



2009 ASSEMBLY BILL 438

September 23, 2009 – Introduced by Representatives COLON, POCAN, ZEPNICK, HINTZ, ZIGMUNT, KLEEFISCH, VRUWINK, RICHARDS, CULLEN, STASKUNAS, HONADEL and SEIDEL, cosponsored by Senators HANSEN, LEHMAN, PLALE, COWLES, LASSA, TAYLOR and SULLIVAN. Referred to Committee on Consumer Protection.

1 **AN ACT** *to amend* chapter 444 (title), 444.01 (1), 444.01 (2), 444.02, 444.03,
2 444.04, 444.06, 444.09 (title), 444.10 (title), 444.11, 444.12, 444.13, 444.14,
3 444.15 and 444.18; and *to create* 20.165 (1) (im), 444.01 (1m) and 444.095 of
4 the statutes; **relating to:** changes in the regulation of boxing contests,
5 regulating mixed martial arts fighting contests, granting rule-making
6 authority, making an appropriation, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Regulation and Licensing (department) regulates boxing contests conducted in the state. No club may conduct a professional boxing contest without a license from the department. Currently, only clubs that are incorporated under the laws of this state and whose members have been residents of this state for at least one year are eligible for licensure. An applicant for licensure must pay an annual fee from \$25 to \$300, depending on the size of the city, village, or town in which the contest is held and the price of admission.

Current law also authorizes the department to license matchmakers, managers, referees, examining physicians, and boxers in professional boxing contests. A department-appointed inspector must be present at all professional boxing contests to see that the rules are strictly observed. A licensee authorized to conduct a professional boxing contest must insure each contestant for hospital, nursing, and medication expenses and physician's services according to an equitable

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fee schedule. The department is required to ban a contestant who participates in a sham or fake professional boxing contest or violates any department rule, and is authorized to require the contestant to forfeit the purse for the contest.

Also under current law, an amateur boxing contest (defined as a contest in which none of the contestants are compensated for participating) may be conducted in this state only if the contest is sanctioned by, and conducted under the rules of, the national governing body for amateur boxing.

This bill generally authorizes the department to regulate amateur and professional mixed martial arts fighting contests on the same terms as professional boxing contests, and to license promoters of boxing and mixed martial arts fighting contests on the same terms as clubs. The bill deletes the requirements that applicants for licensure be incorporated under the laws of this state and comprise only members who are residents of this state. The bill changes the license application fee to \$200, or \$500 in a city of more than 150,000 inhabitants, and changes the penalty for sham or fake contests to a forfeiture not to exceed \$500. Fifty percent of forfeitures collected by the department are appropriated to the department for enforcement.

The bill also imposes a number of requirements on mixed martial arts fighting contests, including the following: A contestant in an amateur mixed martial arts fighting contest must be able to provide evidence that he or she is covered by adequate health insurance. No mixed martial arts fighting contest may be conducted without at least one licensed referee and at least four licensed judges. Contestants must be examined by a physician immediately before and after each match, and a physician and ambulance must be present during each match. The bill requires the department to promulgate rules for mixed martial arts fighting contests establishing: 1) qualifications for licensure of referees and judges; 2) requirements for regular health examinations for contestants; and 3) policies prohibiting the use of drugs and mandating drug testing of contestants.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.165 (1) (im) of the statutes is created to read:

2 20.165 **(1)** (im) *Boxing and mixed martial arts fighting; enforcement.* Fifty
3 percent of all moneys received in forfeitures imposed under s. 444.14, for
4 enforcement of ch. 444.

5 **SECTION 2.** Chapter 444 (title) of the statutes is amended to read:

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SECTION 3. 444.01 (1) of the statutes is amended to read:

444.01 (1) “Amateur ~~boxing~~ contest” means a boxing or mixed martial arts fighting contest or exhibition in which none of the boxers or fighters are compensated for participating in the contest or exhibition.

SECTION 4. 444.01 (1m) of the statutes is created to read:

444.01 (1m) “Physician” means a person licensed to practice medicine and surgery under s. 448.04 (1) (a).

SECTION 5. 444.01 (2) of the statutes is amended to read:

444.01 (2) “Professional ~~boxing~~ contest” means a boxing or mixed martial arts fighting contest or exhibition in which one or more of the boxers or fighters is compensated for participating in the contest or exhibition.

SECTION 6. 444.02 of the statutes is amended to read:

444.02 Boxing licenses, Licenses and permits. The department shall have the sole direction, management, and control of, and jurisdiction over, all professional ~~boxing~~ contests and all amateur mixed martial arts fighting contests conducted within the state by any promoter or club. No club or promoter may conduct professional ~~boxing~~ contests ~~may be conducted~~ or amateur mixed martial arts fighting contests within the state except under authority granted by the department and in accordance with this chapter and the rules of the department. The department may issue, and for cause limit, suspend, or revoke, a license to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting contests to any promoter or incorporated club formed as provided in this chapter. The department may limit the number of professional ~~boxing~~ contests given by any promoter or club

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1 in any city, village, or town. No professional ~~boxing~~ contests or amateur mixed martial
2 arts fighting contests may be conducted by any promoter or licensed club without a
3 permit from the department. Every license shall be subject to such rules and
4 regulations as the department prescribes. The department may reprimand
5 promoters or clubs for violating this chapter or any rules of the department.

6 **SECTION 7.** 444.03 of the statutes is amended to read:

7 **444.03 Application for license; fee.** No professional ~~boxing~~ contests or
8 amateur mixed martial arts fighting contests may be conducted by any promoter or
9 club except by license granted to it by the department, ~~and no club may be licensed~~
10 ~~unless it is incorporated under the laws of Wisconsin and its membership is limited~~
11 ~~to persons who have been continuous residents in the state for at least one year.~~ An
12 application for a license shall be in writing, addressed to the department, and
13 verified by the promoter or by an officer of the club. An application shall be
14 accompanied by an annual fee of ~~\$25~~ \$200 in cities, villages, and towns of not more
15 than ~~50,000 inhabitants, \$50 in cities of over 50,000 and not more than 150,000~~
16 ~~inhabitants, and \$300~~ \$500 in cities of over 150,000 inhabitants ~~when the admission~~
17 ~~is over \$1 and \$50 when the admission charge is \$1 or less.~~ The application must
18 show that the promoter or club has entered into a valid agreement for the use of the
19 building, amphitheater, or stadium in which contests are to be held.

20 **SECTION 8.** 444.04 of the statutes is amended to read:

21 **444.04 Club Promoter and club reports.** Within 24 hours after a promoter
22 or club holds a professional ~~boxing~~ contests or amateur mixed martial arts fighting
23 contests, the club shall furnish to the department a written report, verified by the
24 promoter or by one of its the club's officers, showing the number of tickets sold for the

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1 contest, the amount of gross proceeds, and all other information the department
2 requires by rule to be included in the report.

3 **SECTION 9.** 444.06 of the statutes is amended to read:

4 **444.06 Inspectors.** The department shall appoint official “inspectors,” each
5 of whom shall receive a card authorizing the inspector to act wherever the
6 department designates. The department may be, and at least one inspector shall be
7 present at all professional ~~boxing~~ contests and all amateur mixed martial arts
8 fighting contests and see that the rules are strictly observed. An inspector shall also
9 be present at the counting up of the gross receipts and shall immediately mail to the
10 department the official box-office statement received from the promoter or club.
11 Inspectors shall be paid a per diem to be set by the department, not to exceed \$25 for
12 each day on which they are actually and necessarily engaged in the performance of
13 their duties, and shall be reimbursed for their actual and necessary expenses
14 incurred in the performance of their duties.

15 **SECTION 10.** 444.09 (title) of the statutes is amended to read:

16 **444.09 (title) Conduct of boxing contests regulated.**

17 **SECTION 11.** 444.095 of the statutes is created to read:

18 **444.095 Conduct of mixed martial arts fighting contests regulated. (1)**

19 No individual may be a contestant in an amateur mixed martial arts fighting contest
20 unless the individual can provide evidence that he or she is covered by adequate
21 health insurance.

22 **(2)** No promoter or club may conduct a mixed martial arts fighting contest
23 unless all of the following apply:

24 (a) There is present at least one referee who is licensed by the department and
25 at least 4 judges who are licensed by the department.

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1 (b) A physician examines each contestant immediately before and after each
2 match in which the contestant participates.

3 (c) A physician is present during each match to provide emergency care in the
4 event of an injury.

5 (d) An ambulance and emergency medical services personnel with oxygen are
6 present on the premises and equipped to transport an injured contestant.

7 **(3)** The department shall promulgate rules that establish all of the following
8 with respect to mixed martial arts fighting contests:

9 (a) Qualifications and fees for licensure of referees and judges for mixed martial
10 arts fighting contests.

11 (b) Requirements for regular health examinations of mixed martial arts
12 fighting contestants, including all of the following:

13 1. Annual physical examinations by physicians and annual eye examinations
14 by physicians who are board-certified ophthalmologists.

15 2. Annual screening for HIV, hepatitis B, and hepatitis C.

16 3. For female contestants, pregnancy tests before contests.

17 (c) Policies prohibiting contestants from using drugs, including anabolic
18 steroids, and mandating drug testing of contestants.

19 **SECTION 12.** 444.10 (title) of the statutes is amended to read:

20 **444.10 Physician to examine professional boxing contestants.**

21 **SECTION 13.** 444.11 of the statutes is amended to read:

22 **444.11 Licenses to matchmakers, referees, ~~boxers~~ contestants, etc.** The
23 department may grant licenses upon application and the payment of the prescribed
24 fees to matchmakers, managers, referees, examining physicians, boxers, mixed
25 martial art fighters, seconds, and trainers in professional ~~boxing~~ contests and

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1 amateur mixed martial arts fighting contests. The fees to be paid per year shall be:
2 Matchmakers in cities with a population of over 150,000, \$25; matchmakers in other
3 cities and in villages and towns, \$10; and managers, \$10; referees, \$15; examining
4 physicians, \$10; boxers and mixed martial arts fighters, \$5; seconds and trainers
5 timekeepers, \$5. The department may limit, suspend, or revoke any such license
6 granted under this section or reprimand the holder thereof licensee upon such cause
7 as it deems sufficient.

8 **SECTION 14.** 444.12 of the statutes is amended to read:

9 **444.12 Referee to stop contest.** The referee must stop a professional boxing
10 contest or amateur mixed martial arts fighting contest when either of the
11 contestants shows a marked superiority or is apparently outclassed. The referee
12 shall be the sole arbiter of the contest and may consult the physician identified in s.
13 444.095 (2) (c) during the contest.

14 **SECTION 15.** 444.13 of the statutes is amended to read:

15 **444.13 Sham contests, license revoked.** Any promoter or club that
16 conducts, holds, gives, or participates in any sham or fake professional boxing
17 contest or amateur mixed martial arts fighting contest shall forfeit its license. That
18 license shall be revoked by the department, and the promoter or club shall not be
19 entitled to another license, ~~nor shall any license be issued to any club that has a~~
20 ~~member who belonged to a club that had its license revoked.~~

21 **SECTION 16.** 444.14 of the statutes is amended to read:

22 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** Any
23 The department shall ban a contestant who participates in any sham or fake
24 professional boxing contest or amateur mixed martial arts fighting contest or
25 violates any rule ~~or regulation of~~ promulgated by the department shall be penalized

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1 as follows: ~~For the first offense the contestant shall be restrained by order of the~~
2 ~~department for not less than 2 months nor more than one year, the period to begin~~
3 ~~immediately after the occurrence of the offense, from participation in the contest to~~
4 ~~be held or given by any licensed club; for a 2nd offense, the contestant shall be~~
5 ~~permanently disqualified from further admission or participation in any such~~
6 ~~contest held or given by any licensed club and in addition, for each such offense, shall~~
7 ~~forfeit such amount, out of the share or purse agreed to be paid the contestant for the~~
8 ~~contest as the department determines, the forfeit to be paid into the general fund of~~
9 ~~the state. The department, upon determining the amount of the forfeit, may pay the~~
10 ~~same out of any guarantee deposited with it for delivery to the contestant or may~~
11 ~~order it paid to the department by the club employing the contestant out of the purse~~
12 ~~or share agreed by it to be paid to the contestant. The department shall not~~
13 ~~determine the forfeit until after due hearing held upon reasonable notice duly served~~
14 ~~upon, and may require the contestant or, the contestant's manager and upon the club~~
15 ~~by whom the contestant is employed. Any member of the department or the secretary~~
16 ~~or any inspector of the department may order the club to hold the share or purse of~~
17 ~~the contestant in its possession pending the hearing and determination of the~~
18 ~~department. For failure to obey any order of the department or the secretary of the~~
19 ~~department or any inspector of the department given under this section, the license~~
20 ~~of the club may be limited, suspended, canceled, or revoked, and the club may be~~
21 ~~reprimanded, or the promoter of the contest to forfeit an amount determined by the~~
22 department, but not more than \$500. Fifty percent of all forfeitures collected under
23 this section shall be deposited in the appropriation account under s. 20.165 (1) (im).

24 **SECTION 17.** 444.15 of the statutes is amended to read:

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1 **444.15 Reports; examination of books and officers.** Whenever any
2 promoter or club fails to make a report of any professional ~~boxing~~ contest or amateur
3 mixed martial arts fighting contest at the time prescribed or whenever a report is
4 unsatisfactory to the department, the secretary ~~of the department~~ may examine the
5 books and records of the promoter or club and may subpoena and examine, under
6 oath, the promoter or the club's officers and other witnesses to determine the total
7 amount of its gross receipts for any contest. The secretary may require the promoter
8 or club to pay the expenses of conducting the examination. If a promoter or club fails
9 to pay the amount of expenses determined by the secretary to be due within 20 days
10 after receiving notice of the amount, the promoter or club shall forfeit its license, be
11 disqualified from receiving any license under this chapter, and forfeit to the state the
12 sum of \$1,000, which may be recovered by the department of justice in the name of
13 the state.

14 **SECTION 18.** 444.18 of the statutes is amended to read:

15 **444.18 Insurance on ~~boxers~~ certain contestants.** Any licensee authorized
16 to conduct professional ~~boxing~~ contests or amateur mixed martial arts fighting
17 contests shall insure each contestant participating for hospital, nursing, and
18 medication expenses and physician's and surgeon's services according to an
19 equitable fee schedule, not to exceed in the aggregate \$500, to be paid to, or for the
20 use of, any contestant to compensate for injuries sustained in any such contest; and
21 shall insure each contestant for not less than \$2,500 to be paid to the contestant's
22 estate in the event of the contestant's death as the result of participation in such
23 professional ~~boxing~~ contest or amateur mixed martial arts fighting contest.

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(END)