

SENATE BILL REPORT

SHB 3297

As Reported By Senate Committee On:
Labor, Commerce, Research & Development, February 21, 2008

Title: An act relating to professional athletics regulated by the department of licensing.

Brief Description: Concerning professional athletics regulated by the department of licensing.

Sponsors: House Committee on Commerce & Labor (originally sponsored by Representative Green).

Brief History: Passed House: 2/14/08, 95-0.

Committee Activity: Labor, Commerce, Research & Development: 2/21/08 [DP].

SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Holmquist, Ranking Minority Member; Franklin, King, Murray and Prentice.

Staff: Ingrid Mungia (786-7423)

Background: The Department of Licensing (Department) regulates boxing, martial arts, kickboxing, and wrestling events. Boxers, kickboxers, martial arts participants, promoters, inspectors, and others involved with the events must obtain a license from the Department. Certain amateur events are exempt.

Participants. Seven days before an event, a promoter must submit the names of all potential participants to the Department. Changes are allowed only for wrestling events.

Medical. Boxing promoters must provide proof of medical insurance to the Department 72 hours prior to an event. A physician licensed by the Department must be present throughout a boxing, kickboxing, or martial arts event. Within 24 hours before these events, a physician must conduct a prefight physical. A physician must stop an event when, in the physician's opinion, it would be dangerous for a participant to continue. The Department may require a physician at a wrestling event.

Participants may be subject to random urinalysis or chemical tests within 24 hours before or after an event. An applicant or licensee who refuses to submit to testing is subject to disciplinary action. If the urinalysis or chemical test is positive for substances prohibited by rule, the applicant or licensee is subject to disciplinary action.

A promoter must have an ambulance or paramedic unit at an event.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Director of the Department (Director) must adopt rules to assure clean and sportsmanlike conduct and may adopt rules with respect to round and bout limitations.

Officials. The Department may appoint official inspectors and the inspectors must carry a card as evidence of their authority. The Director sets a fee for the inspectors which is paid by the promoter. The promoter also pays a fee to the event physician and chiropractor, if a chiropractor is present. The Department may also employ inspectors.

Taxes. Promoters pay the Department a tax equal to 5 percent of the gross receipts on events, as well as on gross receipts for telecasts of events. The tax on telecasts is due 72 hours after the event. Untaxed complimentary tickets are limited to 10 percent of the total tickets, not to exceed 1,000 tickets.

Summary of Bill: A number of changes are made to the laws regulating boxing, kickboxing, mixed martial arts, and wrestling events.

Participants. The seven-day period to submit the names of potential participants is changed to ten days and made explicitly applicable to boxing, kickboxing, and mixed martial arts events. All licensing documents must be received within 72 hours before an event. Participant changes or additions for all events may be allowed no less than 48 hours before an event.

Medical. Kickboxing and mixed martial arts promoters, in addition to boxing promoters, are explicitly required to provide proof of medical insurance. The prefight physical must be within a time specified in rule. A physician may stop any bout when it would be dangerous to continue. The danger is no longer limited to a participant.

Breathalyzer tests may be administered within 24 hours before an event, during an event, or after an event until the postfight physical has been completed. Participants may not consume alcohol until the postfight physical is completed. An applicant or licensee who refuses to submit to the breathalyzer test or tests positive is subject to disciplinary action. The prohibited substances found in a urinalysis or chemical test are specified to be controlled substances.

The Department may appoint a chiropractor for wrestling events.

The emergency unit required on event locations must be a paramedic unit with transport and resuscitation capabilities.

The Director may adopt rules with respect to glove weights and weight classes, and is granted explicit authority to provide rules for clean and sportsmanlike conduct for boxing. The striking of any person other than an approved bout opponent (rather than not a licensed participant) constitutes unprofessional conduct.

Officials. The Department must, rather than may, appoint inspectors and is also given explicit authority to appoint all other event officials. The fee and travel expenses appointed officials received from promoters are to be paid through the Department. The Department may also employ and may also contract with all appointed officials.

Taxes. The "tax" is changed to an "event fee." The tax on complimentary tickets is eliminated. The time frame to pay the telecast event fee is changed from 72 hours to ten days.

Other. All appointed officials are immune from liability based on official acts. Appointed officials are not immune from disciplinary actions by the Department.

Changes are made in terminology and organization of the provisions. Some provisions that refer to boxing only are made explicitly applicable to kickboxing and mixed martial arts. Some provisions covered in other laws are deleted.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Substitute Bill: PRO: Most laws on the books refer to boxing and wrestling, not mixed martial arts and kickboxing. This bill expands the statute to include mixed martial arts and kickboxing. We needed the immunity piece for officials because we want qualified officials in the state to participate in these events and we need to assure them they won't be sued by participants. This bill is about protecting participants in boxing, kickboxing, and mixed martial arts events. The department currently does a good job at monitoring these events.

Persons Testifying: PRO: Representative Green, prime sponsor; Ralph Osgood, Trudi Touchette, Department of Licensing.