

HOUSE BILL REPORT

HB 1062

As Reported by House Committee On:
Business & Financial Services

Title: An act relating to athletics, limited to boxing, martial arts, and wrestling that are regulated by the department of licensing.

Brief Description: Concerning athletics, limited to boxing, martial arts, and wrestling that are regulated by the department of licensing.

Sponsors: Representatives Green, Appleton and Goodman.

Brief History:

Committee Activity:

Business & Financial Services: 1/20/11, 2/15/11, 2/17/11 [DPS].

Brief Summary of Substitute Bill

- Modifies health and safety provisions for boxing and martial arts events.
- Creates new licenses in professional athletics.
- Modifies exemptions from licensure for boxing and martial arts events.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Buys, Assistant Ranking Minority Member; Blake, Condotta, Hudgins, Hurst, Parker, Rivers, Ryu and Stanford.

Minority Report: Do not pass. Signed by 1 member: Representative Pedersen.

Staff: Jon Hedegard (786-7127).

Background:

The Department of Licensing (DOL) regulates boxing, martial arts, kickboxing, and wrestling events. Federal law requires boxing events, including events on tribal lands, to be

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supervised by a regulatory entity. Under the federal law, the DOL must have an agreement with a tribe to regulate a tribe's boxing events. A tribe may also have its own regulatory entity if the entity meets minimum federal standards.

Licensure.

Boxers, kickboxers, martial arts participants, promoters, inspectors, and others involved with the events must obtain a license from the DOL unless exempt. The DOL's ability to impose certain sanctions is dependent on whether or not events charge an admission fee.

Existing Licensing Exemptions.

There are a number of different exemptions from licensure in statute. All boxing, kickboxing, martial arts, or wrestling events are exempt if the event is:

- conducted by any common school, college, or university and all the participating contestants are bona fide students; or
- an entirely amateur event, as defined, that is promoted on a nonprofit basis or for charitable purposes.

An amateur event is defined as an event in which all the participants are amateurs who are registered and sanctioned by: (1) the United States Amateur Boxing, Inc.; (2) the Washington Interscholastic Activities Association; (3) the National Collegiate Athletic Association; (4) the Amateur Athletic Union; (5) the Golden Gloves of America; (6) the United Full Contact Federation; (7) any similar organization recognized by the DOL as exclusively or primarily dedicated to advancing the sport of amateur boxing, kickboxing, or martial arts; or (8) the local affiliate of any above organization.

Licensing requirements also do not apply to contestants or participants in events:

- at which only amateurs are engaged in contests;
- held and promoted by fraternal organizations or veterans' organizations chartered by Congress or the United States Department of Defense or any recognized amateur sanctioning body recognized by the DOL; and
- where all funds are used primarily for the benefit of the members of the promoting organization.

Participants.

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

Medical/Safety.

Boxing promoters must provide proof of medical insurance to the DOL 72 hours prior to an event. A physician licensed by the DOL must be present throughout a boxing, kickboxing, or martial arts event. Within 24 hours before these events, a physician must conduct a preflight physical. A physician must stop an event when, in the physician's opinion, it would be dangerous for a participant to continue. The DOL may require a physician at a wrestling event. Participants may be subject to a random urinalysis or chemical test 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. The Director of the DOL (Director) must adopt

rules to assure clean and sportsmanlike conduct and may adopt rules with respect to round and bout limitations.

Officials.

The DOL may appoint official inspectors and the inspectors must carry a card as evidence of their authority. The DOL may employ or contract with inspectors. The Director sets a fee for the inspectors. The fee is paid by the promoter.

Other.

The Director or persons acting on the Director's behalf are immune from liability based on official acts.

Summary of Substitute Bill:

Several definitions are added, including a definition of "mixed martial arts." Several existing definitions are modified or repealed. The definition of chiropractor is modified. A number of provisions that applied to boxing are explicitly applied to martial arts; martial arts have been and continue to be defined as a subset of boxing. Kickboxing is no longer a separate category of athletics; it is defined as a subset of martial arts.

Contestants.

Seven days before an event, a promoter must file a preliminary statement listing contestants for a boxing or martial arts event. Changes are allowed upon approval of the DOL.

Licensing.

Generally, licenses are required and may be renewed. Applicants for licenses or renewals must meet qualifications established by rule of the DOL. Two new categories of licenses are created: training facilities and instructors. Fees for these licenses must be set by the DOL.

Mixed Martial Arts Training Facilities.

A mixed martial arts training facility license or a promoter license may be used to hold or promote events. Many additional regulations are imposed upon a promoter. No promoter license is required if the licensed mixed martial arts training facility (Facility) is in compliance with specific requirements, including various age and safety requirements and prohibitions on certain holds and moves. Facilities are also required to meet certain standards for any event regarding access, stoppage of contests if a contestant is bleeding for five cumulative minutes, use of trained officials, and other standards adopted by the DOL. Facilities that do not comply with all applicable standards must be licensed as a promoter. The DOL may conduct random inspections of facilities. Applications or renewals for a mixed martial arts training facility license must include proof of ownership of the business and other information required by the DOL. An applicant must have been involved in the business of a Facility for two years prior to being granted a license for a training facility.

Instructors.

Instructors must meet licensing and renewal qualifications set by the DOL by rule.

Contestants.

All boxing contestants must present proof of having a federal identification card. All martial arts contestants must present proof of having a national identification card.

Officials.

An applicant or licensee upon renewal for the following types of licenses: judge; referee; timekeeper; or other official deemed necessary by the DOL for the sports of boxing and martial arts must either:

- provide annual proof of training using a curriculum approved by the DOL by rule and an annual certification from an organization that is approved by the DOL; or
- provide annual proof of an active license in good standing from another state or country in the same category as the license that is being applied for or renewed.

Licensing Exemptions.

Language regarding common schools is replaced by elementary or secondary schools. Amateur exemptions for United Full Contact Federation and certain organizations are removed. Events that do not charge an admission fee are explicitly exempt from licensure. The DOL may adopt rules to specifically exempt a type of martial arts from licensing and may adopt rules about whether other martial arts are mixed martial arts for the purpose of licensure.

Event Physicians and Chiropractors.

Event physicians and chiropractors no longer need to be licensed under the chapter. Chiropractors are allowed to perform the same duties at events as physicians.

Medical/Safety.

Promoters of martial arts events are also explicitly required to provide proof of medical insurance 72 hours prior to an event. Prefight examination requirements are replaced by fairly similar new provisions. Only contestants and referees need physicals. The preflight physical by a physician must occur within a timeframe established by rule. Boxing contestants must present federal identification cards. Except as allowed in training facilities, martial arts contestants must present a national identification card. A form recounting the completed preflight physical must be given to an inspector prior to the beginning of the event. A physician must stop a contest if the physician thinks it would be dangerous for a contestant to continue. The physician does not need to stop the entire event. The danger that may trigger a stoppage is no longer limited to contestants. The prohibited substances found in a urinalysis or chemical test are specified to be controlled substances. A portable breath test may also be administered 24 hours before or after an event. No contestant may consume alcohol after a bout until the contestant has completed a postfight physical. A promoter must have an ambulance or paramedical unit with transport and resuscitation capabilities and two paramedics at an event location. The ambulance or paramedical unit and staff must be present at all times until the postfight physicals are completed.

Boxing title eliminator fights may be allowed to go 12 rounds. The existing eight-ounce boxing glove requirement is struck. Language about sportsmanlike conduct for martial arts and wrestling is modified to make it explicit that the Director may adopt rules about boxing, glove weights, weight classes, pads, and safety gear. The striking of anyone other than the

approved opponent at a bout or event is prohibited. The prohibition against self-mutilation by a wrestling participant is expanded to mutilation of any person by a wrestling participant.

Officials.

The DOL must appoint official inspectors and all event officials. The Director and inspectors are prohibited from having a direct or indirect interest in the promotion of an event or contestant in the state. A requirement for the presence of inspectors at the counting of gross receipts to immediately transmit a report to the DOL is removed. Contestants, promoters, and officials are under the authority of the DOL at all times at all events. The officials must carry a card evidencing that authority. The fee and travel expenses appointed officials receive from promoters are paid through the DOL. The DOL may also employ and contract with all appointed officials.

Other.

Appointed event officials are also provided immunity from liability. Those officials are not immune from discipline by the DOL.

Written complaints may be submitted with the DOL. The complaint does not need to allege unprofessional conduct or specify grounds for the complaint. The DOL may investigate if it believes that the complaint merits investigation or if the DOL has reason to believe that there may have been a violation of the statutes.

Promoters have 10 days after an event to file information about the event with the DOL.

Substitute Bill Compared to Original Bill:

The definition of "chiropractor" is modified. Chiropractors are allowed to perform the same duties at events as physicians. A definition of "mixed martial arts" is added. The section providing for licensure for training facilities is limited to mixed martial arts. Certain amateur exemptions from licensing are not allowed for mixed martial arts events and contestants.

Previously struck amateur exemptions are retained, except for an exemption for the United Full Contact Federation and an exemption for organizations that are dedicated to advancing amateur boxing, kickboxing, or the martial arts. Events that do not charge an admission fee are explicitly exempt from licensure. The DOL may adopt rules to specifically exempt a type of martial arts from licensing. The DOL may adopt rules about whether other martial arts are mixed martial arts for the purpose of licensure. An applicant or licensee upon renewal for a number of licenses must provide evidence of certain training by the state and an appropriate organization or must provide evidence of a license in good standing from another state.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 17, 2011.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2012.

Staff Summary of Public Testimony:

(In support) This subject has been worked on for many years. The purpose of the bill is to make sure that unscrupulous promoters are prevented from putting contestants at risk. About four years ago, the DOL began working at revising standards applicable to athletics. Last year, it became apparent that this segment of the industry is not fully self-supporting; it is being subsidized by other professions regulated by the DOL. There was a long stakeholder process. The primary focus was amateur events. The professional organizations do a pretty good job in terms of safety and business practices. The most important thing is to ensure a safe environment for martial artists. There must be a crackdown on backyard fighting. People need to receive proper instruction and training.

(With concerns) In 2002 the Washington State Chiropractic Association (Association) worked with the DOL on safety issues. This bill was not brought to the Association but it seems to impact chiropractors. The bill will need to be reviewed. If ring safety is compromised, there is a danger that a boxer may be permanently injured. The training of boxing officials must be taken seriously and the training must be given by an organization that is competent. The existing law requires those seeking to obtain or renew a license must provide proof of certification as having adequate experience, skill and training from an organization approved by the DOL. The law includes several national and international organizations that train officials. The recognition of the training from these groups is struck in the bill. This bill hampers the training of officials and compromises the ring safety of boxers.

(Opposed) The removal of the exemption for the nonprofits and the organizations that further sports is troubling. The United States Olympic Committee does not sanction most of the martial arts so that exemption will help very few sports. Many gyms and associations are nonprofits. They make little money. This bill regulates events sponsored by those organizations like the events are professional boxing events. Many events have insurance and good safety records, but the organizations putting the events on may not be able to meet the standards in the bill. Requiring the use of pads by adults is a concern. Pads are a philosophical choice and a business choice. Children should have appropriate standards for safety. Poor instruction is a real problem that is not addressed in the bill. Martial arts is defined broadly. It includes non-contact martial arts. Some organizations hold tournaments once or twice a year or every few years. A non-contact martial arts event that makes very little money will have to comply with all the provisions in the bill. Small events may not be able to break even and the organizations that sponsor those events will be ran out of business. Rural regions may be deprived of martial arts schools. The age requirements in the training facility section may wipe out many divisions in martial arts events. It is not clear who must have a training facility license. Raising costs will close schools and events. Regional tournaments will move across borders.

Persons Testifying: (In support) Representative Green, prime sponsor; and Srab Sroeu, South Sound Martial Arts and Muay Thai/Kunk.

(With concerns) Lori Bielinski, Washington State Chiropractic Association; and Glen Hamada.

(Opposed) Jonathan Campbell, Eastside Kyokushin Karate; and Patrick Macken, United States Soo Bahk Do Moo Duk Kwan Federation Region 10.

Persons Signed In To Testify But Not Testifying: None.