

HOUSE BILL No. 6311

July 1, 2010, Introduced by Reps. Agema, Green, Meekhof, Proos, Lori, Huckleberry, Mayes, Young, Roy Schmidt, DeShazor, Paul Scott, Ball, Kurtz, Pavlov, Daley, Knollenberg, Spade, Gonzales, Miller, Durhal, Lindberg, Walsh, Booher, Bolger, Meadows, Stamas, Haveman, Hansen, Horn, Cushingberry and Johnson and referred to the Committee on Regulatory Reform.

A bill to regulate amateur mixed martial arts; to create certain commissions and provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in, and connected to, the business of amateur mixed martial arts and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; and to provide for penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan amateur mixed martial arts regulatory act".

CHAPTER 1

1 Sec. 10. As used in this act:

2 (a) "Amateur" means a person who is not competing and has
3 never competed for a money prize or who is not competing and has
4 never competed with or against a professional for a prize.

5 (b) "Brazilian ju-jitsu", also known as "Gracie ju-jitsu",
6 means a martial art developed in Brazil by the Gracie family during
7 the mid-twentieth century with a major emphasis on ground fighting
8 and grappling.

9 (c) "Choke" means a submission technique that restricts blood
10 flow in the carotid arteries, resulting in a competitor's either
11 tapping out or losing consciousness. Some of the most frequently
12 employed chokes are the guillotine choke, rear-naked choke, leg
13 triangle choke, and arm triangle choke.

14 (d) "Commission" means the Michigan amateur mixed martial arts
15 commission created in section 21.

16 (e) "Complainant" means a person who has filed a complaint
17 with the department alleging that a person has violated this act or
18 a rule promulgated or order issued under this act.

19 (f) "Department" means the department of energy, labor, and
20 economic growth.

21 (g) "Director" means the director of the department.

22 (h) "Employee of the department" means an individual employed
23 by the department or a person under contract to the commission
24 whose duty it is to enforce the provisions of this act or rules
25 promulgated or orders issued under this act.

26 (i) "Fish-hooking" means the action of hooking or grasping and
27 pulling the inside of an opponent's cheek so as to control his or

1 her head movement.

2 (j) "Freestyle wrestling" means an Olympic grappling sport
3 that permits contestants to attack their opponent above and below
4 the waist.

5 (k) "Fund" means the Michigan amateur mixed martial arts fund
6 created in section 22.

7 (l) "Good moral character" means good moral character as
8 determined and defined in 1974 PA 381, MCL 338.41 to 338.47.

9 (m) "Grappling" means a technique of throwing, locking,
10 holding, and wrestling, as opposed to kicking and punching.

11 (n) "Greco-Roman wrestling" means an Olympic grappling sport
12 in which all holds are applied above the waist in an attempt to
13 throw the opponent.

14 (o) "Ground and pound" means a term that describes the barrage
15 of strikes delivered by the contestant who is in his or her
16 opponent's guard or in the mount position.

17 Sec. 11. As used in this act:

18 (a) "Hammer-fist" means a strike with the small finger side of
19 the fist, as if holding a hammer.

20 (b) "Ju-jitsu" means gentle art, a traditional Japanese self-
21 defense that includes kicking, striking, kneeing, throwing,
22 choking, and joint locks.

23 (c) "Judo" means the gentle way, a grappling art created by
24 Jigoro Kano, based on the techniques of ju-jitsu.

25 (d) "Kickboxing" means a striking sport that permits punches,
26 kicks, and knees.

27 (e) "Mixed martial arts" means a general term that describes

1 the convergence of techniques from a variety of combative sports
2 disciplines, including boxing, wrestling, judo, ju-jitsu,
3 kickboxing, and others. Mixed martial arts techniques include the
4 use of Brazilian ju-jitsu, chokes, freestyle wrestling, grappling,
5 pankration, Greco-Roman wrestling, shooting, ground and pound,
6 hammer-fist, judo, ju-jitsu, kickboxing, and muay Thai. Mixed
7 martial arts techniques do not include the use of fish-hooking and
8 spiking.

9 (f) "Muay Thai" means a pure striking art in which blows are
10 delivered with the hands, feet, knees, and elbows.

11 (g) "Pankration" means an ancient style of Greek wrestling and
12 boxing in which kicks, throws, and joint locks are used.

13 (h) "Physician" means that term as defined in section 17001 or
14 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
15 333.17501.

16 (i) "Professional" means a person who is competing or has
17 competed in the past in any professional sport for a money prize.

18 (j) "Promoter" means any person who produces or stages any
19 contest or exhibition of amateur mixed martial arts, but does not
20 include the venue where the exhibition or contest is being held
21 unless the venue contracts with the individual promoter to be a co-
22 promoter.

23 (k) "Respondent" means a person against whom a complaint has
24 been filed, who may be a person who is or is required to be
25 licensed under this act.

26 (l) "Rule" means a rule promulgated under the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

1 (m) "School", "college", or "university" does not include an
2 institution formed or operated principally to provide instruction
3 in amateur mixed martial arts and other sports.

4 (n) "Shoot" means a wrestling technique wherein a competitor
5 attempts to capture his or her opponent's legs and take him or her
6 off his feet.

7 (o) "Spike" or "spiking" means, after lifting and inverting an
8 opponent, attempting to slam him or her headfirst into the canvas.

9 (p) "Strikes" means a cumulative number of punches
10 administered by a contestant to his or her opponent.

11 CHAPTER 2

12 Sec. 20. This act does not apply to the following:

13 (a) Amateur wrestling.

14 (b) Amateur martial arts sports or activities held by a public
15 or private school.

16 (c) Contests or exhibitions conducted by or participated in
17 exclusively by an agency of the United States government or by a
18 school, college, or university or an organization composed
19 exclusively of those entities if each participant is an amateur.

20 Sec. 21. (1) There is created within the department a Michigan
21 amateur mixed martial arts commission, consisting 7 voting members.
22 The purpose of the commission is to administer, enforce, and
23 regulate a program of amateur mixed martial arts.

24 (2) The commission is an independent and autonomous entity
25 within the department. Subject to subsections (3) and (4), a
26 majority of the members of the commission shall be licensees under
27 this act. The department shall control budgeting, procurement,

1 human resources, information technology, and related management
2 functions of the commission.

3 (3) Subject to subsection (4), the governor may appoint, as
4 the initial members of the commission who are required to be
5 licensed, individuals who meet either or both of the following
6 qualifications:

7 (a) Are certified or otherwise approved by a national
8 organization that certifies or otherwise approves individuals in
9 the amateur mixed martial arts.

10 (b) Have actively engaged in amateur mixed martial arts or
11 taught in an educational institution which prepares applicants for
12 licensure, or a combination of both, for not less than the 2 years
13 immediately preceding their appointment.

14 (4) Within 3 years after effective date of this act, each
15 individual appointed under subsection (3) shall be licensed under
16 this act.

17 (5) Of the initial members of the commission, the terms of 3
18 of the members, including 2 of the members who have a license and 1
19 of the members representing the general public, shall be 4 years;
20 the terms of 2 of the members, including 1 of the members who have
21 a license and 1 of the members representing the general public,
22 shall be 3 years; and the terms of 2 of the members, including 1 of
23 the members who have a license and 1 of the members representing
24 the general public, shall be 2 years.

25 (6) Except as provided in subsection (5), members of the
26 commission shall serve for a term of 4 years.

27 (7) Five members of the commission constitute a quorum for the

1 exercise of the authority conferred upon the commission. A
2 concurrence of at least 4 of the members, or a concurrence of a
3 majority of those members who have not participated in an
4 investigation or administrative hearing regarding a matter before
5 the commission, is necessary to render a decision by the commission
6 and is considered to be a quorum.

7 (8) A member of the commission shall not, at any time during
8 his or her service as a member, promote or sponsor any contest or
9 exhibition of amateur mixed martial arts, or combination of those
10 events, or have any financial interest in the promotion or
11 sponsorship of those contests or exhibitions. However, this
12 prohibition does not apply to a member involved in a charity event
13 promoting the sport or in an awards event naming the best in sport.

14 (9) The commission shall meet not fewer than 4 times per year,
15 and shall schedule additional interim meetings upon request and at
16 the discretion of the chair.

17 (10) The records of the commission are subject to disclosure
18 under the freedom of information act, 1976 PA 442, MCL 15.231 to
19 15.246.

20 (11) Meetings of the commission are subject to the open
21 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

22 Sec. 22. (1) The commission shall elect 1 of its members as
23 the chair of the commission. The commission may purchase and use a
24 seal. The department may promulgate rules for the administration of
25 this act, but only after first consulting with the commission. The
26 commission may request the department to promulgate a rule under
27 section 38 of the administrative procedures act of 1969, 1969 PA

1 306, MCL 24.238. Notwithstanding the time limit provided for in
2 section 38 of the administrative procedures act of 1969, 1969 PA
3 306, MCL 24.238, the department shall respond in writing to any
4 request for rule promulgation by the commission within 30 calendar
5 days after a request. The response shall include a reason and
6 explanation for acceptance or denial of the request.

7 (2) The department shall promulgate rules to include all of
8 the following:

9 (a) Number and qualifications of ring officials required at
10 any exhibition or contest.

11 (b) Powers, duties, and compensation of ring officials.

12 (c) Qualifications of licensees.

13 (d) License fees not otherwise provided under this act.

14 (e) Any necessary standards designed to accommodate federally
15 imposed mandates that do not directly conflict with this act.

16 (f) A list of enhancers and prohibited substances, the
17 presence of which in a contestant is grounds for suspension or
18 revocation of the license or other sanctions.

19 (3) An amateur mixed martial arts fund is created as a
20 revolving fund in the state treasury and is administered by the
21 director. The money in the fund is to be used only for the costs of
22 enforcement of this act and for any costs associated with the
23 administration of this act, including, but not limited to,
24 reimbursing the department of attorney general for the reasonable
25 costs of services provided to the department under this act. Money
26 remaining in the fund at the end of the fiscal year and interest
27 earned shall be carried forward into the next fiscal year and shall

1 not revert to the general fund. The department shall deposit into
2 the fund all money received from license fees, event fees, and
3 administrative fines imposed under this act and from any other
4 source. The department shall be the administrator of the fund for
5 auditing purposes.

6 (4) Annually, the legislature shall fix the per diem
7 compensation of the members of the commission. Travel or other
8 expenses incurred by a commission member in the performance of an
9 official function shall be payable by the department pursuant to
10 the standardized travel regulations of the department of
11 technology, management, and budget.

12 (5) The commission may affiliate with any other state or
13 national mixed martial arts commission or athletic authority. The
14 commission, upon approval of the director, may enter into any
15 appropriate reciprocity agreements.

16 (6) The commission and department are vested with management,
17 control, and jurisdiction over all amateur mixed martial arts
18 contests or exhibitions to be conducted, held, or given within this
19 state. Except for any contests or exhibitions exempt from this act,
20 a contest or exhibition shall not be conducted, held, or given
21 within this state except in compliance with this act.

22 (7) The director, in consultation with the commission, shall
23 promulgate the following rules:

24 (a) Rules to establish the procedures and standards of the
25 conduct of amateur mixed martial arts under this act. The rules may
26 in whole or in part, adopt by reference any existing standards
27 considered appropriate by the director and the commission.

1 (b) Rules to impose license fees for participants as further
2 described in section 35. Those fees shall be the substantial
3 equivalent of those participants' license fees imposed upon
4 professional mixed martial arts participants under the Michigan
5 unarmed combat regulatory act, 2004 PA 403, MCL 338.3601 to
6 338.3663.

7 CHAPTER 3

8 Sec. 30. (1) A person shall not engage in or attempt to engage
9 in an activity regulated under this act unless the person is
10 licensed by the department to engage in that activity or unless the
11 person is exempt from licensure under this act.

12 (2) A person who violates subsection (1) is guilty of a
13 misdemeanor punishable by a fine of not more than \$500.00 or
14 imprisonment for not more than 93 days, or both.

15 (3) A person who violates subsection (1) a second or any
16 subsequent time is guilty of a misdemeanor punishable by a fine of
17 not more than \$1,000.00 or imprisonment for not more than 1 year,
18 or both. However, a person who knowingly puts a professional in the
19 ring with an amateur is guilty of a felony punishable by a fine of
20 \$25,000.00 per incident or imprisonment for not more than 5 years,
21 or both.

22 (4) Notwithstanding the existence and pursuit of any other
23 remedy, an affected person may maintain injunctive action in a
24 court of competent jurisdiction to restrain or prevent a person
25 from violating subsection (1). If successful in obtaining
26 injunctive relief, the affected person shall be entitled to actual
27 costs and attorney fees. As used in this subsection, "affected

1 person" means a person directly affected by the actions of a person
2 suspected of violating this act and includes, but is not limited
3 to, the commission, the department, or a member of the general
4 public.

5 (5) An investigation may be conducted by the department to
6 enforce this act. A person who violates this act is subject to the
7 strictures prescribed in this section and section 43.

8 (6) The remedies under this section are independent and
9 cumulative. The use of 1 remedy by a person shall not bar the use
10 of other lawful remedies by that person or the use of a lawful
11 remedy by another person.

12 Sec. 31. By filing an application for licensure, an applicant
13 does both of the following:

14 (a) Certifies his or her general suitability, character,
15 integrity, and ability to participate, engage in, or be associated
16 with amateur mixed martial arts contests or exhibitions. The burden
17 of proof is on the applicant to establish to the satisfaction of
18 the commission that the applicant is qualified to participate in
19 mixed martial arts amateur sports.

20 (b) Accepts the risk of adverse public notice, embarrassment,
21 criticism, financial loss, or other action with respect to his or
22 her application and expressly waives any claim for damages as a
23 result of any adverse public notice, embarrassment, criticism,
24 financial loss, or other action. Any member of the commission or
25 any witness testifying under oath regarding an application and
26 investigation of the applicant is immune from civil liability for
27 libel, slander, or any other tort relative to any written or oral

1 statement made by that person.

2 Sec. 32. An amateur mixed martial arts contest or exhibition
3 shall not be held or conducted in this state except under a
4 promoter's license issued by the department as provided for in
5 section 33.

6 Sec. 33. (1) An application for a promoter's license shall be
7 in writing and shall correctly show and define the applicant.

8 (2) An applicant for a promoter's license shall demonstrate
9 good moral character. If an applicant for a promoter's license is
10 denied a license due to lack of good moral character, the applicant
11 may petition the commission for a review of the decision under
12 section 46.

13 (3) A promoter shall apply for and obtain an annual license
14 from the department in order to present a program of amateur mixed
15 martial arts contests or exhibitions. The annual license fee is
16 \$300.00. The commission shall request, and the applicant shall
17 provide, such information as it determines necessary to ascertain
18 the financial stability of the applicant.

19 (4) The promoter shall pay an event fee determined by the
20 department to pay for the inspection and the officials at each
21 event.

22 Sec. 34. (1) The director, in consultation with the
23 commission, may promulgate rules for the application and approval
24 process for promoters. Until the rules are promulgated, the
25 applicant shall comply with the standards described in subsection
26 (2).

27 (2) The rules regarding the application process shall include

1 at least the following:

2 (a) An initial application processing fee sufficient to cover
3 the costs of processing, but not less than \$300.00.

4 (b) A requirement that background information be disclosed by
5 the applicant if the applicant is an individual, or by the
6 principal officers or members and individuals having at least a 10%
7 ownership interest if the applicant is any other legal entity, with
8 emphasis on the applicant's business experience.

9 (c) Information from the applicant that is not more than 7
10 years old concerning past and present civil lawsuits, judgments,
11 and filings under the bankruptcy code.

12 (d) Any other relevant and material information considered
13 necessary by the director upon consultation with the commission.

14 (3) As part of the approval process for promoters, the
15 commission may require the applicant or his or her representative
16 to be present at a commission meeting in which the application is
17 considered.

18 Sec. 35. The department, in consultation with the commission,
19 shall promulgate rules to provide for license fees for all
20 participants in the activities regulated by this act that are not
21 otherwise provided for in this act, including, but not limited to,
22 nurse practitioner, referee, judge, matchmaker, timekeeper, amateur
23 mixed martial artist, amateur contestant, or manager or a second of
24 those persons.

25 CHAPTER 4

26 Sec. 40. A complaint alleging that a person has violated this
27 act or a rule promulgated or an order issued under this act shall

1 be filed with the commission in writing. The department of attorney
2 general, the department, the commission, or any other person may
3 file a complaint.

4 Sec. 41. (1) The department, upon receipt of a complaint under
5 section 40, immediately shall begin an investigation of the
6 allegations of the complaint and shall open a correspondence file
7 for tracking purposes. The department shall acknowledge the
8 complaint in writing within 15 days after receipt of the complaint.
9 If the department submits the complaint, the department shall
10 designate 1 or more employees of the department to investigate and
11 report all findings.

12 (2) The department shall conduct the investigation required
13 under subsection (1). In furtherance of that investigation, the
14 department may request that the attorney general petition a court
15 of competent jurisdiction to issue a subpoena requiring a person to
16 appear before the department and be examined with reference to a
17 matter within the scope of the investigation and to produce books,
18 papers, or documents pertaining to the investigation.

19 (3) The investigative unit of the department, within 30 days
20 after the department receives the complaint, shall report to the
21 director on the status of the investigation. If, for good cause
22 shown, an investigation cannot be completed within 30 days, the
23 department may extend the time in which a report may be filed.

24 (4) If the report of the investigative unit of the department
25 does not disclose a violation of this act or a rule promulgated or
26 an order issued under this act, the complaint shall be closed by
27 the department. The reasons for closing the complaint shall be

1 forwarded to the respondent and complainant, who then may provide
2 additional information to reopen the complaint.

3 (5) If the report of the investigative unit made pursuant to
4 subsection (3) discloses evidence of a violation of this act or a
5 rule promulgated or an order issued under this act, the department
6 or the department of attorney general shall prepare the appropriate
7 action against the respondent, which may be any of the following:

8 (a) A formal complaint.

9 (b) A cease and desist order.

10 (c) A notice of summary suspension subject to sections 42 and
11 48(5).

12 (6) At any time during its investigation or after the issuance
13 of a formal complaint, the department may bring together the
14 complainant and the respondent for an informal conference. At the
15 informal conference, the department shall attempt to resolve issues
16 raised in the complaint and may attempt to aid the parties in
17 reaching a formal settlement or stipulation.

18 Sec. 42. (1) After an investigation has been conducted under
19 section 41, the department may issue an order summarily suspending
20 a license based on an affidavit by a person familiar with the facts
21 set forth in the affidavit or, if appropriate, based upon an
22 affidavit on information and belief that an imminent threat to the
23 integrity of the sport, the public interest, and the welfare and
24 safety of an amateur mixed martial arts contestant exists.
25 Thereafter, the proceedings described in this chapter shall be
26 promptly commenced and decided.

27 (2) A person whose license has been summarily suspended under

1 this section may petition the department to dissolve the order.
2 Upon receiving a petition, the department immediately shall
3 schedule a hearing to decide whether to grant or deny the requested
4 relief.

5 (3) An administrative law hearings examiner shall grant the
6 requested relief dissolving the summary suspension order, unless
7 sufficient evidence is presented that an imminent threat to the
8 integrity of the sport, the public interest, and the welfare and
9 safety of an amateur mixed martial arts contestant exists that
10 requires emergency action and continuation of the department's
11 summary suspension order.

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

15 (5) A summary suspension of an amateur mixed martial arts
16 contestant for refusal or failure to submit to a drug test or a
17 test for the presence of controlled substances, enhancers,
18 prohibited drugs, or other prohibited substances, as described in
19 section 48(5), shall proceed under this section.

20 Sec. 43. (1) After an investigation has been conducted under
21 section 41, the department may order a person to cease and desist
22 from a violation of this act or a rule promulgated or order issued
23 under this act.

24 (2) A person ordered to cease and desist may request a hearing
25 before the department if a written request for a hearing is filed
26 within 30 days after the effective date of the order.

27 (3) Upon a violation of a cease and desist order issued under

1 this act, the department of attorney general may apply to a court
2 of competent jurisdiction to restrain and enjoin, temporarily or
3 permanently, or both, a person from further violating a cease and
4 desist order.

5 Sec. 44. (1) A summary suspension order, cease and desist
6 order, or injunctive relief issued or granted in relation to a
7 license is in addition to and not in place of an informal
8 conference; criminal prosecution; proceeding to deny, revoke, or
9 suspend a license; or any other action authorized by this act.

10 (2) After an investigation has been conducted and a formal
11 complaint prepared under section 41, the department shall serve the
12 formal complaint upon the respondent and the complainant. At the
13 same time, the department shall serve the respondent with a notice
14 describing the compliance conference and hearing process and
15 offering the respondent a choice of 1 of the following
16 opportunities:

17 (a) An opportunity to meet with the department to negotiate a
18 settlement of the matter.

19 (b) If the respondent is a licensee under this act, an
20 opportunity to demonstrate compliance prior to holding a contested
21 case hearing.

22 (c) An opportunity to proceed to a contested case hearing.

23 (3) A respondent upon whom a formal complaint has been served
24 pursuant to this section may select, within 15 days after the
25 receipt of notice, 1 of the options described in subsection (2). If
26 a respondent does not notify the department of the selection of 1
27 of those options within the time period described in this section,

1 then the department shall proceed to a contested case hearing as
2 described in subsection (2)(c).

3 (4) An informal conference may be attended by a member of the
4 commission, at the discretion of the department, and may result in
5 a settlement, consent order, waiver, default, or other method of
6 settlement agreed upon by the parties and the department. A
7 settlement may include the revocation or suspension of a license;
8 censure; probation; restitution; or a sanction provided for in
9 section 48. The commission may reject a settlement and require a
10 contested case hearing.

11 (5) An employee of the department may represent the department
12 in any contested case hearing.

13 (6) This chapter does not prevent a person against whom a
14 complaint has been filed from showing compliance with this act or a
15 rule promulgated or order issued under this act.

16 (7) The department or the department of the attorney general
17 may petition a court of competent jurisdiction to issue a subpoena
18 to require the person subpoenaed to appear or testify or produce
19 relevant documentary material for examination at a proceeding.

20 Sec. 45. (1) At the conclusion of a hearing conducted under
21 section 44, the administrative law hearings examiner shall submit a
22 determination of findings of fact and conclusions of law to the
23 department, the department of attorney general, and the commission,
24 in a hearing report. The submitted hearing report may recommend the
25 sanctions to be assessed as prescribed in section 48.

26 (2) A copy of a hearing report shall be submitted to the
27 complainant and to the respondent.

1 (3) Within 60 days after receipt of an administrative law
2 hearings examiner's hearing report, the commission shall meet and
3 make a determination of the penalties to be assessed under section
4 48. The commission's determination shall be made on the basis of
5 the administrative law hearings examiner's report. A transcript of
6 a hearing or a portion of the transcript shall be made available to
7 the commission upon request. If a transcript or a portion of the
8 transcript is requested, the commission's determination of the
9 penalty or penalties to be assessed under section 48 shall be made
10 at a meeting held within 60 days after receipt of the transcript or
11 portion of the transcript.

12 (4) If the commission does not determine the appropriate
13 penalty or penalties to be assessed within the time limits
14 prescribed by subsection (3), the director may determine the
15 appropriate penalty and issue a final order.

16 (5) A member of the commission who has participated in an
17 investigation or administrative hearing on a complaint filed with
18 the department or who has attended an informal conference shall not
19 participate in making a final determination in a proceeding on that
20 complaint.

21 Sec. 46. (1) A person seeking a license or renewal under this
22 act may petition the department and the commission for a review if
23 that person does not receive a license or renewal.

24 (2) A petition submitted under subsection (1) shall be in
25 writing and shall set forth the reasons the petitioner feels that
26 the licensure or renewal should be issued.

27 (3) The department may issue a license or renewal if, based on

1 a review of the qualifications of the person who submitted a
2 petition under subsection (1), the department and the commission
3 determine that the person could perform the licensed activity with
4 competence.

5 Sec. 47. (1) The department shall initiate an action under
6 this chapter against an applicant or take any other lawful action
7 against the license of any contestant, promoter, or other
8 participant who the department determines has done any of the
9 following:

10 (a) Entered into a contract for an amateur mixed martial arts
11 contest or exhibition in bad faith.

12 (b) Participated in any sham or fake amateur mixed martial
13 arts contest or exhibition.

14 (c) Participated in an amateur mixed martial arts contest or
15 exhibition pursuant to a collusive understanding or agreement in
16 which the contestant competes or terminates the amateur mixed
17 martial arts contest or exhibition in a manner that is not based
18 upon honest competition or the honest exhibition of the skill of
19 the contestant.

20 (d) Failed to give his or her best efforts, failed to compete
21 honestly, or failed to give an honest exhibition of his or her
22 skills in an amateur mixed martial arts contest or exhibition.

23 (e) Performed an act or engaged in conduct that is detrimental
24 to an amateur mixed martial arts contest or exhibition, including,
25 but not limited to, any foul or unsportsmanlike conduct in
26 connection with an amateur mixed martial arts contest or
27 exhibition.

1 (f) Gambled on the outcome of an amateur mixed martial arts
2 contest or exhibition in which he or she is a contestant, promoter,
3 matchmaker, ring official, or second.

4 (g) Assaulted another licensee, commission member, or employee
5 of the department while not involved in or while outside the normal
6 course of an amateur mixed martial arts contest or exhibition.

7 (h) Practiced fraud or deceit in obtaining a license.

8 (2) The department, in consultation with the commission, shall
9 promulgate rules to provide for both of the following:

10 (a) The timing of drug tests for contestants.

11 (b) Specific summary suspension procedures for amateur mixed
12 martial arts contestants and participants who test positive for
13 drugs or fail to submit to a drug test under section 48(3). The
14 rules shall include the following:

15 (i) A procedure to allow the commission to place the licensee
16 upon the national suspension list.

17 (ii) An expedited appeal process for the summary suspension.

18 (iii) A relicensing procedure following summary suspension.

19 (3) An employee of the department must be present at all
20 weigh-ins, medical examinations, contests, exhibitions, and matches
21 to ensure that this act and rules promulgated under this act are
22 strictly enforced.

23 (4) Each promoter shall furnish each member of the commission
24 present at an amateur mixed martial arts contest or exhibition with
25 a seat in the area immediately adjacent to the amateur mixed
26 martial arts contest or exhibition. An additional seat shall be
27 provided in the venue.

1 (5) The commission chair, a commission member assigned by the
2 commission chair, or a department official designated by the
3 commission chair shall have final authority involving any conflict
4 at a contest, exhibition, or match and shall advise the chief
5 inspector in charge accordingly. In the absence of the chair, an
6 assigned member, or a department official designated by the
7 commission chair, the chief inspector in charge shall be the final
8 decision-making authority.

9 Sec. 48. (1) Upon receipt of an application for reinstatement
10 and the payment of an administrative fine prescribed by the
11 commission, the commission may reinstate a revoked license or lift
12 a suspension. If disciplinary action is taken against a person
13 under this act that does not relate to an amateur mixed martial
14 arts contest or exhibition, the commission may, in lieu of
15 suspending or revoking a license, prescribe an administrative fine
16 not to exceed \$10,000.00. If disciplinary action is taken against a
17 person under this act that relates to the preparation for an
18 amateur mixed martial arts contest or an exhibition, the occurrence
19 of an amateur mixed martial arts contest or an exhibition, or any
20 other action taken in conjunction with an amateur mixed martial
21 arts contest or an exhibition, the commission may prescribe an
22 administrative fine not to exceed \$100,000.00 in the case of any
23 other person. This administrative fine may be imposed in addition
24 to, or in lieu of, any other disciplinary action that is taken
25 against the person by the commission.

26 (2) If an administrative fine is imposed under this section,
27 the commission may recover the costs of the proceeding, including

1 investigative costs and attorney fees. The department or the
2 attorney general may bring an action in a court of competent
3 jurisdiction to recover any administrative fines, investigative and
4 other allowable costs, and attorney fees. The filing of an action
5 to recover fines and costs does not bar the imposition of other
6 sanctions under this act.

7 (3) A participant in an amateur mixed martial arts contest or
8 exhibition shall submit to a postexhibition test of body fluids to
9 determine the presence of controlled substances, prohibited
10 substances, or enhancers. The department shall promulgate rules to
11 set requirements regarding preexhibition tests of body fluids to
12 determine the presence of controlled substances, prohibited
13 substances, or enhancers.

14 (4) The promoter is responsible for the cost of the testing
15 performed under this section.

16 (5) Either of the following is grounds for summary suspension
17 of the individual's license in the manner provided for in section
18 42:

19 (a) A test resulting in a finding of the presence of
20 controlled substances, enhancers, or other prohibited substances as
21 determined by rule of the department.

22 (b) The refusal or failure of a contestant to submit to the
23 drug testing ordered by an authorized person.

24 CHAPTER 5

25 Sec. 50. (1) A referee, judge, matchmaker, timekeeper, mixed
26 martial artist, contestant, or manager, or a second of those
27 persons, shall obtain a participant license from the department

1 before participating either directly or indirectly in an amateur
2 mixed martial arts contest or exhibition.

3 (2) An application for a participant license shall be in
4 writing, shall be verified by the applicant, and shall set forth
5 those facts requested by and conform to the rules promulgated by
6 the department.

7 (3) The department shall issue an identification card with
8 each contestant's license.

9 (4) The commission or a member of the commission has standing
10 to contest the issuance or nonissuance of an exhibition or other
11 license by written or electronic communication to the department.

12 Sec. 51. (1) A person seeking a license under this act as a
13 judge or referee may be required to satisfactorily pass an
14 examination or training program acceptable to the department.

15 (2) A contestant seeking a license under this act as a
16 contestant shall pass a physical examination that is performed by a
17 licensed physician, a licensed physician's assistant, or a
18 certified nurse practitioner acceptable to the department and the
19 commission.

20 (3) Until the expiration of 1 year after the effective date of
21 this act, the department shall issue an equivalent license without
22 an examination to a person who is licensed in any capacity under
23 the Michigan unarmed combat regulatory act, 2004 PA 403, MCL
24 338.3601 to 338.3663, on the effective date of this act, upon
25 application on a form provided by the department.

26 Sec. 52. (1) In addition to the requirements of section 51, a
27 person seeking a license as an amateur referee, judge, or

1 timekeeper shall referee, judge, or keep time for a minimum of 300
2 rounds of competitive amateur mixed martial arts.

3 (2) After a person has successfully completed the requirements
4 of section 51(2), if applicable, and subsection (1), the commission
5 may issue the person a license.

6 Sec. 53. (1) In addition to the requirements of section 52, a
7 person seeking a license as an amateur judge shall score,
8 unofficially, not fewer than 200 rounds of amateur mixed martial
9 arts. In order to fulfill the requirements of this subsection, an
10 applicant shall only unofficially judge contests that are approved
11 by the commission for that purpose. An applicant shall not receive
12 compensation for judging amateur mixed martial arts contests or
13 exhibitions under this subsection. Scorecards shall be transmitted
14 to the department and the commission for review and evaluation.

15 (2) An employee of the department or a person authorized by
16 the commission shall complete a standardized evaluation sheet for
17 each amateur mixed martial arts contest or exhibition judged by a
18 licensee. The commission shall annually review the evaluation
19 sheets. A commission member attending an amateur mixed martial arts
20 contest or exhibition may also submit to the department a
21 standardized evaluation sheet.

22 Sec. 54. (1) A contestant participating in an amateur mixed
23 martial arts contest or exhibition shall be insured by the promoter
24 for not less than \$10,000.00 for medical and hospital expenses to
25 be paid to the contestant to cover injuries sustained in the
26 contest and for not less than \$10,000.00 to be paid in accordance
27 with the statutes of descent and distribution of personal property

1 if the contestant should die as a result of injuries received in an
2 amateur mixed martial arts contest or exhibition.

3 (2) A promoter shall pay the policy premium and deductible
4 regarding any medical or hospital expenses for a contestant's
5 injuries.

6 Sec. 55. (1) An amateur mixed martial arts contest or
7 exhibition shall be of not more than 3 rounds in length, except
8 that an amateur mixed martial arts contest or exhibition that
9 involves a national or international championship may last not more
10 than 5 rounds in the determination of the department. During a
11 contest, the contestants shall wear gloves weighing at least 6
12 ounces each. Rounds shall be not longer than 3 minutes, with not
13 less than a 1-minute rest between rounds.

14 (2) A participant in an amateur mixed martial arts contest or
15 exhibition shall be certified to be in proper physical condition by
16 a licensed physician, a licensed physician's assistant, or a
17 certified nurse practitioner before participating in an amateur
18 mixed martial arts contest or exhibition. The department shall
19 designate any medical test that may be required to determine
20 whether the individual is in proper physical condition.

21 Sec. 56. (1) A licensed physician shall be in attendance at
22 each amateur mixed martial arts contest or exhibition. The
23 physician shall observe the physical condition of the contestants
24 and advise the referee or judges with regard to the health of those
25 contestants. The physician shall examine each contestant before he
26 or she enters the ring.

27 (2) If, in the opinion of the physician, the health or safety

1 of a contestant requires that the amateur mixed martial arts
2 contest or exhibition in which he or she is participating be
3 terminated, the physician shall notify the referee. The referee
4 shall terminate the amateur mixed martial arts contest or
5 exhibition.

6 Sec. 57. (1) If a contestant or participant loses
7 consciousness during or as a result of an amateur mixed martial
8 arts contest or exhibition in which he or she participates, he or
9 she shall not again be eligible to participate in an amateur mixed
10 martial arts contest or exhibition in this state unless examined by
11 a physician appointed by the commission and unless the physician
12 certifies the contestant's or participant's fitness to participate.

13 (2) The contestant or participant shall pay the cost of the
14 examination conducted under subsection (1).

15 CHAPTER 6

16 Sec. 60. This act takes effect 90 days after the date it is
17 enacted into law.