

HOUSE BILL REPORT

ESHB 2301

As Passed Legislature

Title: An act relating to boxing, martial arts, and wrestling.

Brief Description: Concerning mixed martial arts, boxing, martial arts, and wrestling.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representatives Green, Kirby, Pettigrew, Condotta and Jinkins).

Brief History:

Committee Activity:

Business & Financial Services: 1/17/12, 1/24/12, 1/26/12, 1/27/12 [DPS];
General Government Appropriations & Oversight: 2/2/12 [DPS(BFS)].

Floor Activity:

Passed House: 2/9/12, 95-2.
Passed Senate: 3/2/12, 44-5.
Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Modifies exemptions regarding amateurs and amateur events.
- Extends the scope of regulation to include amateur mixed martial arts.
- Requires licensing of training facilities, amateur sanctioning organizations, and amateur mixed martial arts participants by the Department of Licensing.

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, Kretz, Pedersen, Ryu and Stanford.

Staff: Jon Hedegard (786-7127).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

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.

Majority Report: The substitute bill by Committee on Business & Financial Services be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; Moscoso, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern, Blake, Fitzgibbon, Ladenburg, Pedersen, Van De Wege and Wilcox.

Staff: Mary Mulholland (786-7391).

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 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.

"Martial arts" is defined as "a type of boxing including sumo, judo, karate, kung fu, tae kwon do, pankration, muay thai, or other forms of full-contact martial arts or self-defense conducted on a full-contact basis where weapons are not used and the participants utilize kicks, punches, blows, or other techniques with the intent not to injure or disable an opponent, but to defeat an opponent or win by decision, knockout, technical knockout, or submission."

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, 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.

Summary of Engrossed Substitute Bill:

Definitions.

The definitions of "chiropractor," "event," "promoter," and "amateur event" are modified.

The definitions of "mixed martial arts" and "training facility" are created.

Licensure.

Training facilities, amateur sanctioning organizations, and amateur mixed martial arts participants must be licensed by the DOL. Licensure is not required if the participant meets an exception from licensing.

The DOL may establish licensing standards.

Exemptions.

The exemption for entirely amateur events is modified. Language exempting charitable or nonprofit events is struck. All events that meet the definition of an amateur event are exempt except for events that are recognized and sanctioned by an amateur sanctioning organization that is licensed and approved by the DOL.

The exemption for contestants or participants, in events between amateurs engaged in contests held and promoted by fraternal organizations or veterans' organizations chartered by Congress, 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, is modified. The exemption excludes an event held by an amateur sanctioning body. Language regarding the use of funds is struck.

Events that are held by the United Full Contact Federation or any similar amateur sanctioning organization exclusively or primarily dedicated to advancing the sport of amateur mixed martial arts may be an amateur event but are not exempt from the chapter. Events held by the United Full Contact Federation or any similar amateur sanctioning organization require licensure for the sanctioning body, the promoter, officials, and the participants.

Scope of Regulation.

In a number of places throughout the bill, the scope of regulation is extended from applying solely to professionals to include amateurs including:

- the definition of promoter;
- the standards of conduct that may be adopted by the Director of the DOL; and
- various acts that are considered unprofessional conduct, including disciplinary actions by regulatory authorities, violations of statutes or rules regarding athletics, aiding and abetting an unlicensed person to act in a manner that requires a license, and misrepresentation or fraud in an event.

A prohibited practice regarding sham or fake events is expanded from boxing events to any professional or amateur boxing, wrestling, or martial arts match or exhibition.

Adequate security requirements are expanded from boxing and wrestling events to also include martial arts events.

The promoter of an amateur event is not required to pay an event fee.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Business & Financial Services):

(In support) This bill is an attempt to find a way to regulate amateurs. The goal is to keep participants safe. The bill also provides a path to a professional career and adds more licensees to help make the professions self-sufficient. Hopefully, any concerns can be addressed. It may be complicated to limit the scope of the bill to mixed martial arts, but that language would not be opposed. All members of the industry have worked on these issues for the last several years. Promoters, fighters, trainers, and gym owners all agree on this type of approach. Today, an amateur can fight in an unregulated bar event. These amateurs may be untrained, unprepared, and overmatched. The current lack of oversight could lead to a serious injury or death.

(Neutral) The bill could possibly be clarified in some areas.

(Opposed) None.

Staff Summary of Public Testimony (General Government Appropriations & Oversight):

(In support) The mixed martial arts industry supports the licensing and regulating program as an important public safety measure that will eliminate rogue promoters. Licensure supports itself through fees and does not impose a cost on the state.

(Opposed) None.

Persons Testifying (Business & Financial Services): (In support) Representative Green, prime sponsor; and Brian Halquist, Brian Halquist Productions.

(Neutral) Susan Colard, Department of Licensing.

Persons Testifying (General Government Appropriations & Oversight): Brian Halquist, Halquist Productions; and Dennis Hallman, Amateur Mixed Martial Arts.

Persons Signed In To Testify But Not Testifying (Business & Financial Services): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations & Oversight): None.