

# HOUSE BILL No. 4146

February 7, 1991, Introduced by Reps. Law, Joe Young, Jr., Varga, O'Connor and Bandstra and referred to the Committee on State Affairs.

A bill to amend sections 505, 801, 803, 804, 805, 806, 810, 811, 812, and 813 of Act No. 299 of the Public Acts of 1980, entitled as amended

"Occupational code,"

sections 805, 806, 810, 811, and 812 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.505, 339.801, 339.803, 339.804, 339.805, 339.806, 339.810, 339.811, 339.812, and 339.813 of the Michigan Compiled Laws; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 505, 801, 803, 804, 805, 806, 810, 811,  
2 812, and 813 of Act No. 299 of the Public Acts of 1980, sections  
3 805, 806, 810, 811, and 812 as amended by Act No. 463 of the  
4 Public Acts of 1988, being sections 339.505, 339.801, 339.803,

1 339.804, 339.805, 339.806, 339.810, 339.811, 339.812, and 339.813  
2 of the Michigan Compiled Laws, are amended to read as follows:

3       Sec. 505. (1) After an investigation has been conducted,  
4 the department may issue an order summarily suspending a license  
5 or a ~~certificate of~~ registration issued pursuant to ~~articles 8~~  
6 ~~to 25~~ THIS ACT based on an affidavit by a person familiar with  
7 the facts set forth in the affidavit, or, if appropriate, based  
8 upon an affidavit on information and belief, that an imminent  
9 threat to the public health, safety, and welfare exists.  
10 Thereafter, the proceedings described in this article shall be  
11 promptly commenced and decided.

12       (2) A person whose license or ~~certificate of~~ registration  
13 has been summarily suspended under this section may petition the  
14 department to dissolve the order. Upon receiving a petition, the  
15 department immediately shall schedule a hearing to decide whether  
16 to grant or deny the requested relief.

17       (3) An administrative law hearings examiner shall grant the  
18 requested relief dissolving the summary suspension order, unless  
19 sufficient evidence is presented that an imminent threat to the  
20 public health, safety, and welfare exists which requires emer-  
21 gency action and continuation of the director's summary suspen-  
22 sion order.

23       (4) The record created at the hearing to dissolve a summary  
24 suspension order shall become part of the record on the complaint  
25 at a subsequent hearing in a contested case.

26       (5) THIS SECTION DOES NOT APPLY TO THE STOPPING OF A BOXING  
27 MATCH OR THE IMPOSITION OF A REQUIRED PERIOD OF TIME DURING WHICH

1 A BOXER SHALL NOT COMPETE FOLLOWING AN INJURY OR POSITIVE DRUG  
2 TEST, AS PROVIDED IN ARTICLE 8.

3 Sec. 801. As used in this article:

4 (a) "Amateur" means ~~a person~~ AN INDIVIDUAL who is not com-  
5 peting and has never competed for a money prize or who is not  
6 competing and has not competed with or against a professional for  
7 a prize.

8 (b) "Boxing club" means an organization affiliated with the  
9 ~~amateur athletic union of the~~ United States OF AMERICA AMATEUR  
10 BOXING FEDERATION.

11 (c) "Professional" means ~~a person~~ AN INDIVIDUAL who is  
12 competing or has competed for a money prize.

13 (d) "School", "college", or "university" does not include an  
14 institution formed or operated principally to provide instruction  
15 in boxing ~~, wrestling,~~ and other sports.

16 Sec. 803. A person who has a material financial interest in  
17 any club, organization, or corporation, the main object of which  
18 is the holding or giving of boxing ~~, OR sparring , or~~  
19 ~~wrestling~~ matches or exhibitions shall not be eligible to  
20 appointment to the board.

21 Sec. 804. (1) A boxing ~~, OR sparring , or wrestling~~  
22 match or exhibition for prizes or purses, or for which an admis-  
23 sion fee is charged or received, may be held within the state,  
24 subject to the direction, management, and control of the  
25 department.

26 (2) This article does not apply to boxing ~~, OR sparring ,~~  
27 ~~or wrestling~~ matches or exhibitions conducted by or participated

1 in exclusively by a department or agency of the United States  
2 government, ~~or~~ by a school, college, or university, or by an  
3 association or organization composed exclusively of these  
4 schools, colleges, or universities if each contestant in the  
5 match or exhibition is an amateur.

6 Sec. 805. (1) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A  
7 PERSON SHALL NOT HOLD OR CONDUCT A boxing ~~OR~~ sparring ~~OR~~  
8 ~~wrestling~~ match or exhibition ~~shall not be held or conducted~~  
9 within this state, except under a ~~license~~ PERMIT issued by the  
10 department ~~pursuant to this article, and the rules promulgated~~  
11 ~~under this act.~~ SANCTIONING THE CONTEST.

12 (2) ~~However~~ NOTWITHSTANDING SUBSECTION (1), the department  
13 may issue, without the payment of a fee, a ~~license~~ PERMIT to  
14 hold ~~either~~ OR CONDUCT a boxing ~~or wrestling~~ match or exhibi-  
15 tion between professionals under the sponsorship of a civic orga-  
16 nization or veterans' group if held for charitable purposes.

17 Sec. 806. (1) A promoter, boxing club, physician, referee,  
18 judge, matchmaker, timekeeper, ~~announcer,~~ professional boxer,  
19 ~~professional wrestler,~~ or ~~a~~ manager, or A second of those  
20 persons, shall obtain a license from the department before par-  
21 ticipating IN, OR PROFITING FROM, either directly or indirectly,  
22 ~~in a boxing OR sparring OR wrestling contest. and a~~  
23 ~~person shall not profit directly or indirectly from a boxing or~~  
24 ~~wrestling contest or participate directly or indirectly in the~~  
25 ~~contest or in the receipts from a contest unless it is licensed~~  
26 ~~by the department in advance under the classifications designated~~  
27 ~~in this article. Each application for a license shall be in~~

1 ~~writing, shall be verified by the applicant, and shall set forth~~  
 2 ~~those facts and conform to the rules promulgated by the depart-~~  
 3 ~~ment, jointly with the board.~~

4 (2) The department shall issue a passport ~~with~~ TO each  
 5 MICHIGAN RESIDENT professional ~~boxer's license~~ BOXER. ~~Each~~

6 (3) AN applicant for a license as a promoter, referee, or  
 7 judge shall be of good moral character.

8 Sec. 810. (1) A ~~professional~~ boxing contest INVOLVING  
 9 PROFESSIONALS shall NOT be ~~of not~~ more than 10 rounds in  
 10 length, except THAT a contest which involves a national or inter-  
 11 national championship may last not more than ~~20~~ 15 rounds. ~~in~~  
 12 ~~the determination of the department. The~~ DURING A CONTEST, THE  
 13 contestants shall wear ~~during a contest~~ gloves weighing at  
 14 least 6 ounces each. Rounds shall be ~~not longer than~~ 3  
 15 minutes, with not less than 1-minute rest between rounds.

16 (2) A PHYSICIAN SHALL CERTIFY THAT A contestant ~~in a pro-~~  
 17 ~~fessional or amateur boxing, sparring, or wrestling contest shall~~  
 18 ~~be certified to be~~ IS in proper physical condition ~~by an indi-~~  
 19 ~~vidual licensed as a physician before participating~~ BEFORE THE  
 20 CONTESTANT PARTICIPATES in a boxing ~~,~~ OR sparring ~~,~~ or  
 21 ~~wrestling~~ contest.

22 Sec. 811. (1) At the expense of a promoter or boxing club,  
 23 a physician shall be in attendance at each boxing ~~,~~ OR sparring  
 24 ~~,~~ or ~~wrestling~~ contest. The physician shall observe the physi-  
 25 cal condition of the boxers ~~and wrestlers,~~ and advise the ref-  
 26 eree or judges with regard to the health of the contestants. The  
 27 physician shall examine each boxer ~~or wrestler~~ within 2 hours

1 before entering the ring. A ~~promoter or boxing club~~ PHYSICIAN  
2 shall file with the department the report of the physical exami-  
3 nation of a contestant not later than 24 hours after ~~termination~~  
4 ~~of~~ the contest.

5 (2) If, in the opinion of the physician, the health or  
6 safety of a boxer ~~or wrestler~~ requires that the contest in  
7 which he or she is participating be terminated, the physician  
8 shall notify the referee ~~. The~~ AND THE referee shall terminate  
9 the contest.

10 Sec. 812. (1) If a boxer ~~or wrestler~~ SUSTAINS MAJOR INJU-  
11 RIES OR DAMAGING HEAD BLOWS OR loses consciousness during or as a  
12 result of PARTICIPATION IN a contest, ~~in which he or she~~  
13 ~~participates~~ OR HAS BEEN TESTED POSITIVELY FOR THE PRESENCE OF  
14 DRUGS IN HIS OR HER BODY, he or she shall not again be eligible  
15 to ~~participate in a contest~~ BOX COMPETITIVELY OR  
16 NONCOMPETITIVELY in this state unless examined by a physician  
17 ~~appointed~~ APPROVED by the department ~~and unless the physician~~  
18 WHO certifies the boxer's ~~or wrestler's~~ fitness to AGAIN  
19 participate.

20 (2) The boxer ~~or wrestler~~ shall pay the cost of the exami-  
21 nation REQUIRED UNDER SUBSECTION (1).

22 (3) THE BOARD SHALL PROMULGATE RULES DESCRIBING THE MANDA-  
23 TORY MINIMUM LENGTH OF TIME WHICH MUST ELAPSE BEFORE A  
24 PHYSICIAN'S EXAMINATION CAN BE PERFORMED AND DURING WHICH A BOXER  
25 SHALL NOT COMPETE. THE BOARD MAY PROMULGATE RULES DESCRIBING THE  
26 CONTENT OF THE PHYSICAL EXAMINATION NECESSARY TO DEMONSTRATE A  
27 BOXER'S FITNESS TO COMPETE. A BOXER MAY NOT APPEAL THE MANDATORY

1 NONCOMPETITIVE PERIOD BUT MAY APPEAL TO THE BOARD IF THE RIGHT TO  
2 COMPETE IS NOT RESTORED FOLLOWING CERTIFICATION BY THE  
3 DEPARTMENT-APPROVED PHYSICIAN THAT THE BOXER IS FIT TO COMPETE.

4       Sec. 813. A licensee ~~shall not participate~~ WHO  
5 PARTICIPATES in, or ~~aid and abet~~ AIDS AND ABETS in, a sham,  
6 ~~or~~ fake, OR UNSANCTIONED boxing ~~—~~ OR sparring ~~— or~~  
7 ~~wrestling~~ match or exhibition SHALL BE SUBJECT TO THE PENALTIES  
8 SET FORTH IN ARTICLE 6.

9       Section 2. Section 809 of Act No. 299 of the Public Acts of  
10 1980, being section 339.809 of the Michigan Compiled Laws, is  
11 repealed.