

1 SB327
2 116664-2
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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8 SYNOPSIS: Under existing law, the Alabama Boxing
9 Commission regulates professional boxing. The term
10 "mixed martial arts" is not defined in the law.

11 This bill would rename the Alabama Boxing
12 Commission the Alabama Athletic Commission.

13 This bill would define the term "mixed
14 martial arts" for the purpose of regulation by the
15 commission and would provide for the commission to
16 regulate mixed martial arts in the same manner as
17 boxing. The bill would delete certain definitions
18 relating to ticket prices and sales which are not
19 applicable in the law.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Sections 1, 2, 4, 5, 9, 10, 11, 13, 14, 15,
19 16, 17, 18, 19, 20, 21, and 22 of Act 2009-622, 2009 Regular
20 Session (Acts 2009, p. 1872), now appearing as Sections
21 41-9-1020, 41-9-1021, 41-9-1023, 41-9-1024, 41-9-1028,
22 41-9-1029, 41-9-1030, 41-9-1032, 41-9-1033, 41-9-1034,
23 41-9-1035, 41-9-1036, 41-9-1037, 41-9-1038, 41-9-1039, and
24 41-9-1040, Code of Alabama 1975, establishing the Alabama
25 Boxing Commission for the regulation of boxing, to rename the
26 commission the Alabama Athletic Commission, to define the term
27 "mixed martial arts"; to provide for the commission to

1 regulate mixed martial arts in the same manner as boxing; to
2 provide penalties; and in connection therewith would have as
3 its purpose or effect the requirement of a new or increased
4 expenditure of local funds within the meaning of Amendment 621
5 of the Constitution of Alabama of 1901, now appearing as
6 Section 111.05 of the Official Recompilation of the
7 Constitution of Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§41-9-1020.

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

20 "§41-9-1021.

21 "As used in this article, the following terms shall
22 have the following meanings:

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

26 "a. U.S.A. Boxing.

27 "b. The Alabama High School Athletic Association.

1 "c. The National Collegiate Athletic Association.

2 "d. Amateur Athletic Union.

3 "e. Golden Gloves.

4 "f. The local affiliate of any organization listed
5 in this subdivision.

6 "g. Any organization approved by the commission.

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

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

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

18 "a. Section 501(c)(3), Internal Revenue Code of 1986
19 (26 U.S.C. Section 501(c)(3)).

20 "b. Section 170(c), Internal Revenue Code of 1986
21 (26 U.S.C. Section 170(c)).

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

23 "(6) EXHIBITION. A contest where the participants
24 engage in the use of boxing skills and techniques and where
25 the objective is to display the skills and techniques without
26 striving to win.

1 "(7) FACE VALUE. The dollar value of a ticket or
2 order shall reflect the dollar amount that the customer shall
3 pay ~~or, for complimentary tickets, would have been required to~~
4 ~~pay to purchase a ticket with equivalent seating priority in~~
5 order to view the match, contest, exhibition, or entertainment
6 event. ~~A complimentary ticket shall not have a face value of~~
7 ~~\$0.00. A complimentary ticket shall not have a face value of~~
8 ~~less than that of the least expensive ticket available for~~
9 ~~sale to the general public.~~ Face value shall include any
10 charges or fees, such as dinner, gratuity, parking,
11 surcharges, or any other charges or fees which are charged to
12 and must be paid by the customer in order to view the match,
13 contest, exhibition, or entertainment event. It shall exclude
14 any portion paid by the customer for federal, state, or local
15 taxes.

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

20 "~~(9)~~ (8) GROSS RECEIPTS. Any of the following:

21 "a. The gross price charged for the sale or lease of
22 broadcasting, television, closed circuit, or motion picture
23 rights without any deductions for commissions, brokerage fees,
24 distribution fees, production fees, advertising, or other
25 expenses or charges.

26 "b. The face value of all tickets sold ~~and~~
27 ~~complimentary tickets redeemed.~~

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

5 "~~(11)~~(9) MANAGER. A person who, under contract,
6 agreement, or other arrangement with a boxer or a mixed
7 martial arts competitor, undertakes to control or administer,
8 directly or indirectly, a matter ~~related to boxing~~ on behalf
9 of a boxer or a mixed martial arts competitor. The term
10 includes, but is not limited to, a person who functions as a
11 booking agent, adviser, or consultant.

12 "~~(12)~~(10) MATCHMAKER. A person who is employed by or
13 associated with a promoter in the capacity of booking and
14 arranging professional matches, contests, or exhibitions of
15 boxing or mixed martial arts between opponents or who proposes
16 professional matches, contests, or exhibitions of boxing or
17 mixed martial arts and selects and arranges for the
18 participants in such events and for whose activities in this
19 regard the promoter is legally responsible.

20 "(11) MIXED MARTIAL ARTS. Unarmed combat involving
21 the use of any combination of techniques from different
22 disciplines of the martial arts, including, without
23 limitation, grappling, submission holds, throws, and striking
24 or kicking with the hands, feet, knees, or elbows. The term
25 "mixed martial arts" includes kickboxing.

1 "~~(13)~~(12) PERSON. An individual, partnership, firm,
2 association, corporation, or combination of individuals of
3 whatever form or character.

4 "~~(14)~~(13) PHYSICIAN. A doctor of medicine or doctor
5 of osteopathy licensed to practice medicine in the State of
6 Alabama.

7 "~~(15)~~(14) PROFESSIONAL. A person who is
8 participating or has participated in a match, contest, or
9 exhibition of boxing or mixed martial arts which is not
10 governed or authorized by one or more of the organizations
11 listed in subdivision (1) and any of the following:

12 "a. Has received or competed for or is receiving or
13 competing for any cash as a salary, purse, or prize for
14 participating in any match, contest, or exhibition of boxing
15 or mixed martial arts.

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

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

23 "d. Is participating or has participated in any
24 match, contest, or exhibition of boxing or mixed martial arts
25 which provides a commercial advantage by attracting persons to
26 a particular place or promoting a commercial product or
27 enterprise.

1 "~~(16)~~(15) PROFESSIONAL MATCH, CONTEST, or EXHIBITION
2 OF BOXING or MIXED MARTIAL ARTS.

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

7 "1. Rewards a boxer or mixed martial arts competitor
8 participating with cash as a salary, purse, or prize for such
9 participation.

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

12 "3. Is filmed, broadcast, or transmitted for
13 viewing.

14 "4. Provides a commercial advantage by attracting
15 persons to a particular place or promoting a commercial
16 product or enterprise.

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

18 "~~(17)~~(16) PROMOTER. The person primarily responsible
19 for organizing, promoting, and producing a professional match,
20 contest, or exhibition of boxing and who is legally
21 responsible for the lawful conduct of such professional match,
22 contest, or exhibition of boxing or mixed martial arts.

23 "~~(18)~~(17) PURSE or RING EARNINGS. The financial
24 guarantee or any other remuneration, or part thereof, ~~for~~
25 which a professional ~~boxers are~~ boxer or mixed martial arts
26 competitor participating in a match, contest, or exhibition
27 will receive and includes ~~the boxer's~~ any share of any payment

1 received for radio broadcasting, television, or motion picture
2 rights.

3 ~~"(19) TICKET BROKER. Any person who is involved in~~
4 ~~the business of reselling tickets of admission to athletic~~
5 ~~contests, concerts, theater performances, amusements,~~
6 ~~exhibitions, or other entertainment events to which the~~
7 ~~general public is admitted and who charges a premium in excess~~
8 ~~of the price of the ticket. The term ticket broker shall not~~
9 ~~include the owner, operator, lessee, or tenant of the property~~
10 ~~in which an athletic contest or entertainment event is being~~
11 ~~held or the sponsor of such a contest or event or the~~
12 ~~authorized ticket agent of the persons.~~

13 ~~"(20)~~ (18) UNARMED COMBAT.

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

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

18 "2. There is some compensation or commercial benefit
19 arising from such competition, whether in the form of cash or
20 non-cash payment to the competitors or the person arranging
21 the competition; the sale of the right to film, broadcast,
22 transmit, or view the competition; or the use of the
23 competition to attract persons to a particular location for
24 some commercial advantage or to promote a commercial product
25 or commercial enterprise.

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

1 "c. Unarmed combat does not include any of the
2 following:

3 "1. Professional boxing.

4 "2. Professional wrestling.

5 "3. Amateur boxing.

6 "4. Amateur wrestling.

7 "5. Any competition displaying the skills of a
8 single form of a system of unarmed self-defense, including,
9 but not limited to, kickboxing, karate, or full-contact
10 karate, which is held pursuant to the rules of that form and
11 governed or authorized by a nationally recognized
12 organization.

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

16 "§41-9-1023.

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

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

23 "a. Two members appointed by the Governor.

24 "b. One member appointed by the Alabama Athlete
25 Agents Commission.

26 "c. One member appointed by the Speaker of the House
27 of Representatives.

1 "d. One member appointed by the President of the
2 Senate.

3 "(2) Initial appointments by the Governor shall be
4 for one and three years, the initial appointment by the
5 Speaker of the House of Representatives shall be for four
6 years, and the initial appointment of the President of the
7 Senate shall be for two years. The initial appointment by the
8 commission shall be for four years. All subsequent
9 appointments shall be for terms of four years. Vacancies shall
10 be filled for the unexpired terms under the same procedures
11 and requirements as appointments for full terms. No two
12 members shall be from the same congressional district at the
13 time of appointment.

14 "(c) The commission shall elect a chair from among
15 its membership for a term of one year. The commission may
16 elect a vice chair from its membership for a term of one year.
17 Any member serving as chair shall be eligible for successive
18 election to the office by the commission. The chair may
19 designate another member of the commission to perform the
20 duties of chair in his or her absence. The commission may
21 employ an executive director to manage the day-to-day
22 operations of the commission within the available funds of the
23 commission.

24 "(d) A medical advisory panel of the commission
25 shall be appointed by the Governor and shall consist of four
26 persons licensed to practice medicine in this state,
27 representing the specialties of neurology, ophthalmology,

1 sports medicine, and general medicine. The medical advisory
2 panel shall advise and assist the commission and its staff
3 regarding issues and questions concerning the medical safety
4 of professional boxers and mixed martial arts competitors,
5 including, but not limited to, matters relating to medical
6 suspensions. The medical advisory panel may meet separately
7 from the commission to discuss and formulate recommendations
8 for the commission in connection with medical safety. Members
9 of the medical advisory panel shall not be counted in
10 determining a quorum of the commission and shall not vote as
11 commission members.

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

15 "§41-9-1024.

16 "(a) (1) The commission shall be the sole regulator
17 of professional boxing in this state and shall have authority
18 to protect the physical safety and welfare of professional
19 boxers and serve the public interest by closely supervising
20 all professional boxing in this state.

21 "(2) The commission shall be the sole regulator of
22 professional matches, contests, or exhibitions of mixed
23 martial arts and shall have the authority to protect the
24 physical safety and welfare of professional competitors in
25 mixed martial arts and serve the public interest by closely
26 supervising all professional competitors in mixed martial
27 arts. The commission shall regulate mixed martial arts to the

1 same extent as professional boxing unless any rule of the
2 commission is not by its nature applicable to mixed martial
3 arts.

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

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

11 "(d) The commission shall have the sole authority to
12 direct, manage, control, and supervise all professional
13 matches, contests, or exhibitions of boxing or mixed martial
14 arts. It may adopt bylaws for its own management and
15 promulgate and enforce rules and regulations consistent with
16 this article.

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

22 "(f) The commission may designate physicians as duly
23 authorized representatives of the commission to conduct
24 physical examinations of boxers or mixed martial arts
25 competitors licensed under this article and shall designate a
26 roster of physicians authorized to conduct prefight physicals

1 and serve as ringside physicians in all professional boxing or
2 mixed martial arts matches held in this state.

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

5 "a. Make investigations.

6 "b. Hold hearings.

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

9 "d. Administer oaths to and examine any witnesses
10 for the purpose of determining any question coming before it
11 under this article or under the rules and regulations adopted
12 pursuant to this article.

13 "(2) During an investigation of any allegation
14 which, if proven, would result in criminal or civil sanctions
15 as provided in this article, the commission may withhold all
16 or a portion of the gross receipts to which the person under
17 investigation is entitled until such time as the matter has
18 been resolved.

19 "(h) The commission may engage in activities which
20 promote amateur boxing in this state and contract with any
21 nonprofit organization which is exempted from the taxation of
22 income. To support amateur boxing in this state, the
23 commission may promote voluntary contributions through the
24 application process or through any fund-raising or other
25 promotional technique deemed appropriate by the commission.

26 "(i) Pursuant to 15 U.S.C. Section 6301, et seq.,
27 the commission may issue to each boxer who is a resident of

1 this state an identification card bearing the photograph of
2 the boxer and in such form and containing such information as
3 the commission deems necessary and appropriate. The commission
4 shall ensure that the form and manner of issuance of the
5 identification cards comply with any applicable federal law or
6 regulation. The commission may charge an amount not to exceed
7 one hundred dollars (\$100) per card for the issuance or
8 replacement of each identification card.

9 "(j) The commission may create a boxing registry or
10 designate a nationally recognized boxing registry and register
11 each boxer who is a resident of this state or who is a
12 resident of another state which has no boxing registry.

13 "(k) The commission may inquire into the financial
14 backing of any professional match, contest, or exhibition of
15 boxing or mixed martial arts and obtain answers to written or
16 oral questions propounded to all persons associated with the
17 professional event.

18 "§41-9-1028.

19 "A member or employee of the commission and any
20 person who administers or enforces this article or rules
21 promulgated in accordance with this article shall not be a
22 member of, contract with, or receive any compensation from any
23 person or organization who authorizes, arranges, or promotes
24 professional matches, contests, or exhibitions of boxing or
25 mixed martial arts or who otherwise has a financial interest
26 in any activity or licensee regulated by this commission. The
27 term compensation does not include funds held in escrow for

1 payment to another person in connection with a professional
2 match, contest, or exhibition of boxing or mixed martial arts.

3 "§41-9-1029.

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

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

10 "(b) Promoters shall apply to the commission for a
11 license required by subsection (a) on a form provided by the
12 commission. The application shall be accompanied by a
13 nonrefundable fee not to exceed two hundred fifty dollars
14 (\$250). The application shall also be accompanied by a
15 performance bond in an amount and under any conditions
16 required by the commission.

17 "(c) (1) In addition to the license required by
18 subsection (a), a professional match, contest, or exhibition
19 of boxing or mixed martial arts within this state shall not be
20 staged unless a match permit has been issued by the commission
21 for the professional match, contest, or exhibition of boxing
22 or mixed martial arts.

23 "(2) Each application for a match permit shall be on
24 a form provided by the commission and shall be accompanied by
25 a nonrefundable application fee not to exceed two hundred
26 fifty dollars (\$250). The commission may charge an additional

1 match fee in accordance with rules and regulations promulgated
2 by the commission.

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

6 "(e) The commission may refund any portion of the
7 match permit fee in excess of two hundred fifty dollars (\$250)
8 to any person who paid the excess fee if the professional
9 match, contest, or exhibition of boxing or mixed martial arts
10 for which the fees were paid is not held.

11 "§41-9-1030.

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

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

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

4 "(2) The applicant has complied with all applicable
5 requirements of this article and any rules and regulations
6 promulgated pursuant to this article.

7 "(3) The commission or its designated representative
8 has determined from information provided by the applicant and
9 from any medical evaluation required by the commission that
10 the health, welfare, and physical safety of the applicant will
11 not be unduly jeopardized by the issuance of the license.

12 "§41-9-1032.

13 "(a) The commission may refuse to grant a license to
14 an applicant upon a finding by a majority of the entire
15 commission that the applicant has failed to demonstrate the
16 qualifications or standards for a license contained in this
17 section or under the laws, rules, and regulations under which
18 licensure is sought. The applicant shall demonstrate to the
19 satisfaction of the commission that he or she meets all the
20 requirements for the issuance of a license, and, if the
21 commission is not satisfied as to the qualifications of the
22 applicant, it may deny a license without a prior hearing;
23 however, the applicant shall be allowed to appear before the
24 commission if he or she so desires.

25 "(b) (1) The commission, by majority vote, after
26 prior notice to the holder of a license and after affording
27 such a holder an opportunity to be heard, may fine the license

1 holder, revoke or suspend the license, or take other
2 disciplinary action against the licensee upon the
3 recommendation of any officially designated representative for
4 reasons involving the medical or physical safety of any
5 professional boxer licensed by the commission, summarily
6 suspend any license previously issued by the commission or
7 take other disciplinary action against any licensee. The
8 licensee shall, after the summary suspension, be afforded an
9 opportunity to be heard, in accordance with the rules of the
10 commission and the Alabama Administrative Procedure Act. A
11 summary suspension imposed against such a licensee may
12 include, but shall not be limited to, the following:

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

16 "b. Prohibiting any boxer from competing, appearing
17 in, or participating in any professional match, contest, or
18 exhibition within 30 days of having suffered a technical
19 knockout where evidence of head trauma has been determined by
20 the attending ringside physician.

21 "(2) The length of any summary suspension invoked
22 pursuant to this subsection, upon the recommendation of the
23 ringside physician, may be extended to any number of days. The
24 terms and conditions of the suspension or revocation may
25 require that the boxer submit to further medical evaluation as
26 determined by the ringside physician.

1 "(c) The commission, its secretary, or its duly
2 authorized representative, at any time prior to the completion
3 of a permitted professional match, contest, or exhibition of
4 boxing or mixed martial arts, may summarily suspend or revoke
5 the match permit or the license of any specific boxer should
6 it be determined by such person that the continuation of the
7 professional match, contest, or exhibition of boxing or mixed
8 martial arts may jeopardize the health, welfare, morals, or
9 safety of the citizens of this state or may jeopardize the
10 health or personal safety of any participant of the
11 professional match, contest, or exhibition of boxing or mixed
12 martial arts; provided, however, that the licensee shall,
13 after a summary suspension, be afforded an opportunity to be
14 heard, in accordance with the rules of the commission and the
15 Alabama Administrative Procedure Act.

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

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

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

25 "§41-9-1033.

26 "No person shall arrange, promote, organize,
27 produce, or participate in a professional match, contest, or

1 exhibition of boxing or mixed martial arts unless he or she
2 has complied with the following requirements:

3 "(1) An examination by a physician who has certified
4 that the boxer or mixed martial arts competitor is physically
5 fit to compete safely. Copies of each certificate shall be
6 provided to the commission prior to the professional match,
7 contest, or exhibition of boxing or mixed martial arts. The
8 commission may require a boxer or mixed martial arts
9 competitor to undergo a physical examination, including
10 neurological or neuropsychological tests and procedures.

11 "(2) A physician approved by the commission shall be
12 continuously present at ringside during every professional
13 match, contest, or exhibition of boxing or mixed martial arts.
14 The physician shall observe the physical condition of the
15 boxers or competitors in mixed martial arts and advise the
16 referee with regard to the boxers or competitors.

17 "(3) One or more inspectors appointed by the
18 commission as duly authorized representatives of the
19 commission shall be present at each professional match,
20 contest, or exhibition of boxing or mixed martial arts to
21 ensure that the rules are strictly observed. An inspector or
22 other duly authorized representative of the commission shall
23 be present at the weigh-in and at the ring during the conduct
24 of the professional match, contest, or exhibition of boxing or
25 mixed martial arts. Inspectors and other duly authorized
26 representatives of the commission shall have free access to
27 the dressing rooms of the boxers.

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

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

9 "§41-9-1034.

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

24 "§41-9-1035.

25 "All buildings or structures used or intended to be
26 used for holding or giving professional matches, contests, or
27 exhibitions of boxing or mixed martial arts shall be safe and

1 shall in all manner conform to the laws, ordinances, and
2 regulations pertaining to buildings in the municipality or
3 unincorporated area of the county where the building or
4 structure is situated.

5 "§41-9-1036.

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

9 "§41-9-1037.

10 "The commission shall have jurisdiction over any
11 professional match, contest, or exhibition of boxing or mixed
12 martial arts which occurs or is held within this state, is
13 filmed in this state, or is broadcast or transmitted from this
14 state.

15 "§41-9-1038.

16 "(a) The Attorney General may bring a civil action
17 requesting relief, including a permanent or temporary
18 injunction, restraining order, or other order, against any
19 person who he or she believes is violating Sections 41-9-1029,
20 41-9-1030, 41-9-1031, 41-9-1032, 41-9-1033, 41-9-1034,
21 41-9-1035, and 41-9-1037.

22 "(b) (1) Any manager, promoter, matchmaker, or
23 licensee who knowingly violates or coerces or causes any other
24 person to violate Sections 41-9-1030, 41-9-1031, 41-9-1032,
25 41-9-1033, 41-9-1034, 41-9-1035, 41-9-1036, and 41-9-1037
26 shall, upon conviction, be guilty of a Class C felony.

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

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

10 "(4) Any professional boxer or competitor in mixed
11 martial arts who violates Section 41-9-1034 may be punished by
12 a civil fine not to exceed twenty-five thousand dollars
13 (\$25,000) together with a percentage of the purse not to
14 exceed 15 percent for each violation.

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

17 "(d) The criminal penalties in this section shall
18 not be construed to repeal other criminal laws. Whenever
19 conduct prescribed by this article is also prescribed by other
20 provision of law, the provision which carries the more serious
21 penalty shall be applied.

22 "§41-9-1039.

23 "There is established a separate trust fund in the
24 State Treasury to be known as the Alabama ~~Boxing~~ Athletic
25 Commission Fund. All receipts collected by the commission
26 shall be deposited into this fund and used only to carry out
27 the provisions of this article. Monies shall be disbursed only

1 by warrant of the state Comptroller drawn upon the State
2 Treasury supported by itemized vouchers approved by the
3 commission. No funds shall be withdrawn or expended except as
4 budgeted and allotted according to Sections 41-4-80 to
5 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and
6 only in amounts as stipulated in the general appropriations
7 act or other appropriation acts.

8 §41-9-1040.

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

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

17 "There is hereby appropriated an amount as
18 determined necessary by the commission from the Alabama ~~Boxing~~
19 Athletic Commission Fund to the Alabama ~~Boxing~~ Athletic
20 Commission for the fiscal years ending September 30 after the
21 effective date of this act and for the fiscal year beginning
22 October 1, thereafter."

23 Section 3. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.