

SENATE BILL No. 808

November 9, 2011, Introduced by Senators ROBERTSON, GREEN, PAPPAGEORGE, HUNE, SMITH, YOUNG, RICHARDVILLE, PROOS, BRANDENBURG and GLEASON and referred to the Committee on Regulatory Reform.

A bill to amend 2004 PA 403, entitled
"Michigan unarmed combat regulatory act,"
by amending the title and sections 1, 10, 11, 12, 20, 21, 22, 30,
31, 32, 33, 34, 35, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 52,
53, 54, 55, 56, 57, 58, 61, and 63 (MCL 338.3601, 338.3610,
338.3611, 338.3612, 338.3620, 338.3621, 338.3622, 338.3630,
338.3631, 338.3632, 338.3633, 338.3634, 338.3635, 338.3640,
338.3641, 338.3642, 338.3643, 338.3644, 338.3645, 338.3646,
338.3647, 338.3648, 338.3650, 338.3651, 338.3652, 338.3653,
338.3654, 338.3655, 338.3656, 338.3657, 338.3658, 338.3661, and
338.3663), sections 1, 10, 11, 12, 20, 21, 31, 32, 33, 34, 35, 47,
48, 51, 53, 54, 55, 56, 57, and 58 as amended by 2007 PA 196 and
section 22 as amended by 2010 PA 100, and by adding section 23; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate certain forms of boxing; to create ~~certain commissions and to provide certain~~ **THE MICHIGAN BOXING AND MIXED MARTIAL ARTS COMMISSION AND ESTABLISH THE POWERS AND DUTIES OF THE COMMISSION AND ITS EXECUTIVE DIRECTOR; TO PROVIDE** powers and duties for certain state agencies and departments; to license and regulate certain ~~persons~~ **INDIVIDUALS** engaged in boxing, ~~certain persons~~ connected to the business of boxing, ~~and certain persons~~ **OR** 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~~ **TO ESTABLISH THE BOXING AND MIXED MARTIAL ARTS FUND AND PROVIDE FOR THE USE OF THE MONEY IN THE FUND; TO AUTHORIZE THE PROMULGATION OF** rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

Sec. 1. This act shall be known and may be cited as the "~~Michigan unarmed combat~~ **BOXING AND MIXED MARTIAL ARTS** regulatory act".

Sec. 10. As used in this act:

(a) "Amateur" means ~~a person~~ **ANY OF FOLLOWING:**

(i) **EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), AN INDIVIDUAL** who is not competing and has never competed for a money prize or who is not competing and has not competed with or against a professional for a prize.

(ii) For a boxing contest, ~~amateur is a person~~ **AN INDIVIDUAL** who is required to be registered by USA boxing.

(b) "Commission" means the Michigan ~~unarmed combat~~ **BOXING AND**

1 **MIXED MARTIAL ARTS** commission created in section 20.

2 (c) "Complainant" means a person who has filed a complaint
3 with the department alleging that a person has violated this act or
4 a rule promulgated or an order issued under this act. If a
5 complaint is made by the department, ~~the director shall designate~~
6 **COMPLAINANT MEANS** 1 or more employees of the department **DESIGNATED**
7 **BY THE DIRECTOR** to act as the complainant.

8 (d) "Department" means the department of ~~labor and economic~~
9 ~~growth~~ **LICENSING AND REGULATORY AFFAIRS.**

10 (e) "Director" means the director of the department or his or
11 her designee.

12 (f) "Employee of the department" means an individual employed
13 by the department or a person under contract to the department
14 ~~whose duty it is to enforce the provisions of~~ **WHO IS RESPONSIBLE**
15 **FOR ENFORCING** this act or rules promulgated or orders issued under
16 this act.

17 (G) **"EXECUTIVE DIRECTOR" MEANS THE INDIVIDUAL APPOINTED UNDER**
18 **SECTION 23 AS THE ADMINISTRATOR OF THE COMMISSION OR HIS OR HER**
19 **DESIGNEE.**

20 (H) ~~(g)~~ "Fund" means the ~~Michigan unarmed combat~~ **BOXING AND**
21 **MIXED MARTIAL ARTS** fund created in section 22.

22 (I) ~~(h)~~ "Good moral character" means good moral character as
23 determined and defined ~~in~~ **UNDER** 1974 PA 381, MCL 338.41 to 338.47.

24 (J) ~~(i)~~ "Mixed martial arts" means unarmed combat ~~involving~~
25 **THAT INVOLVES** the use of a combination of techniques from different
26 disciplines of the martial arts. ~~and~~ **THE TERM** includes grappling,
27 kicking, jujitsu, and striking. ~~, subject to limitations contained~~

~~in this act and rules promulgated under this act.~~

Sec. 11. As used in this act:

(A) **"PERSON" MEANS AN INDIVIDUAL, CORPORATION, LIMITED LIABILITY COMPANY, PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.**

(B) ~~(a)~~-"Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(C) ~~(b)~~-"Prize" means something offered or given of present or future value to a participant in a contest, exhibition, or match.

(D) ~~(c)~~-"Professional" means ~~a person~~ **AN INDIVIDUAL** who is competing or has competed in boxing or mixed martial arts for a money prize.

(E) ~~(d)~~-"Promoter" means ~~any person~~ **AN INDIVIDUAL** who produces or stages any professional contest or exhibition of boxing or mixed martial arts, or both. ~~, but~~ **THE TERM** does not include ~~the~~ **A** venue where ~~the~~ **AN** exhibition or contest is being held unless the venue contracts with the individual promoter to be a ~~co-promoter~~ **COPROMOTER**.

(F) ~~(e)~~-"Purse" means the financial guarantee or any other remuneration for which professionals are participating in a contest or exhibition. ~~and includes the~~ **THE TERM INCLUDES A** professional's share of any payment received for radio, television, or motion picture rights.

(G) ~~(f)~~-"Respondent" means a **LICENSEE OR OTHER** person against whom a complaint ~~has been~~ **IS** filed ~~who may be a person who is or is required to be licensed under this act.~~

(H) ~~(g)~~-"Rule" means a rule promulgated under the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
2 24.328.

3 (I) ~~(h)~~ "School", "college", or "university" does not include
4 an institution formed or operated principally to provide
5 instruction in boxing, ~~and~~ **MARTIAL ARTS, OR** other sports.

6 Sec. 12. This act does not apply to any of the following:

7 (a) Professional or amateur wrestling.

8 (b) Amateur martial arts sports or activities.

9 (c) Contests or exhibitions **THAT ARE** conducted by or
10 participated in exclusively by an agency of the United States
11 government, or by a school, college, or university or an
12 organization composed exclusively of those entities, if each
13 participant is an amateur.

14 (d) Amateur boxing regulated ~~by~~ **UNDER** the ~~amateur sports act~~
15 ~~of 1978, 36 USC 371~~ **TED STEVENS OLYMPIC AND AMATEUR SPORTS ACT, 36**
16 **USC 220501 TO 220529.**

17 (e) Boxing elimination contests regulated ~~by~~ **UNDER** section 50.

18 (f) Amateur mixed martial arts.

19 Sec. 20. (1) The Michigan ~~unarmed combat~~ **BOXING AND MIXED**
20 **MARTIAL ARTS** commission, ~~consisting of~~ **IS ESTABLISHED AS AN**
21 **AUTONOMOUS AGENCY WITHIN THE DEPARTMENT AND SHALL EXERCISE ITS**
22 **POWERS AND FUNCTIONS INDEPENDENTLY OF THE DEPARTMENT EXCEPT FOR**
23 **BUDGET, PROCUREMENT, HUMAN RESOURCES, INFORMATION TECHNOLOGY, AND**
24 **RELATED ADMINISTRATIVE FUNCTIONS, WHICH THE DEPARTMENT SHALL**
25 **PROVIDE FOR THE COMMISSION. THE DEPARTMENT SHALL ALSO PROVIDE**
26 **SUITABLE OFFICES, FACILITIES, EQUIPMENT, STAFF, AND SUPPLIES FOR**
27 **THE COMMISSION IN THE CITY OF LANSING.**

1 (2) THE COMMISSION SHALL CONSIST OF THE EXECUTIVE DIRECTOR, AS
 2 A NONVOTING EX OFFICIO MEMBER OF THE COMMISSION, AND 11 voting
 3 members, appointed by the governor with the advice and consent of
 4 the senate ~~, is created within the department. The director is~~
 5 ~~appointed as a nonvoting ex officio member of the commission. A~~
 6 ~~majority of the members appointed by the governor shall be~~
 7 ~~licensees under this act. AS FOLLOWS:~~

8 (A) ~~Four of the members shall be licensees WHO HAVE~~
 9 ~~EXPERIENCE, KNOWLEDGE, OR BACKGROUND in boxing. , and 4~~

10 (B) ~~FOUR members shall be licensees WHO HAVE EXPERIENCE,~~
 11 ~~KNOWLEDGE, OR BACKGROUND in mixed martial arts.~~

12 (C) ~~Three members shall be WHO ARE members of the general~~
 13 ~~public. Budgeting, procurement, human resources, information~~
 14 ~~technology, and related management functions of the commission~~
 15 ~~shall be performed by the department.~~

16 (3) ~~(2)~~ Except as otherwise provided in this subsection, the
 17 11 members appointed by the governor shall serve a term of 4 years.
 18 ~~Of the initial members appointed under this act, the terms of 2 of~~
 19 ~~the members shall be 4 years, the term of 2 of the members shall be~~
 20 ~~2 years, and the term of 3 of the members shall be 1 year. When so~~
 21 ~~designated by the director, any board action taken on only a boxing~~
 22 ~~or mixed martial arts matter shall only be considered by the~~
 23 ~~appropriately licensed members and members of the general public.~~
 24 THE TERMS OF MEMBERS UNLESS REMOVED BY THE GOVERNOR UNDER THIS
 25 SUBSECTION, THE MEMBERS OF THE COMMISSION IN OFFICE ON THE DAY
 26 BEFORE THE AMENDATORY ACT THAT REPEALED SECTION 62 SHALL CONTINUE
 27 AS MEMBERS OF THE COMMISSION FOR THE REMAINDER OF THEIR TERMS.

1 **MEMBERS** appointed by the governor ~~are subject to~~ **SERVE AT** the
2 pleasure of the governor.

3 (4) ~~(3) Five~~ **SUBJECT TO SUBSECTIONS (5) AND (6)**, 7 members of
4 the commission constitute a quorum ~~for the exercise of the~~
5 ~~authority conferred upon~~ **OF** the commission. ~~except that after all~~
6 ~~of the additional members appointed as a result of the 2007~~
7 ~~amendatory act that added this clause, the quorum shall consist of~~
8 ~~7 members. Subject to subsection (2), a concurrence of~~ **SUBSECTIONS**
9 **(5) AND (6)**, **APPROVAL BY** at least 4 of the members, or a
10 ~~concurrence of~~ **BY** a majority of those members who have not
11 participated in an investigation or administrative hearing
12 regarding a matter before the commission, is necessary ~~to render a~~
13 ~~decision~~ **FOR ACTION** by the commission. ~~In the case of proposed~~
14 ~~board action to be taken on a matter involving only boxing or only~~
15 ~~mixed martial arts and where only the members of the board~~
16 ~~designated for the particular sport are eligible to confer, the~~
17 ~~quorum shall be 4 members, 2 of whom shall be licensed under the~~
18 ~~appropriate sport. Under those circumstances, a concurrence of 3~~
19 ~~members is necessary to render a decision by the commission.~~

20 (5) **ALL OF THE FOLLOWING APPLY IF A PROPOSED ACTION OF THE**
21 **COMMISSION IS DESIGNATED BY THE EXECUTIVE DIRECTOR AS RELATED ONLY**
22 **TO BOXING:**

23 (A) **THE PROPOSED ACTION SHALL ONLY BE CONSIDERED BY THE**
24 **COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) (A) AND (C).**

25 (B) **THE QUORUM REQUIREMENT FOR CONSIDERATION OF THE PROPOSED**
26 **ACTION IS 4 MEMBERS WHO ARE ELIGIBLE TO CONSIDER THE ACTION UNDER**
27 **SUBDIVISION (A), 2 OF WHOM ARE MEMBERS DESCRIBED IN SUBSECTION**

1 (2) (A) .

2 (C) APPROVAL BY AT LEAST 3 OF THE MEMBERS WHO ARE ELIGIBLE TO
3 CONSIDER THE ACTION UNDER SUBDIVISION (A) IS REQUIRED FOR THE
4 COMMISSION TO TAKE THAT ACTION.

5 (6) ALL OF THE FOLLOWING APPLY IF A PROPOSED ACTION OF THE
6 COMMISSION IS DESIGNATED BY THE EXECUTIVE DIRECTOR AS RELATED ONLY
7 TO MIXED MARTIAL ARTS:

8 (A) THE PROPOSED ACTION SHALL ONLY BE CONSIDERED BY THE
9 COMMISSION MEMBERS DESCRIBED IN SUBSECTION (2) (B) AND (C) .

10 (B) THE QUORUM REQUIREMENT FOR CONSIDERATION OF THE PROPOSED
11 ACTION IS 4 MEMBERS WHO ARE ELIGIBLE TO CONSIDER THE ACTION UNDER
12 SUBDIVISION (A) , 2 OF WHOM ARE MEMBERS DESCRIBED IN SUBSECTION
13 (2) (B) .

14 (C) APPROVAL BY AT LEAST 3 OF THE MEMBERS WHO ARE ELIGIBLE TO
15 CONSIDER THE ACTION UNDER SUBDIVISION (A) IS REQUIRED FOR THE
16 COMMISSION TO TAKE THAT ACTION.

17 (7) ~~(4) A~~ WHILE SERVING AS A member of the commission, AN
18 INDIVIDUAL shall not at any time during his or her service as a
19 member promote or sponsor any contest or exhibition of boxing, or A
20 combination of those events, or have any financial interest in the
21 promotion or sponsorship of those contests or exhibitions. The
22 commission shall meet not less than 4 times per year, and ~~upon~~ ON
23 request and at the discretion of the chair, the department shall
24 schedule additional interim meetings.

25 (8) ~~(5)~~ Except as otherwise provided in ~~section~~ SECTIONS 33(9)
26 AND 63, the records of the commission are subject to disclosure
27 under the freedom of information act, 1976 PA 442, MCL 15.231 to

1 15.246.

2 (9) ~~(6)~~ Meetings of the commission are subject to the open
3 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

4 Sec. 21. ~~A person~~ **AN INDIVIDUAL** who has a material financial
5 interest in any club, organization, or corporation, the main object
6 of which is the holding or giving of boxing or mixed martial arts
7 contests or exhibitions, is not eligible for appointment to the
8 commission.

9 Sec. 22. (1) The commission shall elect 1 of its members as
10 the chair of the commission.

11 (2) The commission may purchase and use a seal.

12 (3) The ~~director~~ **COMMISSION** may promulgate rules for the
13 administration of this act but only after first consulting with the
14 ~~commission~~ **DEPARTMENT**. The ~~commission~~ **DEPARTMENT** may request **THAT**
15 the ~~department~~ **COMMISSION** promulgate a rule under section 38 of
16 the administrative procedures act of 1969, 1969 PA 306, MCL 24.238.
17 Notwithstanding the time limit provided for in section 38 of the
18 administrative procedures act of 1969, 1969 PA 306, MCL 24.238, the
19 ~~department~~ **COMMISSION** shall respond in writing to any request ~~for~~
20 ~~rule promulgating by the commission~~ **FROM THE DEPARTMENT UNDER THIS**
21 **SUBSECTION** within 30 calendar days after a ~~THE~~ request. The
22 response shall include a reason and explanation for ~~acceptance or~~
23 ~~denial of~~ **AGREEING TO OR DENYING** the request.

24 (4) ~~(2)~~ The ~~department~~ **COMMISSION** shall promulgate rules to
25 include all of the following:

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

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

2 (c) Qualifications of licensees.

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

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

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

9 (5) ~~(3) An unarmed combat~~ **THE BOXING AND MIXED MARTIAL ARTS**
10 fund is created as a revolving fund in the state treasury. and
11 administered by the director. The **ALL OF THE FOLLOWING APPLY TO THE**
12 **FUND:**

13 (A) **THE COMMISSION SHALL USE THE** money in the fund, ~~is to be~~
14 **UPON APPROPRIATION,** only used for the costs of administration and
15 enforcement of this act and for any costs associated with the
16 administration of this act, including, but not limited to,
17 reimbursing the **DEPARTMENT OR** department of attorney general for
18 the reasonable costs of services provided to the department
19 **COMMISSION** under this act. ~~Money remaining in the fund at the end~~
20 ~~of the fiscal year and interest earned shall be carried forward~~
21 ~~into the next fiscal year and shall not revert to the general fund.~~

22 (B) **THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE**
23 **FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND**
24 **EARNINGS FROM FUND INVESTMENTS.**

25 (C) **MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL**
26 **REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.**

27 (D) **THE COMMISSION IS THE ADMINISTRATOR OF THE FUND FOR**

1 **AUDITING PURPOSES.**

2 (E) The department **AND COMMISSION** shall deposit into the fund
3 all money received from the regulatory and enforcement fee, license
4 fees, event fees, and administrative fines imposed under this act,
5 and from any other source.

6 (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 under the
10 standardized travel regulations of the department of **TECHNOLOGY**,
11 management, and budget.

12 (7) ~~(5)~~ The commission may affiliate with any other state or
13 national boxing or mixed martial arts commission or athletic
14 authority. The commission, upon approval of the **EXECUTIVE** director,
15 may enter into any appropriate reciprocity agreements.

16 (8) ~~(6)~~ The commission ~~and department are~~ **IS** vested with
17 management, control, and jurisdiction over all professional boxing
18 and professional mixed martial arts contests or exhibitions ~~to be~~
19 conducted, held, or given ~~within the~~ **IN THIS** state. ~~of Michigan.~~
20 Except for ~~any contests or exhibitions~~ **A CONTEST OR EXHIBITION THAT**
21 **IS** exempt from this act, a **PERSON SHALL NOT CONDUCT, HOLD, OR GIVE**
22 **A** contest or exhibition ~~shall not be conducted, held, or given~~
23 ~~within~~ **IN** this state except in compliance with this act.

24 (9) ~~(7)~~ The requirements and standards contained in standards
25 adopted by the New Jersey state athletic control board, N.J.A.C.
26 13:46-24A and 24B, as they may exist on February 20, 2005, entitled
27 the mixed martial arts unified rules, dated 2000, except for the

1 license fees described in those rules, are incorporated by
2 reference. Any requirements and standards incorporated by reference
3 in this subsection that are in conflict with the requirements and
4 standards of this act are considered superseded by the provisions
5 of this act. The **EXECUTIVE** director, in consultation with the
6 commission, may promulgate rules consistent with section 35 to
7 alter, supplement, update, or amend the standards incorporated by
8 reference under this subsection. Any references to the commission
9 in the mixed martial arts unified rules shall mean the ~~department~~.
10 **COMMISSION**. The standards contained in 13:46-24B.3 are not
11 incorporated by reference.

12 **SEC. 23. (1) THE EXECUTIVE DIRECTOR SHALL ACT AS THE**
13 **ADMINISTRATOR OF THE COMMISSION. ALL OF THE FOLLOWING APPLY TO THE**
14 **EXECUTIVE DIRECTOR:**

15 (A) THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR WITH THE
16 ADVICE AND CONSENT OF THE SENATE.

17 (B) THE EXECUTIVE DIRECTOR SHALL REPORT DIRECTLY TO THE
18 GOVERNOR AND SERVE AT THE PLEASURE OF THE GOVERNOR.

19 (C) THE EXECUTIVE DIRECTOR SHALL BE A FULL-TIME EMPLOYEE OF
20 THE COMMISSION BUT SHALL NOT BE A MEMBER OF THE STATE CLASSIFIED
21 CIVIL SERVICE.

22 (D) THE EXECUTIVE DIRECTOR IS A NONVOTING EX OFFICIO MEMBER OF
23 THE COMMISSION AND IS RESPONSIBLE FOR CARRYING OUT THE POWERS AND
24 DUTIES OF THE COMMISSION UNDER THIS ACT.

25 (2) THE COMMISSION SHALL EMPLOY AN ADMINISTRATIVE ASSISTANT
26 FOR THE EXECUTIVE DIRECTOR. THE ADMINISTRATIVE ASSISTANT SHALL BE A
27 FULL-TIME EMPLOYEE OF THE COMMISSION.

1 Sec. 30. (1) ~~A person~~ **AN INDIVIDUAL** shall not engage in or
2 attempt to engage in an activity regulated under this act ~~unless~~
3 ~~the person possesses~~ **WITHOUT** a license issued by the ~~department or~~
4 **COMMISSION UNDER THIS ACT**, unless ~~the person~~ **HE OR SHE** is exempt
5 from licensure under this act.

6 (2) A person who violates subsection (1) is guilty of a
7 misdemeanor punishable by a fine of not more than \$500.00 or
8 imprisonment for not more than 90 days, or both.

9 (3) ~~A person~~ **AN INDIVIDUAL** who violates subsection (1) a
10 second or any subsequent time is guilty of a misdemeanor punishable
11 by a fine of not more than \$1,000.00 or imprisonment for not more
12 than 1 year, or both.

13 (4) ~~Notwithstanding the existence and pursuit of any other~~
14 ~~remedy, an~~ **AN** affected person may maintain injunctive action in a
15 court of competent jurisdiction to restrain or prevent a person
16 from violating subsection (1). If successful in obtaining
17 injunctive relief, the affected person ~~shall be~~ **IS** entitled to
18 actual costs and attorney fees. As used in this subsection,
19 "affected person" means a person directly affected by the actions
20 of a person suspected of violating subsection (1) and includes, but
21 is not limited to, the commission, the department, or a member of
22 the general public.

23 (5) ~~An~~ **THE COMMISSION MAY CONDUCT AN** investigation ~~may be~~
24 ~~conducted by the department to enforce this section.~~

25 (6) A person ~~who~~ **THAT** violates this section is subject to the
26 ~~strictures prescribed~~ **REMEDIES AND PENALTIES DESCRIBED** in this
27 section and section 43.

1 (7) ~~(6)~~—The remedies under this section are independent and
2 cumulative. The use of 1 remedy by a person shall not bar the use
3 of other lawful remedies by that person or the use of a lawful
4 remedy by another person.

5 Sec. 31. By filing an application for a license, an applicant
6 does both of the following:

7 (a) Certifies his or her general suitability, character,
8 integrity, and ability to participate, engage in, or be associated
9 with boxing or mixed martial arts contests or exhibitions. The
10 burden of proof is on the applicant to establish to the
11 satisfaction of the commission ~~and the department~~ that the
12 applicant is qualified to receive a license.

13 (b) Accepts the risk of adverse public notice, embarrassment,
14 criticism, financial loss, or other action with respect to his or
15 her application and expressly waives any claim for damages as a
16 result of any adverse public notice, embarrassment, criticism,
17 financial loss, or other action. Any written or oral statement made
18 by any member of the commission or any witness testifying under
19 oath that is relevant to the application and investigation of the
20 applicant is immune from civil liability for libel, slander, or any
21 other tort.

22 Sec. 32. A contest or exhibition regulated ~~by~~ **UNDER** this act
23 ~~and not exempt from this act~~ shall be held or conducted in this
24 state only ~~under~~ **BY THE HOLDER OF** a promoter's license issued by
25 the ~~department as provided for in~~ **COMMISSION UNDER** section 33.

26 Sec. 33. (1) An application for a promoter's license ~~must~~
27 **SHALL** be in writing and ~~correctly show and define the applicant.~~

1 INCLUDE THE NAME, STREET ADDRESS, AND TELEPHONE NUMBER OF THE
2 APPLICANT.

3 (2) An applicant for a promoter's license must demonstrate
4 good moral character. If an applicant for a promoter's license is
5 denied a license ~~due to~~ **BECAUSE OF A** lack of good moral character,
6 the applicant may petition the commission for a review of the
7 decision under section 46.

8 ~~(3) Before an approval for a contest or exhibition is granted,~~
9 ~~a promoter must file a bond with the department~~ **THE COMMISSION**
10 **SHALL NOT GRANT A PROMOTER'S LICENSE FOR A CONTEST OR EXHIBITION IF**
11 **THE PROMOTER DOES NOT PROVIDE A BOND TO THE COMMISSION THAT MEETS**
12 **ALL OF THE FOLLOWING:**

13 **(A) IS** in an amount fixed by the ~~department but not less than~~
14 ~~\$20,000.00, which bond shall be~~ **COMMISSION. THE COMMISSION SHALL**
15 **NOT REQUIRE A BOND WITH A PRINCIPAL AMOUNT THAT EXCEEDS 5% OF THE**
16 **TOTAL PURSE FOR THE CONTEST OR EXHIBITION, OR \$20,000.00, WHICHEVER**
17 **IS LESS.**

18 **(B) IS** executed by the applicant as principal and by a
19 corporation qualified under the laws of this state as surety. ~~7~~

20 **(C) IS** payable to the state of Michigan ~~7~~ and conditioned ~~upon~~
21 **ON** the faithful performance by the applicant of the provisions of
22 this act. ~~The department shall annually adjust the amount of the~~
23 ~~bond based upon the Detroit consumer price index. The bond must be~~

24 **(D) IS** purchased ~~not less than~~ **AT LEAST** 5 days before the
25 contest or exhibition. ~~and may~~

26 **(E) MAY** be used to satisfy payment for the professionals,
27 costs to the ~~department~~ **COMMISSION** for ring officials and

1 physicians, and drug tests.

2 (4) A promoter must apply for and obtain an annual license
3 from the department in order to present a program of contests or
4 exhibitions regulated ~~by~~ **UNDER** this act. The annual license fee is
5 \$250.00. The ~~department~~ **COMMISSION** shall request, and the applicant
6 shall provide, ~~such~~ **ANY** information ~~as it~~ **THE COMMISSION** determines
7 **IS** necessary to ascertain the financial stability of the applicant.

8 **SECTION 63 APPLIES TO ANY INFORMATION PROVIDED BY AN APPLICANT**
9 **UNDER THIS SUBSECTION.**

10 (5) A boxing promoter shall pay an event fee of \$125.00. A
11 mixed martial arts promoter shall pay an event fee of \$2,000.00.

12 (6) ~~There is imposed~~ **EACH PROMOTER SHALL PAY** a regulatory and
13 enforcement fee ~~upon the promoter~~ to assure the integrity of the
14 sports of boxing and mixed martial arts, the public interest, and
15 the welfare and safety of the professionals. ~~in the amount of~~ **THE**
16 **AMOUNT OF THE FEE IS** 3% of the total gross receipts from the sale,
17 lease, or other exploitation of broadcasting, television, and
18 motion picture rights **FOR AN EVENT**, ~~but not to exceed \$25,000.00 OR~~
19 **\$100,000.00** per contract, **WHICHEVER IS LESS**, for **A** boxing or mixed
20 martial arts events ~~to which the~~ **EVENT THAT MEETS ALL OF THE**
21 following: ~~apply.~~

22 (a) If the event is a boxing event, the event is located in a
23 venue with a seating capacity of ~~over 5,000~~ **MORE THAN 2,000**
24 **SPECTATORS.**

25 (b) The promoter proposes to televise or broadcast the event
26 over any medium for viewing by spectators **WHO ARE** not present in
27 the venue.

1 (c) The event is designed to promote professional boxing or
2 mixed martial arts contests in this state.

3 (7) ~~At~~ **FOR PURPOSES OF SUBSECTION (6) OR AT** least 10 days
4 before the boxing or mixed martial arts event **TO WHICH SUBSECTION**
5 **(6) APPLIES**, the promoter shall submit the contract ~~subject to the~~
6 ~~regulatory and enforcement fee to the department, stating~~
7 **COMMISSION FOR THE PURPOSE OF DETERMINING THE AMOUNT OF THE**
8 **REGULATORY AND ENFORCEMENT FEE FOR THAT EVENT. THE CONTRACT SHALL**
9 **STATE** the amount of the probable total gross receipts from the
10 sale, lease, or other exploitation of broadcasting, television, ~~and~~
11 **OR** motion picture rights.

12 (8) The **COMMISSION SHALL DEPOSIT ANY** money ~~derived~~ **PROCEEDS**
13 from the regulatory and enforcement fee ~~shall be deposited~~
14 **DESCRIBED IN SUBSECTION (6)** into the fund. ~~created in section 22~~
15 ~~and used for the purposes described in that section.~~

16 (9) ~~A promoter shall, within~~ **WITHIN** 5 business days before a
17 boxing or mixed martial arts contest or exhibition, ~~convey to the~~
18 ~~department~~ **THE PROMOTER SHALL PROVIDE TO THE COMMISSION** an executed
19 copy of the contract ~~relative to that~~ **FOR THE** contest or
20 exhibition. The copy of the contract is exempt from disclosure
21 under the freedom of information act, 1976 PA 442, MCL 15.231 to
22 15.246, except that the ~~department~~ **COMMISSION** may disclose
23 statistical information on the number, types, and amounts of
24 contracts ~~so long as~~ **IF ANY** information regarding identifiable
25 individuals or categories is not revealed.

26 (10) ~~Beginning June 23, 2005,~~ **THE COMMISSION MAY REVOKE** a
27 promoter's license ~~is subject to revocation unless~~ **IF THE PROMOTER**

1 **DOES NOT WITHHOLD OR ESCROW** at least 10% of the purse in a contest
2 or exhibition, but not more than \$10,000.00 per contestant, ~~is~~
3 ~~withheld or escrowed until such time as the results of the~~
4 ~~postcontest drug~~ **POSTEXHIBITION** test, ~~as required by this act,~~
5 **UNDER SECTION 48(4)** are available to the ~~department.~~ **COMMISSION.** If
6 the ~~drug~~ test results confirm or demonstrate compliance with this
7 act, the ~~department~~ **COMMISSION** shall issue an order allowing the
8 promoter to forward to the professional the amount withheld or
9 escrowed. If the results do not confirm or demonstrate compliance
10 with this act, the ~~department~~ **COMMISSION** shall serve a formal
11 complaint on the professional under section ~~44(2),~~ **44** and the
12 ~~department~~ **COMMISSION** shall issue an order to the promoter
13 requiring **THAT** the promoter ~~to~~ forward the amount withheld or
14 escrowed to the ~~department.~~ **Upon COMMISSION, AND ON** receipt, the
15 ~~department~~ **COMMISSION** shall deposit the money into the fund. If
16 after a hearing the professional is found in violation of the act,
17 the professional shall forfeit the amount withheld from the purse
18 and the professional is subject to the penalties ~~prescribed in~~
19 **UNDER** section 48. However, if the formal complaint is dismissed or
20 any final order issued as the result of the complaint is
21 overturned, the ~~department~~ **COMMISSION** shall issue a refund to the
22 professional for the amount withheld.

23 (11) Subsection (10) does not prohibit a licensed promoter
24 from including a provision in a contract with a professional that
25 requires the promoter to withhold 10% of the purse in a contest or
26 exhibition until ~~such time as the postcontest drug~~ **RESULTS OF THE**
27 **POSTEXHIBITION** test ~~results~~ **REQUIRED UNDER SECTION 48(4)** are

1 available to the ~~department~~ **COMMISSION**.

2 Sec. 34. (1) The **EXECUTIVE** director, in consultation with the
3 commission, may promulgate rules for the application and approval
4 process for promoters. Until the rules are promulgated, the
5 applicant shall comply with the standards described in subsection
6 (2).

7 (2) The rules regarding the application process **DESCRIBED IN**
8 **SUBSECTION (1)** shall include at least the following:

9 (a) An initial application processing fee sufficient to cover
10 the costs of processing a boxing or mixed martial arts promoter's
11 license, but ~~not less than~~ **AT LEAST** \$250.00.

12 (b) A requirement that **THE APPLICANT PROVIDE** background
13 information ~~be disclosed by~~ **CONCERNING** the applicant, ~~who~~ **IF THE**
14 **APPLICANT** is an individual, or ~~by~~ **CONCERNING** the principal officers
15 or members **OF** and ~~individuals having~~ **EACH INDIVIDUAL WHO HAS** at
16 least a 10% ownership interest in the ~~case of any other legal~~
17 ~~entity,~~ **APPLICANT, IF THE APPLICANT IS A PERSON WHO IS NOT AN**
18 **INDIVIDUAL** with emphasis on ~~the applicant's~~ **HIS OR HER** business
19 experience.

20 (c) Information from the applicant concerning past and present
21 civil lawsuits, judgments, and filings under the bankruptcy code
22 that are not more than 7 years old.

23 (d) Any other relevant and material information considered
24 necessary by the **EXECUTIVE** director ~~upon~~ **AFTER** consultation with
25 the commission.

26 (3) The ~~department~~ **COMMISSION** may consult with the ~~commission~~
27 **DEPARTMENT** on issues related to the determination of an applicant's

1 financial stability. ~~and shall refer the application to the~~
 2 ~~commission if clear and convincing grounds for approval of the~~
 3 ~~financial stability aspect of the application do not exist.~~

4 (4) As part of the approval process for promoters, the
 5 commission may require **THAT** the applicant or ~~his or her~~ **A**
 6 representative ~~to be~~ **OF THE APPLICANT IS** present at a ~~THE~~
 7 commission meeting in which the application is considered.

8 Sec. 35. The **EXECUTIVE** director, ~~in~~ **AFTER** consultation with
 9 the commission, shall promulgate rules to set standards for boxing
 10 and mixed martial arts exhibitions and participants and to provide
 11 for license fees for all participants in the activities regulated
 12 by this act **THAT ARE** not otherwise provided for in this act,
 13 including, but not limited to, license fees for a physician,
 14 physician's assistant, nurse practitioner, referee, judge,
 15 matchmaker, timekeeper, professional, contestant, or manager or a
 16 second of **ANY OF** those persons.

17 Sec. 40. A complaint ~~which~~ **THAT** alleges that a person has
 18 violated this act or a rule promulgated or an order issued under
 19 this act shall be ~~lodged with the department.~~ **SUBMITTED TO THE**
 20 **COMMISSION.** The department of attorney general, the department, the
 21 commission, or any other person may file a complaint.

22 Sec. 41. (1) ~~The department, upon receipt of~~ **WHEN IT RECEIVES**
 23 a complaint, **THE COMMISSION SHALL** immediately ~~shall begin its~~ **AN**
 24 investigation of the allegations of the complaint and shall open a
 25 correspondence file. The ~~department~~ **COMMISSION** shall make a written
 26 acknowledgment of the complaint within 15 days after ~~receipt of the~~
 27 **IT RECEIVES A** complaint to the person ~~making~~ **WHO MADE** the

1 complaint. If ~~the-A~~ complaint is made by the ~~department,~~
2 **COMMISSION**, the **EXECUTIVE** director shall designate 1 or more
3 employees of the ~~department~~-**COMMISSION** to act as the person making
4 the complaint.

5 (2) The ~~department~~-**COMMISSION** shall conduct ~~the-AN~~
6 investigation required under subsection (1). ~~In furtherance of-AS~~
7 **PART OF** that investigation, the ~~department~~-**COMMISSION** may request
8 that the attorney general petition a court of competent
9 jurisdiction to issue a subpoena requiring a person to appear
10 before the ~~department~~-**COMMISSION** and be examined with reference to
11 a matter within the scope of the investigation and to produce
12 books, papers, or documents pertaining to the investigation.

13 (3) The investigative unit of the ~~department,~~-**COMMISSION**,
14 within 30 days after the ~~department~~-**COMMISSION** receives the
15 complaint, shall report to the **EXECUTIVE** director on the status of
16 the investigation. If, for good cause shown, **THE COMMISSION CANNOT**
17 **COMPLETE** an investigation ~~cannot be completed within~~-**IN** 30 days,
18 the **EXECUTIVE** director may extend ~~the time in which a report may be~~
19 ~~filed~~-**THAT 30-DAY PERIOD.**

20 (4) If the report of the investigative unit of the ~~department~~-
21 **COMMISSION** does not disclose a violation of this act or a rule
22 promulgated or an order issued under this act, the **COMMISSION SHALL**
23 **CLOSE THE** complaint. ~~shall be closed by the department.~~-The
24 **COMMISSION SHALL FORWARD THE** reasons for closing the complaint
25 ~~shall be forwarded~~ to the respondent and complainant, who then may
26 provide additional information to reopen the complaint.

27 (5) If ~~the-A~~ report of the investigative unit made ~~pursuant to~~

1 **UNDER** subsection (3) discloses evidence of a violation of this act
 2 or a rule promulgated or an order issued under this act, the
 3 ~~department~~**COMMISSION** or the department of attorney general shall
 4 prepare the appropriate action against the respondent, which may be
 5 any of the following:

6 (a) A formal complaint.

7 (b) A cease and desist order.

8 (c) A notice of summary suspension subject to sections 42 and
 9 ~~48(7)~~**48(6)**.

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

17 Sec. 42. (1) After **IT CONDUCTS** an investigation, ~~has been~~
 18 ~~conducted~~, the ~~department~~**COMMISSION** may issue an order summarily
 19 suspending a license based on an affidavit by ~~a person~~**AN**
 20 **INDIVIDUAL** familiar with the facts set forth in the affidavit, or,
 21 if appropriate, based ~~upon~~**ON** an affidavit on information and
 22 belief, that an imminent threat to the integrity of the sport, the
 23 public interest, ~~and~~**OR** the welfare and safety of a professional
 24 exists. ~~Thereafter, the proceedings described in this chapter shall~~
 25 ~~be promptly commenced and decided.~~

26 (2) A person whose license ~~has been~~**IS** summarily suspended
 27 under this section may petition the ~~department~~**COMMISSION** to

1 dissolve the order. ~~Upon receiving~~ **WHEN IT RECEIVES** a petition, the
 2 ~~department~~ **COMMISSION SHALL** immediately ~~shall~~ schedule a hearing
 3 **BEFORE AN ADMINISTRATIVE LAW HEARINGS EXAMINER** to decide whether to
 4 ~~grant or deny the requested relief~~ **DISSOLVE THE ORDER.**

5 (3) ~~An~~ **AT THE HEARING DESCRIBED IN SUBSECTION (2), AN**
 6 administrative law hearings examiner shall ~~grant the requested~~
 7 ~~relief dissolving~~ **DISSOLVE** the summary suspension order, unless
 8 sufficient evidence is presented that an imminent threat to the
 9 integrity of the sport, the public interest, ~~and~~ **OR** the welfare and
 10 safety of a professional exists that requires emergency action and
 11 continuation of the ~~department's~~ **COMMISSION'S** summary suspension
 12 order.

13 (4) The record created at ~~the~~ **A** hearing **DESCRIBED IN**
 14 **SUBSECTION (2)** to dissolve a summary suspension order shall become
 15 part of the record ~~on the complaint~~ at a ~~any~~ **ANY** subsequent hearing in
 16 a contested case **ON THE COMPLAINT.**

17 (5) A summary suspension of a professional **UNDER SECTION 48(6)**
 18 for refusal or failure to submit to a drug test or for the presence
 19 of controlled substances, enhancers, prohibited drugs, or other
 20 prohibited substances ~~, as described in section 48(7),~~ shall
 21 proceed under this section.

22 Sec. 43. (1) After an investigation ~~has been~~ **IS** conducted
 23 **UNDER THIS CHAPTER,** the **EXECUTIVE** director may order a person to
 24 cease and desist from a violation of this act or a rule promulgated
 25 or an order issued under this act.

26 (2) A person ordered to cease and desist may request a hearing
 27 before the ~~department if~~ **COMMISSION BY FILING** a written request for

1 a hearing ~~is filed~~ within 30 days after the effective date of the
2 order.

3 (3) ~~Upon a violation of~~ **IF** a cease and desist order issued
4 under this act **IS VIOLATED**, the department of attorney general may
5 apply to a court of competent jurisdiction to restrain and enjoin,
6 temporarily or permanently, or both, a person from further
7 violating a ~~THE~~ cease and desist order.

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

14 (2) After an investigation ~~has been~~ **DESCRIBED IN SUBSECTION**
15 **(1) IS** conducted and a formal complaint prepared, the ~~department~~
16 **COMMISSION** shall serve the formal complaint ~~upon~~ **ON** the respondent
17 and the complainant. At the same time, the ~~department~~ **COMMISSION**
18 shall serve the respondent with a notice describing the compliance
19 conference and hearing process and offering the respondent a choice
20 of ~~1 of the following opportunities~~ **OPTIONS**:

21 (a) An opportunity to ~~meet~~ **PARTICIPATE IN AN INFORMAL**
22 **CONFERENCE UNDER SECTION 41(6)** with the ~~department~~ **COMMISSION** to
23 negotiate a settlement of the matter.

24 (b) If the respondent is a licensee ~~or registrant~~ under this
25 act, an opportunity to demonstrate **ITS** compliance ~~prior to holding~~
26 **a WITH THIS ACT OR RULES PROMULGATED OR ORDERS ISSUED UNDER THIS**
27 **ACT BEFORE THE** contested case hearing **IS HELD**.

1 (c) An opportunity to proceed ~~to a~~ **WITH THE** contested case
2 hearing.

3 (3) ~~A~~ **IF A** respondent ~~upon whom service of~~ **IS SERVED WITH** a
4 formal complaint ~~has been made pursuant to~~ **UNDER** this section, **THE**
5 **RESPONDENT** may select, within 15 days after ~~the receipt of~~
6 **RECEIVING THE** notice **DESCRIBED IN SUBSECTION (2)**, 1 of the options
7 described in **THAT** subsection. ~~(2).~~ If a respondent does not select
8 1 of those options within ~~the~~ **THAT 15-DAY** time period, ~~described in~~
9 ~~this section, then the department~~ **COMMISSION** shall proceed ~~to a~~
10 **WITH THE** contested case hearing ~~as described in subsection (2)(c).~~

11 (4) An informal conference ~~may be attended by a member of the~~
12 ~~commission, at the discretion of that commission, and~~ **UNDER**
13 **SUBSECTION (2) (A)** may result in a settlement, consent order,
14 waiver, default, or other method of settlement agreed ~~upon~~ **TO** by
15 the parties and the ~~department.~~ **COMMISSION**. A settlement may
16 include the revocation or suspension of a license; censure;
17 probation; restitution; or a penalty ~~provided for in~~ **UNDER** section
18 48. ~~The~~ **IF THE** commission ~~may reject~~ **DOES NOT AGREE TO** a settlement
19 ~~and require~~ **UNDER THIS SUBSECTION, IT MAY PROCEED WITH** a contested
20 case hearing **UNDER SUBSECTION (2) (C)**.

21 (5) An employee of the ~~department~~ **COMMISSION** may represent the
22 ~~department~~ **COMMISSION** in any contested case hearing **UNDER THIS**
23 **SECTION**.

24 (6) This chapter does not prevent a person against ~~whom~~ **WHICH**
25 a complaint ~~has been~~ **IS** filed from showing compliance with this act
26 or a rule promulgated or ~~an order promulgated or~~ issued under this
27 act **UNDER SUBSECTION (2) (B)**.

1 (7) If an informal conference **DESCRIBED IN SUBSECTION (4)** is
 2 not held or does not result in a settlement of a complaint, the
 3 ~~department~~**COMMISSION** shall allow the respondent an administrative
 4 hearing. ~~A hearing under this section may be attended by a member~~
 5 ~~of the commission.~~

6 (8) The ~~department~~**COMMISSION** or the department of the
 7 attorney general may petition a court of competent jurisdiction to
 8 issue a subpoena ~~which shall require~~**THAT REQUIRES** the person
 9 subpoenaed to appear or testify or produce relevant documentary
 10 material for examination at a proceeding.

11 Sec. 45. (1) At the conclusion of a hearing conducted under
 12 section 44(7), the administrative law hearings examiner shall
 13 submit a determination of findings of fact and conclusions of law
 14 to the ~~department~~**COMMISSION** and the department of the attorney
 15 general ~~and the commission,~~ in a hearing report. The submitted
 16 hearing report may recommend the ~~penalties to be assessed as~~
 17 ~~prescribed~~**IMPOSITION OF 1 OR MORE OF THE REMEDIES DESCRIBED** in
 18 section 48.

19 (2) ~~A~~**THE COMMISSION SHALL PROVIDE A** copy of a hearing report
 20 ~~shall be submitted~~**DESCRIBED IN SUBSECTION (1)** to the person ~~who~~
 21 **THAT** made the complaint and to the person against ~~whom~~**WHICH** the
 22 complaint was ~~lodged~~**SUBMITTED**.

23 (3) Within 60 days after ~~receipt of~~**IT RECEIVES** an
 24 administrative law hearings examiner's hearing report **UNDER**
 25 **SUBSECTION (1)**, the commission shall meet and make a determination
 26 of the ~~penalties to be assessed~~**REMEDIES IT INTENDS TO IMPOSE** under
 27 section 48. The commission's determination shall be made on the

1 basis of the administrative law hearings examiner's report. ~~A- THE~~
 2 **HEARINGS EXAMINER SHALL MAKE A** transcript of a hearing or a portion
 3 of the transcript ~~shall be made available to the commission upon~~ **ON**
 4 request. If a transcript or a portion of the transcript is
 5 requested, the ~~commission's~~ **COMMISSION SHALL MAKE ITS** determination
 6 of the ~~penalty or penalties to be assessed~~ **REMEDIES IT INTENDS TO**
 7 **IMPOSE** under section 48 ~~shall be made at a meeting~~ **HELD** within 60
 8 days after ~~receipt of a~~ **IT RECEIVES THE** transcript or portion of
 9 the transcript.

10 ~~—— (4) If the commission does not determine the appropriate~~
 11 ~~penalty or penalties to be assessed within the time limits~~
 12 ~~prescribed by subsection (3), the~~ **MAKE ITS DETERMINATION WITHIN**
 13 **THAT 60-DAY PERIOD, THE EXECUTIVE** director may determine the
 14 appropriate ~~penalty~~ **REMEDY** and issue a final order.

15 (4) ~~(5) A member of the commission who has participated in an~~
 16 investigation or administrative hearing on a complaint filed ~~with~~
 17 ~~the department~~ **UNDER THIS CHAPTER** or who ~~has~~ attended an informal
 18 conference shall not participate in making a final determination in
 19 a proceeding on that complaint.

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

23 (2) A **PERSON SHALL SUBMIT A** petition ~~submitted under~~ **DESCRIBED**
 24 **IN** subsection (1) ~~shall be in writing. and shall set forth~~ **THE**
 25 **PETITION SHALL INCLUDE** the reasons the petitioner ~~feels the~~
 26 ~~licensure or renewal should be issued~~ **BELIEVES THE COMMISSION**
 27 **SHOULD GRANT THE LICENSE OR RENEWAL.**

1 (3) In considering a petition submitted under subsection ~~(1)~~,
 2 ~~the department and (2)~~, the commission may administer an
 3 alternative form of testing to the petitioner or conduct a personal
 4 interview with the petitioner, or both.

5 (4) The ~~department~~ **COMMISSION** may issue a license or renewal
 6 if, based on a review of the qualifications of the person who
 7 submitted a petition under subsection ~~(1)~~, ~~the department and (2)~~,
 8 the commission ~~determine~~ **DETERMINES** that the person ~~could~~ **CAN**
 9 perform the licensed activity with competence.

10 ~~—— (5) Notwithstanding any other provision of this act, if a~~
 11 ~~written grievance was lodged before the effective date of this act~~
 12 ~~against a person licensed under an act repealed by this act, the~~
 13 ~~proceedings on that grievance shall be conducted in the manner~~
 14 ~~prescribed in the repealed act.~~

15 Sec. 47. (1) The ~~department~~ **COMMISSION** shall initiate an
 16 action under this chapter against an applicant or take any other
 17 allowable action against the license of any contestant, promoter,
 18 or other participant ~~who the department~~ **IF THE COMMISSION**
 19 ~~determines has done~~ **THAT APPLICANT OR LICENSEE MEETS** any of the
 20 following:

21 (a) Enters into a contract for a contest or exhibition in bad
 22 faith.

23 (b) Participates in any sham or fake contest or exhibition.

24 (c) Participates in a contest or exhibition pursuant to a
 25 collusive understanding or agreement in which the contestant
 26 competes or terminates the contest or exhibition in a manner that
 27 is not based ~~upon~~ **ON** honest competition or the honest exhibition of

1 the skill of the contestant.

2 (d) Is determined to have failed to give his or her best
3 efforts, failed to compete honestly, or failed to give an honest
4 exhibition of his or her skills in a contest or exhibition.

5 (e) Is determined to have performed an act or engaged in
6 conduct that is detrimental to a contest or exhibition, including,
7 but not limited to, any foul or unsportsmanlike conduct in
8 connection with a contest or exhibition.

9 (f) Gambles on the outcome of a contest or exhibition in which
10 he or she is a contestant, promoter, matchmaker, ring official, or
11 second.

12 (g) Assaults another licensee, commission member, or
13 ~~department~~**COMMISSION** employee while not involved in or while
14 outside the normal course of a contest or exhibition.

15 (h) Practices fraud or deceit in obtaining a license.

16 (2) The ~~department~~**COMMISSION**, in consultation with the
17 ~~commission~~**DEPARTMENT**, shall promulgate rules to provide for both
18 of the following:

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

20 (b) Specific summary suspension procedures for contestants and
21 participants who test positive for drugs, or fail to submit to a
22 ~~drug~~**POSTEXHIBITION** test, under section 48(4). The rules shall
23 include **ALL OF** the following:

24 (i) A procedure to allow the ~~department~~**COMMISSION** to place the
25 licensee ~~upon~~**ON** the national suspension list **MAINTAINED BY THE**
26 **ASSOCIATION OF BOXING COMMISSIONERS.**

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

1 (iii) A relicensing procedure following summary suspension.

2 (3) An employee of the ~~department~~ **COMMISSION** must be present
3 at all weigh-ins, medical examinations, contests, exhibitions, and
4 matches to ensure that this act and rules **PROMULGATED UNDER THIS**
5 **ACT** are strictly enforced.

6 ~~— (4) Each promoter shall furnish each member of the commission~~
7 ~~present at a contest or exhibition a seat in the area immediately~~
8 ~~adjacent to the contest or exhibition. An additional seat shall be~~
9 ~~provided in the venue.~~

10 (4) ~~(5) The commission chair, OR a commission member OR~~
11 **EMPLOYEE** assigned by the chair, ~~or a department official~~
12 ~~designated by the commission chair shall have final authority~~
13 involving any conflict at a contest, exhibition, or match and shall
14 advise the chief inspector in charge accordingly. In the absence of
15 the chair, ~~an assigned member, or a department official OR A~~
16 **COMMISSION MEMBER OR EMPLOYEE** designated by the commission chair,
17 the chief inspector in charge ~~shall be~~ **HAS** the final decision-
18 making authority **DESCRIBED IN THIS SUBSECTION.**

19 Sec. 48. (1) ~~Upon receipt of~~ **IF IT RECEIVES** an application for
20 reinstatement and the payment of ~~an~~ **ANY** administrative fine
21 prescribed by the commission, the commission may reinstate a
22 revoked license or lift a suspension. If disciplinary action is
23 taken against a person under this act that does not relate to a
24 contest or exhibition, the commission may, in lieu of suspending or
25 revoking a license, prescribe an administrative fine ~~not to~~ **IN AN**
26 **AMOUNT THAT DOES NOT** exceed \$10,000.00. If disciplinary action is
27 taken against a person under this act that relates to the

1 preparation for a contest or an exhibition, the occurrence of a
 2 contest or an exhibition, or any other action taken in conjunction
 3 with a contest or an exhibition, the commission may prescribe an
 4 administrative fine in an amount ~~not to~~ **THAT DOES NOT** exceed 100%
 5 of the share of the purse to which the holder of the license is
 6 entitled for the contest or exhibition or an administrative fine
 7 ~~not to~~ **THAT DOES NOT** exceed \$100,000.00 ~~in the case of~~ **TO** any other
 8 person. ~~This~~ **THE COMMISSION MAY PRESCRIBE AN** administrative fine
 9 ~~may be imposed~~ **UNDER THIS SUBSECTION** in addition to, or in lieu of,
 10 any other disciplinary action ~~that is taken~~ **THE COMMISSION TAKES**
 11 against ~~the~~ **THAT** person. ~~by the commission.~~

12 (2) If an administrative fine is imposed under ~~this section,~~
 13 **SUBSECTION (1)**, the commission may recover the costs of the
 14 proceeding, including investigative costs and attorney fees. The
 15 ~~department~~ **COMMISSION** or the attorney general may bring an action
 16 in a court of competent jurisdiction to recover any administrative
 17 fines, investigative and other allowable costs, and attorney fees.
 18 The filing of an action to recover fines and costs does not bar the
 19 imposition of other sanctions **OR REMEDIES** under this act.

20 (3) An employee of the ~~department~~ **COMMISSION**, in consultation
 21 with any commission member present, may issue an order to withhold
 22 ~~the~~ **A** purse for 3 business days ~~due to~~ **IF THERE IS** a violation of
 23 this act or a rule promulgated under this act. During that ~~72-hour~~
 24 time period, the commission may convene a special meeting to
 25 determine if the action of ~~the~~ **ITS** employee ~~of the department~~ was
 26 warranted. If the commission determines that the action was
 27 warranted, the ~~department~~ **COMMISSION** shall offer to hold an

1 administrative hearing as soon as practicable but within at least 7
2 calendar days **AFTER THE SPECIAL MEETING.**

3 (4) A professional or participant in a professional contest or
4 exhibition shall submit to a postexhibition test of body fluids to
5 determine the presence of controlled substances, prohibited
6 substances, or enhancers. The ~~department~~ **COMMISSION** shall
7 promulgate rules to set requirements regarding preexhibition tests
8 of body fluids to determine the presence of controlled substances,
9 prohibited substances, or enhancers.

10 (5) The promoter is responsible for the cost of the testing
11 performed under this section.

12 (6) Either of the following is grounds for summary suspension
13 of the individual's license ~~in the manner provided for in~~ **UNDER**
14 section 42:

15 (a) A test resulting in a finding of the presence of
16 controlled substances, enhancers, or other prohibited substances as
17 determined by rule of the commission.

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

20 Sec. 50. (1) ~~Boxing~~ **A BOXING** elimination ~~contests in which~~
21 **CONTEST THAT MEETS** all of the following ~~apply are~~ **IS** exempt from
22 this act:

23 (a) The contestants compete for prizes only in elimination
24 contests and are not also professional boxers competing in 4 or
25 more rounds of nonelimination boxing.

26 (b) Each bout is scheduled to consist of 3 or fewer 1-minute
27 rounds, with contests conducted on no more than 2 consecutive

1 calendar days.

2 (c) Competing contestants are prohibited from boxing for more
3 than 12 minutes on each contest day.

4 (d) The contestants participating in the elimination contest
5 are insured by the promoter for all medical and hospital expenses,
6 ~~to be paid~~ **PAYABLE** to the contestants to cover injuries sustained
7 in the contest.

8 (e) A physician is in attendance at ringside and the physician
9 has authority to stop the contest for medical reasons.

10 (f) All contestants pass a physical examination given by a
11 physician, a licensed physician's assistant, or a certified nurse
12 practitioner before the contest.

13 (g) A preliminary breath test is administered to each
14 contestant ~~which~~ **AND THE TEST** indicates a blood alcohol content of
15 .02% or less.

16 (h) The promoter conducts the elimination contest in
17 compliance with **ALL OF** the following:

18 (i) A contestant who has lost by a technical knockout is not
19 permitted to compete again for a period of 30 calendar days or
20 until the contestant has submitted to the promoter the results of a
21 physical examination equivalent to that required of professional
22 boxers.

23 (ii) The ringside physician examines a contestant who ~~has been~~
24 **IS** knocked out in an elimination contest or whose fight ~~has been~~ **IS**
25 stopped by the referee because he or she received hard blows to the
26 head that made him or her defenseless or incapable of continuing
27 immediately after the knockout or stoppage. The ringside physician

1 may recommend **THAT** post-fight neurological examinations, which may
2 include computerized axial tomography (CAT) scans or magnetic
3 resonance imaging (MRI), ~~to be~~ **ARE** performed on the contestant
4 immediately after the contestant leaves the location of the
5 contest. The promoter shall not permit the contestant to compete
6 until a physician has certified that the contestant is fit to
7 compete. If the physician recommended further neurological
8 examinations, the promoter shall not permit the contestant to
9 compete until the promoter receives copies of examination reports
10 demonstrating that the contestant is fit to compete.

11 (iii) The promoter requires that a contestant who ~~has sustained~~
12 **SUSTAINS** a severe injury or knockout in an elimination contest ~~be~~
13 **IS** examined by a physician. The promoter shall not permit the
14 contestant to compete until the physician ~~has certified~~ **CERTIFIES**
15 that the contestant has fully recovered.

16 (iv) The promoter does not permit a contestant to compete in an
17 elimination contest for a period of ~~not less than~~ **AT LEAST** 60 days
18 if he or she ~~has been~~ **IS** knocked out or ~~has received~~ **RECEIVES**
19 excessive hard blows to the head that ~~required~~ **CAUSED THE REFEREE**
20 **TO STOP** the fight. ~~to be stopped.~~

21 (v) A contestant who ~~has been~~ **IS** knocked out twice in a period
22 of 3 months or who has ~~had~~ excessive head blows causing a fight to
23 be stopped is not permitted by a promoter to participate in an
24 elimination contest for a period of ~~not less than~~ **AT LEAST** 120 days
25 ~~from~~ **AFTER** the second knockout or stoppage.

26 (vi) A contestant who ~~has been~~ **IS** knocked out or ~~had~~ **HAS**
27 excessive hard blows to the head causing **THE REFEREE TO STOP** a

1 fight ~~to be stopped~~ 3 times consecutively in a period of 12 months
 2 is not permitted by a promoter to participate in an elimination
 3 contest for a period of 1 year ~~from~~ **AFTER** the third knockout.

4 (vii) Before resuming competition after any of the periods of
 5 rest ~~prescribed in~~ **REQUIRED UNDER** subparagraphs (iv), (v), and (vi),
 6 a promoter requires the contestant to produce a certification by a
 7 physician stating that the contestant is fit to take part in an
 8 elimination contest.

9 (2) As part of the physical examination given before ~~the~~ **A**
 10 boxing elimination contest **DESCRIBED IN SUBSECTION (1)**, the
 11 physician, licensed physician's assistant, certified nurse
 12 practitioner, or other trained person shall administer a
 13 preliminary breath test ~~in compliance~~ **THAT COMPLIES** with standards
 14 imposed in rules promulgated by the department of state police
 15 regarding equipment calibration and methods of administration. The
 16 promoter shall keep a log of **A CONTESTANT'S** preliminary breath test
 17 results ~~of contestants~~ on file at its place of business for at
 18 least 3 years after the date of administration of the test. ~~These~~
 19 **THE PROMOTERS SHALL MAKE THOSE TEST** results ~~shall be made~~ available
 20 to law enforcement officials ~~upon~~ **ON** request.

21 Sec. 51. (1) A physician, licensed physician's assistant,
 22 certified nurse practitioner, referee, judge, matchmaker,
 23 timekeeper, professional boxer, contestant, or manager, or a second
 24 of those persons, shall obtain a participant license from the
 25 ~~department~~ **COMMISSION** before participating either directly or
 26 indirectly in a contest or exhibition.

27 (2) An application for a participant license shall be in

1 writing, shall be verified by the applicant, and shall set forth
 2 those facts requested by and conform to the rules promulgated by
 3 the ~~department~~ **COMMISSION**.

4 (3) The ~~department~~ **COMMISSION** shall issue a passport with each
 5 professional contestant's license.

6 (4) ~~The commission, or a~~ **ANY** member of the commission ~~, has~~
 7 standing to contest ~~the issuance or nonissuance of~~ **A DECISION BY**
 8 **THE COMMISSION TO GRANT OR DENY** an exhibition or other license, by
 9 written or electronic communication to the ~~department~~ **COMMISSION**.

10 Sec. 52. (1) ~~A person~~ **THE COMMISSION MAY REQUIRE THAT AN**
 11 **INDIVIDUAL** seeking a license under this act as a judge or referee
 12 ~~may be required to~~ satisfactorily pass an examination or training
 13 program acceptable to the ~~department~~ **COMMISSION**.

14 (2) ~~A person~~ **THE COMMISSION SHALL NOT GRANT A LICENSE TO AN**
 15 **INDIVIDUAL** seeking a license under this act as a judge, referee, or
 16 contestant ~~shall~~ **IF HE OR SHE DOES NOT** pass a physical examination
 17 that is performed by a licensed physician, a licensed physician's
 18 assistant, or a certified nurse practitioner acceptable to ~~the~~
 19 ~~department and the commission~~.

20 (3) ~~Until the expiration of 1 year after the effective date of~~
 21 ~~this act, the department~~ **DURING THE 1-YEAR PERIOD AFTER THE**
 22 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED SECTION 62, THE**
 23 **COMMISSION** shall issue an equivalent license without an examination
 24 to ~~a~~ **ANY** person who is licensed in any capacity **BY THE DEPARTMENT**
 25 under ~~former article 8 of the occupational code, 1980 PA 299, THIS~~
 26 **ACT** on the effective date of ~~this act upon application~~ **THAT**
 27 **AMENDATORY ACT AND APPLIES TO THE COMMISSION FOR AN EQUIVALENT**

1 **LICENSE** on a form provided by the ~~department~~ **COMMISSION**.

2 Sec. 53. (1) In addition to the requirements of section 52, a
3 ~~person~~**AN INDIVIDUAL** seeking a license as a professional referee,
4 judge, or timekeeper ~~shall~~**MUST** referee, judge, or keep time for a
5 minimum of 300 rounds of amateur competitive boxing **TO BE ELIGIBLE**
6 **FOR THAT LICENSE**. To the extent standards are not contained in the
7 mixed martial arts unified rules incorporated by reference under
8 section ~~22(7),~~**22(9)**, the ~~department~~**COMMISSION** shall promulgate
9 rules establishing standards for a ~~person~~**AN INDIVIDUAL** seeking
10 ~~license~~**A LICENSE** as a mixed martial arts professional referee,
11 judge, or timekeeper.

12 (2) ~~After a person has~~**IF AN INDIVIDUAL** successfully completed
13 the requirements of section 51(2) and subsection (1), the
14 ~~department~~**COMMISSION** may issue ~~the person~~ a license **TO THAT**
15 **INDIVIDUAL**.

16 Sec. 54. (1) In addition to the requirements of section 53, a
17 ~~person~~**AN INDIVIDUAL** seeking a license as a professional judge
18 ~~shall~~**MUST** score, unofficially, not fewer than 200 rounds of
19 professional boxing **TO BE ELIGIBLE FOR THAT LICENSE**. In order to
20 fulfill the requirements of this subsection, an applicant shall
21 only unofficially judge contests that are approved by the
22 commission for that purpose. An applicant shall not receive
23 compensation for judging boxing contests or exhibitions under this
24 subsection. ~~Scorecards shall be transmitted to the department and~~
25 **THE PROMOTER SHALL TRANSMIT SCORECARDS TO** the commission for review
26 and evaluation **FOR PURPOSES OF THIS SUBSECTION**.

27 (2) To the extent standards are not contained in the mixed

1 martial arts unified rules incorporated by reference under section
2 ~~22(7), 22(9)~~, the ~~department~~ **COMMISSION** shall promulgate rules
3 establishing experience standards for a person seeking ~~license~~ **A**
4 **LICENSE** as a mixed martial arts professional judge.

5 (3) An employee authorized by ~~the department or the~~ commission
6 shall complete a standardized evaluation sheet for each contest or
7 exhibition judged by a licensee. The commission shall annually
8 review the evaluation sheets. A commission member attending a
9 contest or exhibition may also submit to the ~~department~~ **COMMISSION**
10 a standardized evaluation sheet.

11 Sec. 55. (1) A **PROMOTER SHALL INSURE EACH** professional
12 participating in a contest or exhibition ~~shall be insured by the~~
13 ~~promoter for not less than~~ **AT LEAST** \$50,000.00 for medical and
14 hospital expenses, ~~to be paid~~ **PAYABLE** to the contestant to cover
15 injuries sustained in the contest, and for ~~not less than~~ **AT LEAST**
16 \$50,000.00 ~~to be paid~~ **PAYABLE** in accordance with the statutes of
17 descent and distribution of personal property if the contestant
18 ~~should die~~ **DIES** as a result of injuries received in a boxing
19 contest or exhibition.

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

23 Sec. 56. (1) A professional boxing contest or exhibition shall
24 ~~be of not more than~~ **EXCEED** 10 rounds, in length, except **THAT** a
25 boxing contest or exhibition ~~which~~ **THAT** involves a national or
26 international championship may last ~~not more than~~ **UP TO** 12 rounds
27 in the determination of the department. The contestants shall wear

1 during a contest gloves weighing at least 8 ounces each. Rounds
 2 shall ~~be not longer than~~ **EXCEED** 3 minutes, with ~~not less than 1-~~
 3 ~~minute~~ **AT LEAST 1 MINUTE OF** rest between rounds.

4 (2) A professional or participant in a contest or exhibition
 5 shall be certified to be in proper physical condition by a licensed
 6 physician, a licensed physician's assistant, or a certified nurse
 7 practitioner before participating in a contest or exhibition. The
 8 ~~department shall designate any~~ **COMMISSION BY RULE MAY REQUIRE A**
 9 **SPECIFIC** medical test ~~that may be required~~ **OR TESTS** to determine if
 10 the individual is in proper physical condition.

11 Sec. 57. (1) ~~A~~ **THE PROMOTER SHALL ENSURE THAT A** licensed
 12 physician ~~shall be in attendance at~~ **ATTENDS** each contest or
 13 exhibition. The physician shall observe the physical condition of
 14 the contestants and advise the referee or judges with regard to the
 15 health of those contestants. The physician shall examine each
 16 contestant before ~~entering~~ **HE OR SHE ENTERS** the ring.

17 (2) The ~~licensed~~ physician **DESCRIBED IN SUBSECTION (1)** shall
 18 file with the commission the report of the physical examination of
 19 ~~a~~ **EACH** contestant ~~not later than~~ **WITHIN** 24 hours after ~~termination~~
 20 ~~of the contest or exhibition~~ **ENDS**.

21 (3) If, in the opinion of ~~the~~ **A** physician **DESCRIBED IN**
 22 **SUBSECTION (1)**, the health or safety of a contestant requires ~~that~~
 23 **THE TERMINATION OF** the contest or exhibition in which he or she is
 24 participating, ~~be terminated,~~ the physician shall notify the
 25 referee ~~—The~~ **AND THE** referee shall terminate the contest or
 26 exhibition.

27 Sec. 58. (1) If a contestant or participant loses

1 consciousness during or as a result of a contest or exhibition in
2 which he or she participates, he or she ~~shall not again be~~ **IS NOT**
3 eligible to participate in a contest or exhibition in this state
4 ~~unless~~ **UNTIL HE OR SHE IS** examined by a physician appointed by the
5 commission and ~~unless the~~ **THAT** physician certifies the contestant's
6 or participant's fitness to participate **IN THAT CONTEST OR**
7 **EXHIBITION.**

8 (2) The contestant or participant shall pay the cost of ~~the~~ **AN**
9 examination conducted under subsection (1).

10 Sec. 61. ~~(1) Except as rescinded, rules~~ **RULES** promulgated
11 under former article 8 of the occupational code ~~, 1980 PA 299, MCL~~
12 ~~339.801 to 339.814, retain authorization under this act.~~ **AND IN**
13 **EFFECT ON FEBRUARY 20, 2005 REMAIN IN EFFECT UNTIL RESCINDED OR**
14 **OTHERWISE CHANGED IN THE MANNER PROVIDED BY LAW.**

15 (2) **RULES PROMULGATED BY THE DEPARTMENT OR DIRECTOR AND IN**
16 **EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT REPEALED**
17 **SECTION 62 REMAIN IN EFFECT UNTIL RESCINDED OR OTHERWISE CHANGED IN**
18 **THE MANNER PROVIDED BY LAW.**

19 Sec. 63. ~~This act does not take effect unless House Bill No.~~
20 ~~4336 of the 92nd Legislature is enacted into law.~~ **A RECORD OR**
21 **PORTION OF A RECORD, MATERIAL, INFORMATION, OR OTHER DATA RECEIVED,**
22 **PREPARED, USED, OR RETAINED BY THE COMMISSION UNDER THIS ACT THAT**
23 **INCLUDES A TRADE SECRET OR COMMERCIAL, FINANCIAL, OR PROPRIETARY**
24 **INFORMATION OF A LICENSEE OR LICENSE APPLICANT, AND THAT THE**
25 **LICENSEE OR APPLICANT REQUESTS IN WRITING BE TREATED AS**
26 **CONFIDENTIAL BY THE COMMISSION, IS NOT SUBJECT TO THE FREEDOM OF**
27 **INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. AS USED IN THIS**

1 SECTION, "TRADE SECRET OR COMMERCIAL, FINANCIAL, OR PROPRIETARY
2 INFORMATION" MEANS INFORMATION THAT HAS NOT BEEN PUBLICLY
3 DISSEMINATED OR THAT IS UNAVAILABLE FROM OTHER SOURCES, THE RELEASE
4 OF WHICH MIGHT CAUSE THE LICENSEE OR APPLICANT SIGNIFICANT
5 COMPETITIVE HARM.

6 Enacting section 1. Section 62 of the Michigan unarmed combat
7 regulatory act, 2004 PA 403, MCL 338.3662, is repealed.

8 Enacting section 2. This amendatory act takes effect January
9 1, 2012.