



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 370 (as passed by the Senate)
Sponsor: Senator Dave Robertson
Committee: Regulatory Reform

Date Completed: 7-17-17

RATIONALE

Considered to be one of the most rapidly growing sports in the world, mixed martial arts (MMA) is a form of combat sport that encompasses disciplines and techniques from various martial arts, such as boxing, kickboxing, karate, jiu-jitsu, tae kwon do, wrestling, and judo. As MMA's popularity has expanded worldwide, a growing number of Michigan residents have begun participating in amateur MMA events. In 2015, Michigan enacted Public Acts 183 and 184, both of which amended the Unarmed Combat Regulatory Act, in order to regulate amateur MMA events. (Previously, the Act only regulated professional events.) Among other changes to the Act, the amendments specified various weight classes for contestants in MMA events. Evidently, when the legislation was drafted, the weight classes were not set to national standards. It has been suggested that the weight classes be established by rule, rather than in the Act, so that the Department of Licensing and Regulatory Affairs (LARA) could align them with national standards and change them in the future, if needed, without requiring an amendment to the Act. Additionally, it has been suggested that changes be made to provisions regarding inspector responsibilities to ensure the safety and integrity of participants, and inspector qualifications to allow LARA greater discretion in finding qualified inspectors.

CONTENT

The bill would amend the Michigan Unarmed Combat Regulatory Act to do the following:

- **Delete the definition of "weight class" and a requirement that a promoter ensure that a contestant is in the same class as or of comparable weight to another contestant, and require the Department of Licensing and Regulatory Affairs to establish weight classes for contestants by rule, instead.**
- **Expand the responsibilities of an inspector, and allow a person previously approved by LARA to be an inspector.**
- **Prohibit an individual from receiving a contestant license unless he or she was at least 18 years of age.**
- **Allow the Michigan Unarmed Combat Commission to issue an administrative fine of up to \$10,000 if disciplinary action were taken against a person related to the preparation for or occurrence of an amateur contest or event, or any other action taken in conjunction with an amateur contest or event.**
- **Apply to "professional" events or contests a provision under which disciplinary action may include an administrative fine of up to 100% of a licensee's purse.**
- **Require LARA to take an action against an applicant or against the license of a contestant, promoter, or participant for failure to file current address information with LARA within 30 days after a change occurred.**
- **Require a licensed promoter that presents an unarmed combat event in the State to submit a request for the event's approval to LARA at least 30 days, instead of five days, before the event.**

- **Delete a requirement that a licensed promoter that presents an unarmed combat event in the State include the names of the emergency medical technicians attending the event in his or her request to LARA for the event's approval.**
- **Require a promoter to ensure that individuals submitted medical information to LARA, instead of to the promoter, before competing as a contestant, and require an ophthalmologic exam to have been performed within 12 months, rather than 180 days, before a contest or event.**

The bill would take effect 90 days after it was enacted.

Weight Class Requirements

Under the Act, a licensed promoter that is presenting an amateur or professional mixed martial arts or professional boxing event in Michigan must ensure that each contestant participating in a contest is weighed and placed in the appropriate weight class, and that a contestant only participates in a contest with another contestant who meets at least one of specified criteria regarding comparable weight classes or weight differences between contestants. The definition of "weight class" includes 18 separate categories. The bill would delete these provisions and the definition, and would require LARA to establish weight classes for contestants by rule.

Inspector Requirements

Under the Act, a promoter may not conduct a professional boxing, professional mixed martial arts, or amateur mixed martial arts event in the State unless at least one inspector is present at the event. All of the following apply to an inspector:

- An inspector may not have any relationship or business interest with a licensee involved in an event for which he or she is an inspector.
- An inspector must collect and submit all contestant drug tests as required by LARA to ensure their chain of custody.
- The Department may promulgate rules to establish additional duties of inspectors.
- An inspector must receive reasonable compensation, and reimbursement of his or her actual and necessary travel expenses, for attending an event, which must be managed by the promoter of the event.

The bill also would require an inspector to do the following:

- Weigh in each contestant.
- Tabulate the scores of each contest.
- Approve each contestant's hand wraps before a contest.
- Monitor the actions of each individual who assisted a contestant during the contest.

Currently, an inspector must be an individual who is certified, or was previously certified, by the Commission on Law Enforcement Standards; is licensed by LARA as a private security guard or security guard agency; or is employed by a security guard agency that is licensed by LARA. The bill would add to this list an individual who was previously approved as an inspector by LARA or was approved by LARA.

("Event means a program of unarmed combat that is planned for a specific date and time by a promoter and is subject to the approval of LARA under the Act.)

Age Restriction

The Act requires an individual to obtain a contestant license from LARA before he or she participates in a contest, and prescribes the information and fees an applicant must submit to LARA to receive a license. The Department must issue a contestant license to an individual who meets the contestant licensing requirements.

Under the bill, an individual could not receive a contestant license unless he or she was at least 18 years of age.

(The Act defines "contest" as an individual bout between two boxers, two mixed martial artists, or two individuals engaged in other unarmed combat that is subject to the Act. "Unarmed combat" means professional boxing, professional or amateur mixed martial arts, or any other form of competition in which a blow is usually struck or another fighting technique is applied that may reasonably be expected to inflict injury.)

Disciplinary Action

Under the Act, the following apply if disciplinary action is taken against a person:

- If the disciplinary action does not relate to a contest or event, the Commission may, in lieu of suspending or revoking a license, assess an administrative fine up to \$10,000.
- If disciplinary action is taken against a person, other than a contestant, that relates to the preparation for or occurrence of a contest or an event, or any other action taken in conjunction with a contest or event, the Commission may assess an administrative fine up to \$100,000.

The bill also would authorize the Commission to assess an administrative fine of up to \$10,000 if disciplinary action related to the preparation for or the occurrence of an amateur contest or event, or any other action were taken in conjunction with an amateur contest or event.

In addition, if disciplinary action is taken against a person and the disciplinary action relates to the preparation for or occurrence of a contest or an event, or any other action taken in conjunction with a contest or an event, the Commission may assess an administrative fine in an amount up to 100% of the share of the purse to which the licensee is entitled for the contest or event. Under the bill, this provision would apply to "professional" contests or events.

Updated Address Information

The Act requires LARA to initiate an action against an applicant or take any other allowable action against the license of any contestant, promoter, or participant if LARA determines that the applicant or licensee performed an action listed under the Act, such as engaging in fraud, deceit, or dishonesty in obtaining a license or participating in any sham or fake contest or event. The grounds for action also include failure to file current address information with LARA. The bill would require LARA to initiate an action against an applicant or take any other allowable action against the license of any contestant, promoter, or participant if LARA determined that he or she failed to file current address information with LARA within 30 days after a change occurred.

Licensed Promoter Requirements

Under the Act, a licensed promoter that presents an unarmed combat event in Michigan must comply with all of the following:

- At least five days before the event, submit a request for its approval to LARA, on a form prescribed by LARA.
- Within the five-day period preceding a professional boxing or mixed martial arts event, submit the fight records of each contestant to LARA.
- Pay all obligations that are related to the normal course of promoting an unarmed combat event, including venue rent and judge, physician, referee, and timekeeper fees.
- Arrange for a physician and an ambulance that is staffed by emergency medical technicians to be on the premises to attend the event for purposes outlined under the Act, and arrange for an alternative physician and an alternative ambulance staffed by emergency medical technicians to be on the premises if the original physician or medical technicians are unable to attend the event.

- Arrange for a referee, judges, a timekeeper, and an inspector to attend the event for purposes outlined under the Act.
- Maintain records of the event for at least one year after its date and make those records available to LARA or law enforcement officials on request.

The bill would require the request for approval of the event to be submitted to LARA at least 30 days before the event, instead of five.

In addition, the licensed promoter must include the names of the physician, the ambulance provider, and the emergency medical technicians, their alternatives, the referee, judges, timekeeper, and inspector in the request submitted to LARA. The bill would delete the requirement that the promoter include the names of the emergency medical technicians.

Medical Requirements

Under the Act, a licensed promoter that is presenting an amateur or professional mixed martial arts or professional boxing event in Michigan must ensure the following:

- An individual does not compete as a contestant unless he or she submits to the promoter a medical certification of negative results for hepatitis B and C and HIV tests that were performed on the contestant within 180 days before the scheduled contest or event.
- A female individual does not compete as a contestant unless she submits to the promoter the results of a pregnancy test that was performed on her within seven days before the contest or event and the results of the pregnancy test are negative.

The bill would require the promoter to ensure that the individuals submitted the medical results to LARA, instead of to the promoter.

Also, the Act requires the licensed promoter to ensure that an individual does not compete as a contestant unless he or she submits to the promoter the results of an ophthalmologic exam that was performed within 180 days before the contest or event and the results of the exam are submitted to LARA. The bill instead would require the promoter to ensure that individual submitted the results of an ophthalmologic exam to LARA, and that the exam was performed by a licensed optometrist or ophthalmologist within 12 months before the contest or event and indicated that the contestant was medically cleared to fight. The individual would have to submit the results on a form prescribed by LARA.

Professional Contestant

Under the Act, a licensed promoter that is presenting an amateur or professional mixed martial arts or professional boxing event in Michigan must ensure that a professional is not allowed to compete as a contestant in an amateur event. The bill would refer to an amateur contest, instead of an amateur event.

MCL 338.3620 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would fix provisions enacted by Public Act 183 of 2015. In its current form, statute sets the weight classes; however, they are not in line with national standards. The amendments would require the weight classes to be set by rule. This would enable LARA to correct the classes and change them via the rule-making process if there is a need to do so in the future, without seeking an amendment to the statute.

Supporting Argument

There are individuals who previously acted as inspectors but do not meet the current qualifications of an inspector. The amendments would give LARA discretion to accept qualified individuals who do not meet the present criteria. Additionally, the bill would expand the responsibilities of an inspector to ensure the safety and integrity of contestants.

Supporting Argument

The bill would allow the required ophthalmological exam to be performed by either a licensed ophthalmologist or an optometrist, and would require the exam to be performed within 12 months before the event or contest, instead of 180 days. These changes would better accommodate the availability of ophthalmologists.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Michigan Unarmed Combat Fund, used by the Department of Licensing and Regulatory Affairs for the regulation of unarmed combat, and no fiscal impact on local units of government. The bill would establish an alternative maximum administrative fine of \$10,000 for those who violated the Act in relation to an amateur contest or event. Under current law, violators are subject to a maximum of a \$100,000 fine if they are not a contestant, or 100% of the contest purse. It is not clear whether this change would increase or decrease revenue, as the maximum fine would be decreased for noncontestants in amateur events, but would be potentially higher for contestants participating in an event with a purse smaller than \$10,000. In any case, the fiscal impact of this change is not anticipated to be significant.

Fiscal Analyst: Josh Sefton

SAS\A1718\sb370a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.