

HOUSE BILL REPORT

SSB 5553

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to professional athletics licensing, health, and safety standards.

Brief Description: Regulating professional athletics.

Sponsors: Senate Committee on Commerce, Trade, Housing & Financial Institutions (originally sponsored by Senators Prentice and Winsley; by request of Department of Licensing).

Brief History:

Committee Activity:

Commerce & Labor: 3/25/99, 4/2/99 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Modifying the regulations of boxing, kickboxing, martial arts, and wrestling events.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Staff: Douglas Ruth (786-7134).

Background:

The Department of Licensing (DOL) regulates boxing, wrestling, and martial arts events held within the state. As part of this regulation, DOL licenses individuals to participate in these events, sets and collects fees for licensing, collects taxes on event revenue, controls conduct by participants, sets parameters for events, establishes safety and health requirements for events, and disciplines licensees.

In addition to the staff of the professional athletic division of DOL, the statute and its associated rules are enforced by inspectors appointed by the department. Inspectors attend professional athletic events to monitor the event and the collection of gate revenues. An inspector's fee and travel expenses are paid by the event's promoter. Currently, DOL staff perform many of the duties of inspectors. DOL hires inspectors as needed.

Summary of Amended Bill:

The professional athletic program is excluded from the general state requirement that licensing programs be self-supporting.

The sports of pankration and muay thai are included within the scope of the statute and made subject to all its requirements. Pankration is a combination of kickboxing and grappling, and mauay thai is similar to boxing but includes kicking and knee kicking.

Events involving contestants who are unlicensed or not trained by an amateur or professional sanctioning body recognized by the department are prohibited.

Referees, matchmakers, kickboxers, and martial arts participants are added to the list of people that must be licensed before engaging in a professional sporting event. When applying for or renewing a license, all boxers, wrestlers, kickboxers, martial arts participants, and referees must have had a physical within a time period specified by DOL. The physical must be performed by a state-licensed physician, osteopath, or naturopath, or a physician licensed by another state or country.

DOL may suspend or fine, in addition to revoke, the license of an event participant, including a manager, who is involved in a sham or fake boxing event. License applicants, as well as licensees, may be disciplined for violating the statute. The maximum fine DOL may impose for a violation of the statute is raised from \$500 to \$5,000.

Contestants for kickboxing and martial arts, in addition to boxing contestants, must be examined by a physician 24 hours prior to a fight and have a physician monitor the fight. The physicians, including naturopaths and osteopaths, performing these tasks must be "event physicians" which are persons licensed by DOL to provide these services. These same contestants may be subject to random urinalysis or chemical tests within 24 hours of a fight. A positive result or a contestant's refusal to submit to the test subjects the contestant to current disciplinary provisions. DOL is given authority to determine which substances are prohibited.

For the purpose of taxing event receipts, gross receipts include only the face value of all tickets sold and do not include revenue from the sale of souvenirs, programs, and other concessions.

The value of complimentary tickets, for taxing purposes, does not include charges and fees, such as dinner, gratuity, parking, or other charges that must be paid by the consumer to view the event.

The statutory provisions governing the maximum number of rounds in a boxing contest, sportsmanlike conduct, and the weight of gloves used in boxing events do not apply to martial arts and kickboxing events. Instead, DOL is given authority to adopt rules to govern these aspects of kickboxing, martial arts, and wrestling.

A promoter must have an ambulance at the location of an event, rather than within five miles of the event.

Amended Bill Compared to Substitute Bill: The original bill repealed the department's authority to hire inspectors. The statutory provisions defining the inspectors' duties, power, and source of compensation were also repealed.

The original bill did not include naturopaths within the definition of "physician."

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill is exempting the professional sports licensing program from being self-supporting because the tax revenues received by the department are insufficient to permit safe oversight of the profession. There are just not enough large events held in the state to provide an adequate revenue base. The program currently has insufficient funds and must use general fund money to pay for oversight of these sports. The bill eliminates inspectors because they are not state employees, but they enforce state law. This is an improper delegation of authority. The department currently has the authority to employ inspectors by rule. They will do so if the bill is enacted as they need the inspector's expertise. The association of judges and ring officials support the bill. The bill is expected to increase safety since it clarifies currently vague requirements. Washington has a reputation for being a "clean" state and has the potential to be the location of more boxing events. With better laws, there will be more events held in this state which will generate more revenues for the state. The United Full Contact Federation supports the bill.

Currently, poor quality and dangerous events tarnish the reputation of martial arts. By regulating martial arts and kickboxing, the sports will be held to a higher standard. This will improve the public's impression of these sports. Once the lower quality events are eliminated, the professional martial arts industry can grow. The associations that support improving the quality & safety of these sports are willing to pay the fees necessary to permit effective regulation.

Testimony Against: None.

Testified: Mary Jelvik, Department of Licensing; Alan Krebs, USA Boxing, Inc.; Paul Field, licensed boxing official; Curtis Leach, licensed boxing official; Roy Silbert, United Full Contact Federation; and Matt Hume, United Full Contact Federation.