safety for licensees  
9           deemed necessary by the commission;
- 10          (4) A mandatory neurological examination for any mixed  
11          martial arts contestant who is knocked out in a mixed  
12          martial arts contest, and an eye examination as part  
13          of a mixed martial arts contestant's annual medical  
14          examination;
- 15          (5) An automatic medical suspension from mixed martial  
16          arts contests for a period of time to be determined by  
17          the commission for any mixed martial arts contestant  
18          who is knocked out from head blows or who has received  
19          a severe beating about the head. The period of time  
20          of the automatic medical suspension shall be based  
21          upon the severity of the beating received by the mixed  
22          martial arts contestant;



1 (6) Procedures to evaluate the professional records and  
2 physician's certification of each mixed martial arts  
3 contestant participating in a mixed martial arts  
4 contest in the State and to deny authorization to a  
5 mixed martial arts contestant to fight when the  
6 requirements of this paragraph are not met;

7 (7) Procedures to ensure that no mixed martial artist is  
8 permitted to compete while under suspension from any  
9 government entity that regulates mixed martial arts  
10 due to:

11 (A) A recent knockout or series of consecutive  
12 losses;

13 (B) An injury, any required medical procedure, or a  
14 physician's denial of certification to compete;

15 (C) Failure of any drug test; or

16 (D) The use of false aliases or falsifying or  
17 attempting to falsify official identification  
18 cards or documents relating to mixed martial arts  
19 contests;

20 (8) Procedures to review a suspension if appealed by a  
21 mixed martial arts contestant, including an



- 1 opportunity for the contestant to present  
2 contradictory evidence;
- 3 (9) Procedures to revoke a suspension if a mixed martial  
4 arts contestant furnishes proof of sufficiently  
5 improved medical or physical condition or furnishes  
6 proof that the suspension was not, or is no longer,  
7 warranted by the facts; and
- 8 (10) Establishing a mixed martial arts registry and the  
9 issuance of an identification card to mixed martial  
10 arts contestants.

11 **§440-E Jurisdiction of commission.** (a) The commission is  
12 vested with the sole jurisdiction, direction, management, and  
13 control over all mixed martial arts contests to be conducted,  
14 held, or given within the State. No mixed martial arts contest  
15 shall be conducted, held, or given within the State except in  
16 accordance with this part and the rules adopted by the  
17 commission under this part.

18 (b) No mixed martial arts contest shall take place unless  
19 the commission has approved the proposed contest. In addition,  
20 the commission shall not allow any mixed martial arts contest  
21 unless:



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

5 (2) Each contestant is at least eighteen years of age and  
6 is not disqualified from competing in a similar mixed  
7 martial arts contest in another jurisdiction at the  
8 time of the contest;

9 (3) One hour prior to the contest, each mixed martial arts  
10 contestant is examined by at least one physician  
11 licensed under chapter 453 or 460 who shall certify in  
12 writing to the referee of the contest that the  
13 contestant is physically fit to engage therein;

14 (4) The contest is under the control of a licensed referee  
15 in the ring who has at least one year's experience in  
16 refereeing a match or exhibition involving mixed  
17 martial arts and who has passed a physical examination  
18 by a physician licensed under chapter 453 or 460,  
19 including an eye examination, within two years prior  
20 to the contest;

21 (5) At least thirty days prior to a mixed martial arts  
22 contest, a promoter provides to the commission





1 information and documents, as prescribed by the  
2 commission, together with a review and enforcement fee  
3 of \$500, to establish that the mixed martial arts  
4 contest is not prohibited under this part; provided  
5 that if the commission determines that the contest is  
6 prohibited by this part, then the commission shall  
7 refund the \$500 review and enforcement fee to the  
8 promoter;

9 (6) The promoter has complied with sections 440-F and  
10 440-G; and

11 (7) All participants have complied with the requirements  
12 provided in this part and rules adopted in accordance  
13 with chapter 91, including any rules or requirements  
14 that protect the safety of the contestants to the  
15 extent feasible.

16 (c) No person shall hold, promote, or participate in no  
17 rules combat, extreme or ultimate fighting, or similar contests.  
18 The commission shall enforce the prohibition on no rules combat,  
19 extreme or ultimate fighting, or similar contests, and may adopt  
20 rules, pursuant to chapter 91, to enforce the prohibition. In  
21 addition to any applicable judicial remedy, a person who  
22 violates this subsection shall be subject to the penalties,



1 fines, and other provisions applicable to violators of this  
2 part.

3 **§440-F Licenses; promoters.** (a) A promoter may apply to  
4 the commission for a license that shall be required to conduct,  
5 hold, or give mixed martial arts contests. The application  
6 shall be in writing, addressed to the commission, and signed by  
7 the applicant, and shall include the following:

8 (1) Evidence of financial integrity in accordance with  
9 rules adopted by the commission pursuant to chapter  
10 91; and

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

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

19 (c) The commission shall not issue any license to conduct,  
20 hold, or give mixed martial arts contests unless it is satisfied  
21 that the applicant has complied with the conditions of this  
22 part, possesses the necessary qualifications for a license, and



1 is the real party in interest, and intends to conduct, hold, or  
2 give the mixed martial arts contest itself. The commission  
3 shall not issue a promoter's license to an applicant if the  
4 applicant or any of the applicant's officers, partners, members,  
5 or associates have been convicted of any crime related to  
6 gambling or a crime that is directly related to the person's  
7 performance in the sport of mixed martial arts.

8 (d) A license may be revoked at any time if the commission  
9 finds after a hearing that:

10 (1) The licensee is not the real party in interest or has  
11 not complied with this part or the rules of the  
12 commission; or

13 (2) The licensee or any of the licensee's officers,  
14 partners, members, or associates have been convicted  
15 of any crime related to gambling or a crime that is  
16 directly related to the person's performance in the  
17 sport of mixed martial arts.

18 (e) Every license shall be subject to this part and the  
19 rules of the commission.

20 **§440-G Requirements to hold a mixed martial arts contest.**

21 (a) The application for a license to promote mixed martial arts



1 contests shall be accompanied by a fee as provided in rules  
2 adopted pursuant to chapter 91.

3 (b) In order to obtain approval to conduct, hold, or give  
4 a mixed martial arts contest, a promoter shall provide proof of  
5 medical insurance for mixed martial arts contestants in  
6 accordance with rules adopted by the commission. All promoters  
7 shall be responsible for paying any deductible amount of the  
8 medical insurance policy.

9 (c) Prior to each mixed martial arts contest, a promoter  
10 shall provide a bond, in an amount determined by the commission,  
11 to adequately cover the promoter's obligations in conducting,  
12 holding, or giving a mixed martial arts contest. The bond shall  
13 be executed by the promoter as principal and by a surety company  
14 authorized to do business in the State as the surety. If the  
15 promoter fails to pay any obligations covered by the bond, any  
16 aggrieved person may file an action against the bond to recover  
17 the amount owed, in the circuit court in the circuit in which  
18 the mixed martial arts contest was conducted, held, or given;  
19 provided that the aggregate liability of the surety to all  
20 aggrieved persons shall not exceed the amount of the bond. Any  
21 action against the bond shall be commenced within ninety days



1 after the mixed martial arts contest was conducted, held, or  
2 given.

3 (d) Prior to any mixed martial arts contest, all contracts  
4 with managers, mixed martial arts contestants, and venues,  
5 including any agreement of pre-contest training funds advanced  
6 to any contestant either by the promoter or manager or any party  
7 of interest, shall be submitted by the promoter to the  
8 commission for its review and approval.

9 (e) Prior to any mixed martial arts contest, the promoter  
10 shall submit to the commission, for its review and approval, all  
11 ring records of all mixed martial arts contestants scheduled to  
12 participate in the contest.

13 (f) A promoter shall provide cashier's or certified checks  
14 made payable to each mixed martial arts contestant for the  
15 amount due the contestant or the contestant's manager, as the  
16 case may be, in accordance with the contracts approved by the  
17 commission.

18 (g) A promoter shall provide to the commission written  
19 confirmation that an ambulance with paramedics and appropriate  
20 security have been obtained and will be present at all times at  
21 the venue of the mixed martial arts contest.



1 (h) Failure, refusal, or neglect of any licensed promoter  
2 to comply with this section shall result in the automatic denial  
3 to hold the mixed martial arts contest.

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

8 (j) In addition to the payment of other fees and moneys  
9 due under this part, a licensed promoter shall pay:

10 (1) A license fee of three per cent of the first \$50,000  
11 of the total gross receipts from admission fees to a  
12 contest, exclusive of federal, state, and local taxes;

13 (2) A license fee of five per cent of the total gross  
14 receipts over \$50,000 from admission fees to a  
15 contest, exclusive of federal, state, and local taxes;

16 (3) Five per cent of the gross sales price for the sale,  
17 lease, or other exploitation of broadcasting,  
18 television, Internet, and motion picture rights for a  
19 contest, without any deductions for commission,  
20 brokerage fee, distribution fees, advertising,  
21 contestants' purses, or any other expenses or charges,  
22 including federal, state, or local taxes; and



1           (4) Five per cent of the gross receipts from subscription  
2                   or admission fees, exclusive of federal, state, and  
3                   local taxes, charged for viewing within the State of a  
4                   simultaneous telecast of a contest;

5 provided that payments under this subsection shall be deposited  
6 into the compliance resolution fund.

7           (k) Within seven days following a mixed martial arts  
8 contest, the promoter shall provide the commission with an  
9 unedited video record of the contest in a format prescribed by  
10 the commission.

11           (l) No mixed martial arts contest shall be commenced in  
12 this State without the approval of the commission pursuant to  
13 this section.

14           **§440-H Licenses, participants.** (a) Any person may apply  
15 to the commission for a license to act as a physician, referee,  
16 judge, matchmaker, manager, timekeeper, to participate, either  
17 directly or indirectly, in any mixed martial arts contest. The  
18 application shall be in writing, addressed to the commission,  
19 and signed by the applicant. The application shall contain a  
20 recital of facts as may be specified by the commission for it to  
21 determine whether or not the applicant possesses the necessary  
22 licensure and physical, mental, and moral qualifications to



1 entitle the applicant to a license. The commission shall adopt  
2 rules for licensure in accordance with chapter 91.

3 (b) In addition, the applicant for a referee, judge, or  
4 manager license shall take and pass a written examination as  
5 provided by the commission. The commission may exempt an  
6 applicant for a manager license from taking the examination, if  
7 the applicant holds a valid manager license in another  
8 jurisdiction with comparable mixed martial arts regulations.

9 (c) Any license to act as a physician, referee, judge,  
10 matchmaker, manager, timekeeper, or mixed martial arts  
11 contestant may be suspended or revoked, or the person otherwise  
12 disciplined by the commission after a contested case hearing  
13 held in accordance with chapter 91.

14 **§440-I License; contestants; determination of physical and**  
15 **mental fitness to engage in unarmed combat; examination and**  
16 **testing; results of medical tests required.** (a) An applicant  
17 who has applied for a license to engage in mixed martial arts or  
18 who has applied for renewal of a license shall:

19 (1) Be examined by a physician to establish the physical  
20 and mental fitness of the applicant or unarmed  
21 combatant for competition;





- 1           (2) Provide the commission with an original or certified  
2           copy of the result of a dilated ophthalmologic eye  
3           examination that shall have been performed:
- 4           (A) By an ophthalmologist who is licensed under  
5           chapter 453 or 460; and
- 6           (B) At least one day before the date of the first  
7           bout in which the unarmed combatant plans to  
8           compete in the calendar year for which the  
9           license is valid; and
- 10          (3) If the applicant or unarmed combatant has had a brain  
11          magnetic resonance imaging scan performed within the  
12          five years immediately preceding the date on which the  
13          application for a license or for renewal of the  
14          license is submitted, provide the commission with an  
15          original or certified copy of the result of the brain  
16          magnetic resonance imaging scan, unless the applicant  
17          or unarmed combatant has previously provided an  
18          original or certified copy of the result to the  
19          commission. If the applicant or unarmed combatant has  
20          not had a brain magnetic resonance imaging scan  
21          performed within the five years immediately preceding  
22          the date on which the application for a license or for



1 renewal of the license is submitted, the applicant or  
2 unarmed combatant shall:

3 (A) Have a brain magnetic resonance imaging scan and  
4 a cerebral magnetic resonance angiography  
5 performed; and

6 (B) Provide the commission with original or certified  
7 copies of the results of the brain magnetic  
8 resonance imaging scan and the cerebral magnetic  
9 resonance angiography.

10 (b) An applicant or a mixed martial arts contestant  
11 licensed by the commission may be required to submit to any  
12 examination or testing ordered by the commission.

13 (c) An applicant or a mixed martial arts contestant  
14 applying for a renewal of a license under this part shall  
15 provide, with the application for a license or for renewal of a  
16 license, an original or certified copy of the results of medical  
17 tests that:

18 (1) Were performed by a laboratory during the calendar  
19 year for which the license is being issued or no  
20 earlier than thirty days before the date on which the  
21 application is submitted;



- 1           (2) Show that the applicant or mixed martial arts  
2           contestant is not infected with the human  
3           immunodeficiency virus; and
- 4           (3) Show that the applicant or mixed martial arts  
5           contestant is not infected with the hepatitis virus.

6           **§440-J License fees.** License fees shall be paid annually  
7 to the State by every applicant to whom a license is issued to  
8 participate in the conduct of mixed martial arts in any of the  
9 capacities set forth in this part: promoter, physician,  
10 referee, judge, matchmaker, manager, timekeeper, and mixed  
11 martial arts contestant. The charge for a duplicate of a  
12 license and all fees required by this part shall be as provided  
13 in rules adopted by the director pursuant to chapter 91 and  
14 shall be deposited with the director to the credit of the  
15 compliance resolution fund.

16           **§440-K Licenses, limitations, renewals.** (a) No mixed  
17 martial arts contest shall be conducted, held, or given unless  
18 all the parties participating, as designated herein, are  
19 licensed by the commission. It shall be unlawful for any  
20 individual or promoter to participate in a contest in any  
21 capacity designated herein unless the person is licensed to do  
22 so.



1           (b) The commission may limit the number of licenses issued  
2 for any purpose as specified in this part and may limit the  
3 number of mixed martial arts contests conducted, held, or given  
4 in any county or the State.

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

8           (d) The commission, in its discretion and upon  
9 application, may renew the licenses for the following year.  
10 Failure to timely apply for renewal of any license shall result  
11 in the automatic forfeiture of the license. Any applicant whose  
12 license has been forfeited shall file an application for a new  
13 license and meet all current requirements, including successful  
14 passage of the examination, as the case may be, for the license.

15           (e) Every individual or promoter licensed under this part  
16 shall be subject to the rules adopted by the commission.

17           **§440-L Receipts and reports thereon.** (a) Every promoter  
18 holding a license to conduct, hold, or give mixed martial arts  
19 contests, within seventy-two hours after the determination of  
20 every contest for which admission fees are charged and received,  
21 shall furnish to the commission a written report, duly verified,  
22 showing the number of tickets sold for the contest, the amount



1 of the gross receipts or proceeds thereof, and other matters as  
2 the commission prescribes.

3 (b) For purposes of this section, "gross receipts" include  
4 income received from the sale of print, Internet, broadcasting,  
5 television, and motion picture rights.

6 **§440-M Failure to report receipts.** Whenever any promoter  
7 holding a license to conduct, hold, or give mixed martial arts  
8 contests fails to make a report of any contest at the time and  
9 in the manner herein prescribed, or whenever the report is  
10 unsatisfactory to the commission, the executive officer, at the  
11 licensee's expense, may examine, or cause to be examined, the  
12 books and records of the promoter.

13 **§440-N Admission tickets.** All tickets of admission to any  
14 mixed martial arts contest for which admission fees are charged  
15 and received shall have printed clearly upon the face thereof  
16 the purchase price of same, and no ticket shall be sold for more  
17 than the price as printed thereon.

18 **§440-O Inspectors; duties.** The commission shall appoint  
19 official representatives designated as inspectors, each of whom  
20 shall receive from the commission a card or badge authorizing  
21 the person to act as inspector whenever the commission may  
22 designate the person to so act. An inspector or the executive



1 officer shall be present at all mixed martial contests and see  
2 that this part and the rules are strictly observed.

3       **§440-P Judges; duties.** The commission may appoint two  
4 judges to act with the referee in rendering a decision, or three  
5 judges to act with a nonvoting referee in rendering a decision.

6       **§440-Q Physician; duties.** Every promoter holding a  
7 license to conduct, hold, or give mixed martial arts contests  
8 shall have in attendance at every contest at least two  
9 physicians licensed to practice medicine in the State under  
10 chapter 453 or 460, who shall observe the physical condition of  
11 the mixed martial arts contestants and advise the referee with  
12 regard thereto and, one hour before each contestant enters the  
13 ring, certify in writing as to the physical condition of the  
14 contestant to engage in the contest. A report of the medical  
15 examination shall be filed with the commission not later than  
16 forty-eight hours after the termination of the contest. In  
17 addition, at least one physician shall immediately examine every  
18 contestant who was knocked down or who sustained a severe  
19 beating about the head during the contest and shall file a  
20 written medical opinion within forty-eight hours of the contest  
21 to the executive officer.



1           **§440-R Referees; duties.** (a) At each mixed martial arts  
2 contest there shall be in attendance a duly licensed referee  
3 designated by the commission, who shall direct and control the  
4 contest. The referee shall render a decision for each contest,  
5 except as otherwise provided under section 440-P.

6           (b) The referee may recommend and the commission may  
7 declare the forfeiture of any prize, purse, or remuneration, or  
8 any part thereof, to which the mixed martial arts contestants or  
9 one of the contestants may be entitled, or any part of the gate  
10 receipts for which the contestants are competing, if in the  
11 commission's judgment the contestants or one of the contestants  
12 are not honestly competing.

13           (c) Each referee shall warn contestants of the referee's  
14 power to recommend the forfeiture of purse or purses, if there  
15 is any apparent cause for the warning.

16           (d) In any case where the referee decides that the  
17 contestants are not honestly competing and that, under the law,  
18 the contestants' purses or the purse of either contestant should  
19 be forfeited, the bout shall be stopped before the end of the  
20 last round, and no decision shall be given. A contestant earns  
21 nothing and shall not be paid for a contest in which there is  
22 stalling, faking, dishonesty, or collusion. The commission,



1 independently of the referee or the referee's decision, may  
2 determine the merits of any contest and take whatever action it  
3 considers proper. In any case, the executive officer or any  
4 commissioner may order the purse of the offender held up for  
5 investigation and action.

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

9 **§440-S Sham mixed martial arts contest; forfeiture of**  
10 **license.** Any promoter who conducts, holds, or gives or  
11 participates in any sham or fake mixed martial arts contest,  
12 knowing the same to be a sham or fake, shall forfeit the license  
13 issued in accordance with this part, and the license shall be  
14 canceled and declared void by the commission. The promoter and  
15 any officers, partners, or members of the promoter shall not  
16 thereafter be entitled to receive and shall not be given another  
17 license.

18 **§440-T Sham mixed martial arts contest; penalty against**  
19 **contestant.** Any mixed martial arts contestant who knowingly  
20 participates in any sham or false mixed martial arts contest  
21 shall be suspended by the commission for not less than twelve  
22 months from the date of the offense from further participation





1 in any contest held or given under this part and may be  
2 permanently disqualified from further participation in any  
3 contest held or given under this part.

4 **§440-U Financial interest in mixed martial arts contestant**  
5 **prohibited.** (a) No commission member, staff, or appointee, may  
6 receive any compensation from any person who sanctions,  
7 arranges, or promotes mixed martial arts contests; nor shall  
8 they have, either directly or indirectly, any financial interest  
9 in any contestant competing in any mixed martial arts contest.

10 (b) For the purposes of this section, "compensation" shall  
11 not include funds held in escrow for payment to another person  
12 in connection with a mixed martial arts contest. The  
13 prohibition set forth in this section shall not apply to any  
14 contract entered into, or any reasonable compensation received,  
15 by the commission to supervise a mixed martial arts contest in  
16 this State or another state.

17 **§440-V Wages of contestant; prepayment prohibited.** All  
18 moneys paid to a mixed martial arts contestant for services, as  
19 money prize, reward, compensation, or otherwise, shall be  
20 considered wages. No contestant shall be paid for services  
21 before a mixed martial arts contest; provided that with the



1 approval of the commission, a promoter may advance sums of money  
2 for training purposes.

3 **§440-W Disposition of receipts.** Except as otherwise  
4 provided for in this part, all fees and other moneys received by  
5 the commission shall be deposited into the compliance resolution  
6 fund.

7 **§440-X Summary disciplinary action.** The commission may  
8 fine, withhold purse money or fees, and issue immediate  
9 temporary suspensions of not more than sixty days against a  
10 licensee for violations of this part or commission rules. The  
11 commission shall notify the licensee in writing of any temporary  
12 suspension, fine, or withholding of purse money within five days  
13 of the commission's action. The licensee shall have a right to  
14 a hearing in accordance with chapter 91; provided that the  
15 licensee notifies the commission in writing of the request for a  
16 hearing within thirty days after the commission notifies the  
17 licensee in writing, by mail or personal service, of the  
18 commission's order.

19 **§440-Y Not to apply to army, air force, navy, national**  
20 **guard, or police activities league.** This part shall not apply  
21 to any mixed martial arts contest held as a recreational  
22 activity by army, air force, navy, national guard personnel, or



1 the police activities league, when the contest is held under the  
2 supervision of a recreational officer of the army, air force,  
3 navy, national guard, or a police activities league staff  
4 member.

5 **§440-Z Revocation; suspension.** (a) In addition to any  
6 other actions authorized by law, the commission may revoke or  
7 suspend the license of any person licensed under any of the  
8 classifications designated in this part, or fine the licensee,  
9 or both, for any cause authorized by law, including but not  
10 limited to the following:

- 11 (1) Violation of this part or the rules adopted pursuant  
12 thereto or any other law, or rule that applies to  
13 those persons licensed under this part;
- 14 (2) Manifest incapacity, professional misconduct, or  
15 unethical conduct;
- 16 (3) Making any false representations or promises through  
17 advertising or other dissemination of information;
- 18 (4) Any fraudulent, dishonest, or deceitful act in  
19 connection with the licensing of any promoter under  
20 this part or in connection with any mixed martial arts  
21 contest;



- 1           (5) Making any false or misleading statement in any
- 2                   application or document submitted or required to be
- 3                   filed under this part;
- 4           (6) Revocation or suspension of a license or other
- 5                   disciplinary action against the licensee by another
- 6                   commission, or similar commission;
- 7           (7) Failure to report any disciplinary action, including
- 8                   medical and mandatory suspensions, or revocation or
- 9                   suspension of a license in another jurisdiction within
- 10                  fifteen days preceding any mixed martial arts match in
- 11                  which the licensee participates; or
- 12           (8) Participation in any sham or false mixed martial arts
- 13                  contest.

14           (b) The manager may be held responsible for all violations

15 of this part by a mixed martial arts contestant whom they manage

16 and may be subject to license revocation or suspension, or a

17 fine, or any combination thereof, irrespective of whether any

18 disciplinary action is taken against the mixed martial arts

19 contestant.

20           **§440-AA Penalties.** (a) Any person in violation of this

21 part or the rules of the commission shall be fined not more than



1 \$5,000 for each violation. Each day's violation or failure to  
2 comply shall be deemed a separate offense.

3 (b) In addition to the penalties provided in this part,  
4 any person in violation of this part may be prohibited from  
5 engaging in any mixed martial arts activities in the State for a  
6 period in conformity with that set forth in section 92-17.

7 §440-BB Cumulative penalties. Unless otherwise expressly  
8 provided, the remedies or penalties provided by this part are  
9 cumulative to each other and to the remedies or penalties  
10 available under all other laws of this State.

11 §440-CC Injunctive relief. The commission, in addition to  
12 any other remedies available, may bring an action in any court  
13 of this State to enjoin a person from continuing any violation  
14 of this part or doing any acts in furtherance thereof, and for  
15 any other relief that the court deems appropriate."

16 SECTION 2. Chapter 440, Hawaii Revised Statutes, is  
17 amended by designating sections 440-1 to 440-37, Hawaii Revised  
18 Statutes, as part I entitled:

19 "PART I. GENERAL PROVISIONS"

20 SECTION 3. Chapter 440D, Hawaii Revised Statutes, is  
21 repealed.



1 SECTION 4. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ , or so  
3 much thereof as may be necessary for fiscal year 2007-2008, to  
4 fund the operational and administrative expenses of the  
5 commission of Hawaii.

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

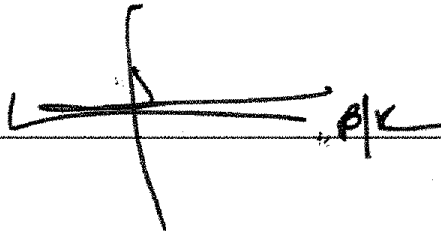
8 SECTION 5. This Act shall take effect on July 1, 2008;  
9 provided that:

10 (1) Sections 440-D in section 1 of this Act shall take  
11 effect upon its approval; and

12 (2) Section 4 of this Act shall take effect on July 1,  
13 2007.

14

INTRODUCED BY:

 A handwritten signature in black ink, consisting of a large, stylized letter 'L' followed by a horizontal line and a vertical line extending downwards. To the right of the signature, the initials 'PK' are written.



**Report Title:**

Boxing Commission; Prohibition on No Rules Combat

**Description:**

Regulates mixed martial arts, no rules combat, extreme or ultimate fighting, or other similar contests; repeals existing law on no rules combat or similar contests.

