

1 SB327  
2 116664-5  
3 By Senators Marsh, Bedford, Waggoner, French, Little (Z), and  
4 Singleton  
5 RFD: Commerce, Transportation, and Utilities  
6 First Read: 02-FEB-10

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3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 1, 2, 4, 5, 9, 10, 11, 13, 14, 15,  
12 16, 17, 18, 19, 20, 21, and 22 of Act 2009-622, 2009 Regular  
13 Session (Acts 2009, p. 1872), now appearing as Sections  
14 41-9-1020, 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1028,  
15 41-9-1029, 41-9-1030, 41-9-1032, 41-9-1033, 41-9-1034,  
16 41-9-1035, 41-9-1036, 41-9-1037, 41-9-1038, 41-9-1039, and  
17 41-9-1040, Code of Alabama 1975, establishing the Alabama  
18 Boxing Commission for the regulation of boxing, to rename the  
19 commission the Alabama Athletic Commission, to define the term  
20 "mixed martial arts"; to provide for the commission to  
21 regulate mixed martial arts in the same manner as boxing; to  
22 provide penalties; and in connection therewith would have as  
23 its purpose or effect the requirement of a new or increased  
24 expenditure of local funds within the meaning of Amendment 621  
25 of the Constitution of Alabama of 1901, now appearing as  
26 Section 111.05 of the Official Recompilation of the  
27 Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 1, 2, 4, 5, 9, 10, 11, 13, 14,  
3 15, 16, 17, 18, 19, 20, 21, and 22 of Act 2009-622, 2009  
4 Regular Session (Acts 2009, p. 1872), now appearing as  
5 Sections 41-9-1020, 41-9-1021, 41-9-1023, 41-9-1024,  
6 41-9-1028, 41-9-1029, 41-9-1030, 41-9-1032, 41-9-1033,  
7 41-9-1034, 41-9-1035, 41-9-1036, 41-9-1037, 41-9-1038,  
8 41-9-1039, and 41-9-1040, Code of Alabama 1975, are amended to  
9 read as follows:

10 "§41-9-1020.

11 "This article shall be known and may be cited as the  
12 Alabama Boxing and Mixed Martial Arts Act.

13 "§41-9-1021.

14 "As used in this article, the following terms shall  
15 have the following meanings:

16 "(1) AMATEUR. A person who engages in a match,  
17 contest, or exhibition of boxing or mixed martial arts which  
18 is governed or authorized by any of the following:

19 "a. U.S.A. Boxing.

20 "b. The Alabama High School Athletic Association.

21 "c. The National Collegiate Athletic Association.

22 "d. Amateur Athletic Union.

23 "e. Golden Gloves.

24 "f. The local affiliate of any organization listed  
25 in this subdivision.

26 "g. Any organization approved by the commission.

1           "(2) BOXING MATCH. A contest between two individuals  
2 in which contestants score points in rounds of two or three  
3 minutes by striking with gloved fists the head and upper torso  
4 of the opponent or by knocking the opponent down and rendering  
5 the opponent unconscious or incapable of continuing the  
6 contest by the blows, which contest is held in a square ring  
7 supervised by a referee and scored by three judges.

8           "(3) BOXING REGISTRY. A registry created or  
9 designated pursuant to subsection (j) of Section 41-9-1024.

10           "(4) CHARITABLE ORGANIZATION. An entity described by  
11 either of the following:

12           "a. Section 501(c)(3), Internal Revenue Code of 1986  
13 (26 U.S.C. Section 501(c)(3)).

14           "b. Section 170(c), Internal Revenue Code of 1986  
15 (26 U.S.C. Section 170(c)).

16           "(5) COMMISSION. Alabama ~~Boxing~~ Athletic Commission.

17           "(6) EXHIBITION. A contest where the participants  
18 engage in the use of boxing skills and techniques and where  
19 the objective is to display the skills and techniques without  
20 striving to win.

21           "(7) FACE VALUE. The dollar value of a ticket or  
22 order shall reflect the dollar amount that the customer shall  
23 pay ~~or, for complimentary tickets, would have been required to~~  
24 ~~pay to purchase a ticket with equivalent seating priority in~~  
25 order to view the match, contest, exhibition, or entertainment  
26 event. ~~A complimentary ticket shall not have a face value of~~  
27 ~~\$0.00. A complimentary ticket shall not have a face value of~~

1 ~~less than that of the least expensive ticket available for~~  
2 ~~sale to the general public.~~ Face value shall include any  
3 charges or fees, such as dinner, gratuity, parking,  
4 surcharges, or any other charges or fees which are charged to  
5 and must be paid by the customer in order to view the match,  
6 contest, exhibition, or entertainment event. It shall exclude  
7 any portion paid by the customer for federal, state, or local  
8 taxes.

9 ~~"(8) GROSS PROCEEDS. The total revenue received~~  
10 ~~solely from the sale of tickets used or intended to be used by~~  
11 ~~the audience physically attending any event required to be~~  
12 ~~licensed under this article.~~

13 ~~"(9)~~ (8) GROSS RECEIPTS. Any of the following:

14 "a. The gross price charged for the sale or lease of  
15 broadcasting, television, closed circuit, or motion picture  
16 rights without any deductions for commissions, brokerage fees,  
17 distribution fees, production fees, advertising, or other  
18 expenses or charges.

19 "b. The face value of all tickets sold ~~and~~  
20 ~~complimentary tickets redeemed.~~

21 ~~"(10) LOCAL TAX. An occupation tax or other tax owed~~  
22 ~~to a county or municipality in order to hold a professional~~  
23 ~~match, contest, or exhibition of boxing or to carry on a~~  
24 ~~business as a ticket broker within the county or municipality.~~

25 ~~"(11)~~ (9) MANAGER. A person who, under contract,  
26 agreement, or other arrangement with a boxer or a mixed  
27 martial arts competitor, undertakes to control or administer,

1 directly or indirectly, a matter ~~related to boxing~~ on behalf  
2 of a boxer or a mixed martial arts competitor. The term  
3 includes, but is not limited to, a person who functions as a  
4 booking agent, adviser, or consultant.

5 ~~"(12)~~(10) MATCHMAKER. A person who is employed by or  
6 associated with a promoter in the capacity of booking and  
7 arranging professional matches, contests, or exhibitions of  
8 boxing or mixed martial arts between opponents or who proposes  
9 professional matches, contests, or exhibitions of boxing or  
10 mixed martial arts and selects and arranges for the  
11 participants in such events and for whose activities in this  
12 regard the promoter is legally responsible.

13 "(11) MIXED MARTIAL ARTS. Unarmed combat involving  
14 the use of any combination of techniques from different  
15 disciplines of the martial arts, including, without  
16 limitation, grappling, submission holds, throws, and striking  
17 or kicking with the hands, feet, knees, or elbows. The term  
18 "mixed martial arts" includes kickboxing.

19 ~~"(13)~~(12) PERSON. An individual, partnership, firm,  
20 association, corporation, or combination of individuals of  
21 whatever form or character.

22 ~~"(14)~~(13) PHYSICIAN. A doctor of medicine or doctor  
23 of osteopathy licensed to practice medicine in the State of  
24 Alabama.

25 ~~"(15)~~(14) PROFESSIONAL. A person who is  
26 participating or has participated in a match, contest, or  
27 exhibition of boxing or mixed martial arts which is not

1 governed or authorized by one or more of the organizations  
2 listed in subdivision (1) and any of the following:

3 "a. Has received or competed for or is receiving or  
4 competing for any cash as a salary, purse, or prize for  
5 participating in any match, contest, or exhibition of boxing  
6 or mixed martial arts.

7 "b. Is participating or has participated in any  
8 match, contest, or exhibition of boxing or mixed martial arts  
9 to which admission is granted upon payment of any ticket for  
10 admission or other evidence of the right of entry.

11 "c. Is participating or has participated in any  
12 match, contest, or exhibition of boxing or mixed martial arts  
13 which is or was filmed, broadcast, or transmitted for viewing.

14 "d. Is participating or has participated in any  
15 match, contest, or exhibition of boxing or mixed martial arts  
16 which provides a commercial advantage by attracting persons to  
17 a particular place or promoting a commercial product or  
18 enterprise.

19 "~~(16)~~ (15) PROFESSIONAL MATCH, CONTEST, or EXHIBITION  
20 OF BOXING or MIXED MARTIAL ARTS.

21 "a. A boxing match, contest, or exhibition, or a  
22 mixed martial arts match, contest, or exhibition, which is not  
23 governed or authorized by one or more of the organizations  
24 listed in subdivision (1) and which does any of the following:

25 "1. Rewards a boxer or mixed martial arts competitor  
26 participating with cash as a salary, purse, or prize for such  
27 participation.

1           "2. Requires for admission payment of a ticket or  
2 other evidence of the right of entry.

3           "3. Is filmed, broadcast, or transmitted for  
4 viewing.

5           "4. Provides a commercial advantage by attracting  
6 persons to a particular place or promoting a commercial  
7 product or enterprise.

8           "b. The term does not include unarmed combat.

9           "~~(17)~~(16) PROMOTER. The person primarily responsible  
10 for organizing, promoting, and producing a professional match,  
11 contest, or exhibition of boxing and who is legally  
12 responsible for the lawful conduct of such professional match,  
13 contest, or exhibition of boxing or mixed martial arts.

14           "~~(18)~~(17) PURSE or RING EARNINGS. The financial  
15 guarantee or any other remuneration, or part thereof, ~~for~~  
16 which a professional boxers are boxer or mixed martial arts  
17 competitor participating in a match, contest, or exhibition  
18 will receive and includes ~~the boxer's~~ any share of any payment  
19 received for radio broadcasting, television, or motion picture  
20 rights.

21           "~~(19)~~ TICKET BROKER. ~~Any person who is involved in~~  
22 ~~the business of reselling tickets of admission to athletic~~  
23 ~~contests, concerts, theater performances, amusements,~~  
24 ~~exhibitions, or other entertainment events to which the~~  
25 ~~general public is admitted and who charges a premium in excess~~  
26 ~~of the price of the ticket. The term ticket broker shall not~~  
27 ~~include the owner, operator, lessee, or tenant of the property~~

1 ~~in which an athletic contest or entertainment event is being~~  
2 ~~held or the sponsor of such a contest or event or the~~  
3 ~~authorized ticket agent of the persons.~~

4 ~~"(20)(18)~~ UNARMED COMBAT.

5 "a. Any form of competition between human beings in  
6 which both of the following occurs:

7 "1. One or more blows are struck which may  
8 reasonably be expected to inflict injury on a human being.

9 "2. There is some compensation or commercial benefit  
10 arising from such competition, whether in the form of cash or  
11 non-cash payment to the competitors or the person arranging  
12 the competition; the sale of the right to film, broadcast,  
13 transmit, or view the competition; or the use of the  
14 competition to attract persons to a particular location for  
15 some commercial advantage or to promote a commercial product  
16 or commercial enterprise.

17 "b. Unarmed combat includes, but is not limited to,  
18 tough man fights and bad man fights.

19 "c. Unarmed combat does not include any of the  
20 following:

21 "1. Professional boxing.

22 "2. Professional wrestling.

23 "3. Amateur boxing.

24 "4. Amateur wrestling.

25 "5. Any competition displaying the skills of a  
26 single form of a system of unarmed self-defense, including,  
27 but not limited to, kickboxing, karate, or full-contact

1 karate, which is held pursuant to the rules of that form and  
2 governed or authorized by a nationally recognized  
3 organization.

4 "6. Mixed martial arts ~~fighting when the competition~~  
5 ~~is sanctioned, approved, or endorsed by a nationally~~  
6 ~~recognized organization.~~

7 "§41-9-1023.

8 "(a) There is created the Alabama ~~Boxing~~ Athletic  
9 Commission composed of five members.

10 "(b) (1) The membership of the commission shall be  
11 inclusive and reflect the racial, gender, geographic,  
12 urban/rural, and economic diversity of the state. The five  
13 initial members shall be as follows:

14 "a. Two members appointed by the Governor.

15 "b. One member appointed by the Alabama Athlete  
16 Agents Commission.

17 "c. One member appointed by the Speaker of the House  
18 of Representatives.

19 "d. One member appointed by the President of the  
20 Senate.

21 "(2) Initial appointments by the Governor shall be  
22 for one and three years, the initial appointment by the  
23 Speaker of the House of Representatives shall be for four  
24 years, and the initial appointment of the President of the  
25 Senate shall be for two years. The initial appointment by the  
26 commission shall be for four years. All subsequent  
27 appointments shall be for terms of four years. Vacancies shall

1 be filled for the unexpired terms under the same procedures  
2 and requirements as appointments for full terms. No two  
3 members shall be from the same congressional district at the  
4 time of appointment.

5 "(c) The commission shall elect a chair from among  
6 its membership for a term of one year. The commission may  
7 elect a vice chair from its membership for a term of one year.  
8 Any member serving as chair shall be eligible for successive  
9 election to the office by the commission. The chair may  
10 designate another member of the commission to perform the  
11 duties of chair in his or her absence. The commission may  
12 employ an executive director to manage the day-to-day  
13 operations of the commission within the available funds of the  
14 commission.

15 "(d) A medical advisory panel of the commission  
16 shall be appointed by the Governor and shall consist of four  
17 persons licensed to practice medicine in this state,  
18 representing the specialties of neurology, ophthalmology,  
19 sports medicine, and general medicine. The medical advisory  
20 panel shall advise and assist the commission and its staff  
21 regarding issues and questions concerning the medical safety  
22 of professional boxers and mixed martial arts competitors,  
23 including, but not limited to, matters relating to medical  
24 suspensions. The medical advisory panel may meet separately  
25 from the commission to discuss and formulate recommendations  
26 for the commission in connection with medical safety. Members  
27 of the medical advisory panel shall not be counted in

1 determining a quorum of the commission and shall not vote as  
2 commission members.

3 "(e) Each member of the commission and the medical  
4 advisory panel shall be reimbursed for expenses and travel as  
5 provided for public officials of this state.

6 "§41-9-1024.

7 "(a) (1) The commission shall be the sole regulator  
8 of professional boxing in this state and shall have authority  
9 to protect the physical safety and welfare of professional  
10 boxers and serve the public interest by closely supervising  
11 all professional boxing in this state.

12 "(2) The commission shall be the sole regulator of  
13 professional matches, contests, or exhibitions of mixed  
14 martial arts and shall have the authority to protect the  
15 physical safety and welfare of professional competitors in  
16 mixed martial arts and serve the public interest by closely  
17 supervising all professional competitors in mixed martial  
18 arts. The commission shall regulate mixed martial arts to the  
19 same extent as professional boxing unless any rule of the  
20 commission is not by its nature applicable to mixed martial  
21 arts.

22 "(b) The commission shall have the sole jurisdiction  
23 to license the promotion or holding of each professional  
24 match, contest, or exhibition of boxing or mixed martial arts  
25 promoted or held within this state.

1           "(c) The commission shall have the ~~sole~~ authority to  
2 license participants in any professional match, contest, or  
3 exhibition of boxing or mixed martial arts held in this state.

4           "(d) The commission shall have the ~~sole~~ authority to  
5 direct, manage, control, and supervise all professional  
6 matches, contests, or exhibitions of boxing or mixed martial  
7 arts. It may adopt bylaws for its own management and  
8 promulgate and enforce rules and regulations consistent with  
9 this article.

10           "(e) The commission may appoint one or more  
11 inspectors as duly authorized representatives of the  
12 commission to ensure that the rules are strictly observed. The  
13 inspectors shall be present at all professional matches,  
14 contests, or exhibitions of boxing or mixed martial arts.

15           "(f) The commission may designate physicians as duly  
16 authorized representatives of the commission to conduct  
17 physical examinations of boxers or mixed martial arts  
18 competitors licensed under this article and shall designate a  
19 roster of physicians authorized to conduct prefight physicals  
20 and serve as ringside physicians in all professional boxing or  
21 mixed martial arts matches held in this state.

22           "(g) (1) The commission or any agent duly designated  
23 by the commission may do any of the following:

24           "a. Make investigations.

25           "b. Hold hearings.

26           "c. Issue subpoenas to compel the attendance of  
27 witnesses and the production of books, papers, and records.

1            "d. Administer oaths to and examine any witnesses  
2 for the purpose of determining any question coming before it  
3 under this article or under the rules and regulations adopted  
4 pursuant to this article.

5            "(2) During an investigation of any allegation  
6 which, if proven, would result in criminal or civil sanctions  
7 as provided in this article, the commission may withhold all  
8 or a portion of the gross receipts to which the person under  
9 investigation is entitled until such time as the matter has  
10 been resolved.

11            "(h) The commission may engage in activities which  
12 promote amateur boxing in this state and contract with any  
13 nonprofit organization which is exempted from the taxation of  
14 income. To support amateur boxing in this state, the  
15 commission may promote voluntary contributions through the  
16 application process or through any fund-raising or other  
17 promotional technique deemed appropriate by the commission.

18            "(i) Pursuant to 15 U.S.C. Section 6301, et seq.,  
19 the commission may issue to each boxer who is a resident of  
20 this state an identification card bearing the photograph of  
21 the boxer and in such form and containing such information as  
22 the commission deems necessary and appropriate. The commission  
23 shall ensure that the form and manner of issuance of the  
24 identification cards comply with any applicable federal law or  
25 regulation. The commission may charge an amount not to exceed  
26 one hundred dollars (\$100) per card for the issuance or  
27 replacement of each identification card.

1           "(j) The commission may create a boxing registry or  
2 designate a nationally recognized boxing registry and register  
3 each boxer who is a resident of this state or who is a  
4 resident of another state which has no boxing registry.

5           "(k) The commission may inquire into the financial  
6 backing of any professional match, contest, or exhibition of  
7 boxing or mixed martial arts and obtain answers to written or  
8 oral questions propounded to all persons associated with the  
9 professional event.

10           "§41-9-1028.

11           "A member or employee of the commission and any  
12 person who administers or enforces this article or rules  
13 promulgated in accordance with this article shall not be a  
14 member of, contract with, or receive any compensation from any  
15 person or organization who authorizes, arranges, or promotes  
16 professional matches, contests, or exhibitions of boxing or  
17 mixed martial arts or who otherwise has a financial interest  
18 in any activity or licensee regulated by this commission. The  
19 term compensation does not include funds held in escrow for  
20 payment to another person in connection with a professional  
21 match, contest, or exhibition of boxing or mixed martial arts.

22           "§41-9-1029.

23           "(a) (1) No person shall promote or hold a  
24 professional match, contest, or exhibition of boxing or mixed  
25 martial arts within this state without first applying for and  
26 obtaining a promoter's license from the commission.

1           "(2) Licenses shall be issued annually and shall  
2 expire on December 31 of each calendar year.

3           "(b) Promoters shall apply to the commission for a  
4 license required by subsection (a) on a form provided by the  
5 commission. The application shall be accompanied by a  
6 nonrefundable fee not to exceed two hundred fifty dollars  
7 (\$250). The application shall also be accompanied by a  
8 performance bond in an amount and under any conditions  
9 required by the commission.

10           "(c) (1) In addition to the license required by  
11 subsection (a), a professional match, contest, or exhibition  
12 of boxing or mixed martial arts within this state shall not be  
13 staged unless a match permit has been issued by the commission  
14 for the professional match, contest, or exhibition of boxing  
15 or mixed martial arts.

16           "(2) Each application for a match permit shall be on  
17 a form provided by the commission and shall be accompanied by  
18 a nonrefundable application fee not to exceed two hundred  
19 fifty dollars (\$250). The commission may charge an additional  
20 match fee in accordance with rules and regulations promulgated  
21 by the commission.

22           "(d) The commission may, prior to issuing any match  
23 permit, require a performance bond in addition to that  
24 required in subsection (b).

25           "(e) The commission may refund any portion of the  
26 match permit fee in excess of two hundred fifty dollars (\$250)  
27 to any person who paid the excess fee if the professional

1 match, contest, or exhibition of boxing or mixed martial arts  
2 for which the fees were paid is not held.

3 "§41-9-1030.

4 "(a) Prior to participating in a professional match,  
5 contest, or exhibition of boxing or mixed martial arts  
6 supervised by the commission, referees, judges, timekeepers,  
7 matchmakers, boxers, managers, trainers, and each person who  
8 assists a boxer or mixed martial arts competitor immediately  
9 before and after a match, contest, or exhibition of boxing or  
10 mixed martial arts and between rounds during a match, contest,  
11 or exhibition of boxing or mixed martial arts shall apply for  
12 and be issued a license. Licenses shall be issued annually and  
13 shall expire on December 31 of each calendar year. Each  
14 applicant shall make application on a form provided by the  
15 commission and pay an annual license fee not to exceed two  
16 hundred fifty dollars (\$250).

17 "(b) The commission shall issue a license under this  
18 section only if:

19 "(1) The commission has determined to the best of  
20 its ability that the applicant has the training or skills  
21 necessary to perform in a manner appropriate to the license.

22 "(2) The applicant has complied with all applicable  
23 requirements of this article and any rules and regulations  
24 promulgated pursuant to this article.

25 "(3) The commission or its designated representative  
26 has determined from information provided by the applicant and  
27 from any medical evaluation required by the commission that

1 the health, welfare, and physical safety of the applicant will  
2 not be unduly jeopardized by the issuance of the license.

3 "§41-9-1032.

4 "(a) The commission may refuse to grant a license to  
5 an applicant upon a finding by a majority of the entire  
6 commission that the applicant has failed to demonstrate the  
7 qualifications or standards for a license contained in this  
8 section or under the laws, rules, and regulations under which  
9 licensure is sought. The applicant shall demonstrate to the  
10 satisfaction of the commission that he or she meets all the  
11 requirements for the issuance of a license, and, if the  
12 commission is not satisfied as to the qualifications of the  
13 applicant, it may deny a license without a prior hearing;  
14 however, the applicant shall be allowed to appear before the  
15 commission if he or she so desires.

16 "(b) (1) The commission, by majority vote, after  
17 prior notice to the holder of a license and after affording  
18 such a holder an opportunity to be heard, may fine the license  
19 holder, revoke or suspend the license, or take other  
20 disciplinary action against the licensee upon the  
21 recommendation of any officially designated representative for  
22 reasons involving the medical or physical safety of any  
23 professional boxer licensed by the commission, summarily  
24 suspend any license previously issued by the commission or  
25 take other disciplinary action against any licensee. The  
26 licensee shall, after the summary suspension, be afforded an  
27 opportunity to be heard, in accordance with the rules of the

1 commission and the Alabama Administrative Procedure Act. A  
2 summary suspension imposed against such a licensee may  
3 include, but shall not be limited to, the following:

4 "a. Prohibiting any boxer from competing, appearing  
5 in, or participating in any professional match, contest, or  
6 exhibition within 60 days of having suffered a knockout.

7 "b. Prohibiting any boxer from competing, appearing  
8 in, or participating in any professional match, contest, or  
9 exhibition within 30 days of having suffered a technical  
10 knockout where evidence of head trauma has been determined by  
11 the attending ringside physician.

12 "(2) The length of any summary suspension invoked  
13 pursuant to this subsection, upon the recommendation of the  
14 ringside physician, may be extended to any number of days. The  
15 terms and conditions of the suspension or revocation may  
16 require that the boxer submit to further medical evaluation as  
17 determined by the ringside physician.

18 "(c) The commission, its secretary, or its duly  
19 authorized representative, at any time prior to the completion  
20 of a permitted professional match, contest, or exhibition of  
21 boxing or mixed martial arts, may summarily suspend or revoke  
22 the match permit or the license of any specific boxer or mixed  
23 martial arts competitor should it be determined by such person  
24 that the continuation of the professional match, contest, or  
25 exhibition of boxing or mixed martial arts may jeopardize the  
26 health, welfare, morals, or safety of the citizens of this  
27 state or may jeopardize the health or personal safety of any

1 participant of the professional match, contest, or exhibition  
2 of boxing or mixed martial arts; provided, however, that the  
3 licensee shall, after a summary suspension, be afforded an  
4 opportunity to be heard, in accordance with the rules of the  
5 commission and the Alabama Administrative Procedure Act.

6 "(d) The commission may revoke a suspension of a  
7 boxer if any of the following applies:

8 "(1) The boxer was suspended pursuant to rules and  
9 regulations adopted pursuant to Section 41-9-1027 and has  
10 furnished proof of a sufficiently improved medical or physical  
11 condition.

12 "(2) The boxer furnishes proof that a suspension  
13 pursuant to Section 41-9-1027 was not or is no longer merited  
14 by the facts.

15 "§41-9-1033.

16 "No person shall arrange, promote, organize,  
17 produce, or participate in a professional match, contest, or  
18 exhibition of boxing or mixed martial arts unless he or she  
19 has complied with the following requirements:

20 "(1) An examination by a physician who has certified  
21 that the boxer or mixed martial arts competitor is physically  
22 fit to compete safely. Copies of each certificate shall be  
23 provided to the commission prior to the professional match,  
24 contest, or exhibition of boxing or mixed martial arts. The  
25 commission may require a boxer or mixed martial arts  
26 competitor to undergo a physical examination, including  
27 neurological or neuropsychological tests and procedures.

1           "(2) A physician approved by the commission shall be  
2 continuously present at ringside during every professional  
3 match, contest, or exhibition of boxing or mixed martial arts.  
4 The physician shall observe the physical condition of the  
5 boxers or competitors in mixed martial arts and advise the  
6 referee with regard to the boxers or competitors.

7           "(3) One or more inspectors appointed by the  
8 commission as duly authorized representatives of the  
9 commission shall be present at each professional match,  
10 contest, or exhibition of boxing or mixed martial arts to  
11 ensure that the rules are strictly observed. An inspector or  
12 other duly authorized representative of the commission shall  
13 be present at the weigh-in and at the ring during the conduct  
14 of the professional match, contest, or exhibition of boxing or  
15 mixed martial arts. Inspectors and other duly authorized  
16 representatives of the commission shall have free access to  
17 the dressing rooms of the boxers.

18           "(4) Each boxer or competitor in mixed martial arts  
19 shall be covered by health insurance which will cover injuries  
20 sustained during the professional match, contest, or  
21 exhibition of boxing or mixed martial arts.

22           "(5) An ambulance and medical personnel with  
23 appropriate resuscitation equipment shall be continuously  
24 present at the site during any professional match, contest, or  
25 exhibition of boxing or mixed martial arts.

26           "§41-9-1034.

1            "It shall be unlawful for any boxer or competitor in  
2 mixed martial arts to participate or attempt to participate in  
3 a professional match, contest, or exhibition of boxing or  
4 mixed martial arts while under the influence of alcohol or any  
5 drug. A boxer shall be deemed under the influence of alcohol  
6 or a drug for the purposes of this section if a physical  
7 examination made during a period of time beginning not more  
8 than six hours prior to the beginning of the professional  
9 match, contest, or exhibition of boxing or mixed martial arts  
10 and ending not more than one hour after the completion of the  
11 professional match, contest, or exhibition of boxing or mixed  
12 martial arts reveals that the mental or physical ability of  
13 the boxer is impaired as a direct result of the use of alcohol  
14 or a drug.

15            "§41-9-1035.

16            "All buildings or structures used or intended to be  
17 used for holding or giving professional matches, contests, or  
18 exhibitions of boxing or mixed martial arts shall be safe and  
19 shall in all manner conform to the laws, ordinances, and  
20 regulations pertaining to buildings in the municipality or  
21 unincorporated area of the county where the building or  
22 structure is situated.

23            "§41-9-1036.

24            "No person under the age of 18 years shall  
25 participate as a contestant in any professional match,  
26 contest, or exhibition of boxing or mixed martial arts.

27            "§41-9-1037.

1           "The commission shall have jurisdiction over any  
2 professional match, contest, or exhibition of boxing or mixed  
3 martial arts which occurs or is held within this state, is  
4 filmed in this state, or is broadcast or transmitted from this  
5 state.

6           "§41-9-1038.

7           "(a) The Attorney General may bring a civil action  
8 requesting relief, including a permanent or temporary  
9 injunction, restraining order, or other order, against any  
10 person who he or she believes is violating Sections 41-9-1029,  
11 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034,  
12 41-9-1035, and 41-9-1037.

13           "(b) (1) Any manager, promoter, matchmaker, or  
14 licensee who knowingly violates or coerces or causes any other  
15 person to violate Sections 41-9-1030, 41-9-1031, 41-9-1032,  
16 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036, and 41-9-1037  
17 shall, upon conviction, be guilty of a Class C felony.

18           "(2) Any member or employee of the commission or any  
19 person who administers or enforces this article or rules and  
20 regulations promulgated pursuant to this article who knowingly  
21 violates Sections 41-9-1033 or 41-9-1034 shall, upon  
22 conviction, be guilty of a Class C felony.

23           "(3) Any professional boxer or competitor in mixed  
24 martial arts who knowingly violates this article, except  
25 Section 41-9-1034, shall, upon conviction, be guilty of a  
26 Class B misdemeanor.

1           "(4) Any professional boxer or competitor in mixed  
2 martial arts who violates Section 41-9-1034 may be punished by  
3 a civil fine not to exceed twenty-five thousand dollars  
4 (\$25,000) together with a percentage of the purse not to  
5 exceed 15 percent for each violation.

6           "(c) A person who participates in or promotes  
7 unarmed combat shall be guilty of a Class A misdemeanor.

8           "(d) The criminal penalties in this section shall  
9 not be construed to repeal other criminal laws. Whenever  
10 conduct prescribed by this article is also prescribed by other  
11 provision of law, the provision which carries the more serious  
12 penalty shall be applied.

13           "§41-9-1039.

14           "There is established a separate trust fund in the  
15 State Treasury to be known as the Alabama ~~Boxing~~ Athletic  
16 Commission Fund. All receipts collected by the commission  
17 shall be deposited into this fund and used only to carry out  
18 the provisions of this article. Monies shall be disbursed only  
19 by warrant of the state Comptroller drawn upon the State  
20 Treasury supported by itemized vouchers approved by the  
21 commission. No funds shall be withdrawn or expended except as  
22 budgeted and allotted according to Sections 41-4-80 to  
23 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and  
24 only in amounts as stipulated in the general appropriations  
25 act or other appropriation acts.

26           "§41-9-1040.

1           "The Alabama ~~Boxing~~ Athletic Commission shall be  
2 subject to the Alabama Sunset Law in Chapter 20 of Title 41,  
3 as an enumerated agency, and shall have a termination date of  
4 October 1, 2011, and every four years thereafter, unless  
5 continued as provided in the Alabama Sunset Law."

6           Section 2. Section 21 of Act 2009-622 of the 2009  
7 Regular Session (Acts 2009, p. 1872), is amended to read as  
8 follows:

9           "There is hereby appropriated an amount as  
10 determined necessary by the commission from the Alabama ~~Boxing~~  
11 Athletic Commission Fund to the Alabama ~~Boxing~~ Athletic  
12 Commission for the fiscal years ending September 30 after the  
13 effective date of this act and for the fiscal year beginning  
14 October 1, thereafter."

15           Section 3. This act shall become effective  
16 immediately following its passage and approval by the  
17 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Commerce, Transportation, and Utilities .....	02-FEB-10
Read for the second time and placed on the calendar .....	16-FEB-10
Read for the third time and passed as amended ...	23-FEB-10

Yeas 27  
Nays 0  
Abstaining 1

McDowell Lee  
Secretary