

SENATE BILL REPORT

ESHB 2301

As Reported by Senate Committee On:
Labor, Commerce & Consumer Protection, February 21, 2012

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: Passed House: 2/09/12, 95-2.

Committee Activity: Labor, Commerce & Consumer Protection: 2/20/12, 2/21/12 [DP, w/oRec].

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Majority Report: Do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; King, Assistant Ranking Minority Member; Keiser and Kline.

Minority Report: That it be referred without recommendation.

Signed by Senator Holmquist Newbry, Ranking Minority Member.

Staff: Ingrid Mungia (786-7423)

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.

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.

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 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. 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.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Several years ago chiropractors were included to work the events at promoters request. However, there were no set of duties given to the chiropractors. This bill includes a descriptive where the chiropractors would work in a supportive role to the event physician and within their scope of practice. We have an issue right now in this state. Anyone can put on an amateur show with no guidelines. This creates an unsafe condition. This bill ensures fighters' safety and help DOL become self supporting. The industry is supportive of this bill. We are concerned the sport will be damaged by someone getting hurt at an amateur show. Getting more control over the amateur events is important.

OTHER: DOL has been working with promoters for several years and believe we have come up with a structured environment that will ensure the safety of the individuals and ensure the program is self supportive.

Persons Testifying: PRO: Lori Bielinski, WA State Chiropractor Assn.; Brian Halquist, Halquist Production; Frank Wright, Emerald Queen Casino.

OTHER: Susan Collard, DOL.