

HOUSE No. 4290

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regulating the sport of mixed martial arts..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 22 of the General Laws is hereby amended by striking out section
2 12, as appearing in the 2008 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 12. There shall be in the department a commission, to be known as the state
5 athletic commission, which shall consist of the commissioner of the department of public safety,
6 or his designee, and 4 persons to be appointed by the governor who shall serve for terms of 3
7 years. At least 1 member shall have a background in the sport of boxing and at least 1 member
8 shall have a background in the sport of mixed martial arts. Mixed martial arts shall have the
9 same meaning as defined in section 32 of chapter 147.

10 The governor shall from time to time designate 1 member as chair. The members shall
11 receive their traveling expenses necessarily incurred in the performance of their duties and shall
12 be allowed such sums for clerical assistance as the governor and council may approve. The
13 department shall provide administrative support to the commission. The commission may
14 deputize 1 or more persons to represent the commission and to be present at a match or

15 exhibition held under sections 32 to 51, inclusive, of chapter 147; provided further that such
16 deputies shall be compensated in the amount of \$75 for each match or exhibition attended
17 pursuant to this section; provided, however, that deputies shall not receive compensation for
18 travel and incidental expenses necessarily incurred in the discharge of their duties.

19 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after
20 section 2ZZZ the following section:-

21 Section 2AAAA. There shall be established and set up on the books of the
22 commonwealth a separate fund to be known as the State Athletic Commission Fund, hereinafter
23 in this section referred to as the fund, to be administered by the department of public safety. The
24 fund shall consist of any monies from licensing fees or other fees and fines collected pursuant to
25 sections 32 through 35, inclusive, of chapter 147, sections 40, 40A and 42 of said chapter 147
26 and section 12 of chapter 265. The amounts credited to the fund shall be available for
27 expenditure without further appropriation by the department of public safety up to an amount not
28 to exceed \$200,000 each fiscal year for the costs of operating and administering the state athletic
29 commission; provided that if the amount credited to the fund exceeds \$200,000, the excess
30 amount shall be deposited into the General Fund. For the purposes of accommodating
31 discrepancies between the receipt of retained revenues and related expenditures, the department
32 may incur expense and the comptroller may certify for payment amounts not to exceed the lower
33 of this authorization or the most recent revenue estimate as reported in the state accounting
34 system.

35 SECTION 3. Chapter 147 of the General Laws is hereby amended by striking out
36 sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-

37 Section 32. (a) In this section and in sections 33 to 51, inclusive, the following words
38 shall have the following meanings unless a different meaning is clearly required by the context:-

39 “Boxing”, the art of attack and defense with gloved fists practiced as a sport limited to
40 legal blows above the waist and on the front or sides of the opponent.

41 “Commission”, the state athletic commission established in section 12 of chapter 22.

42 “Kickboxing”, a form of competition in which a person delivers blows with any part of
43 the arm below the shoulder, including the hand and any part of the leg below the hip, including
44 the foot.

45 “Mixed martial arts”, any form of unarmed combat involving the use of a combination of
46 techniques including, but not limited to, grappling, kicking and striking, commonly associated
47 with boxing, kickboxing, wrestling and various disciplines of the martial arts including, but not
48 limited to, karate, kung fu, tae kwon-do, Jiu-Jitsu or any combination thereof.

49 “Unarmed combative sport”, any form of competition in which a blow is usually struck
50 which may reasonably be expected to inflict injury and no weapon is used; provided that
51 “unarmed combative sport” shall not include professional wrestling.

52 “Toughman”, a boxing or unarmed combative sporting match or exhibition in which
53 combatants do not qualify for licensure by the commission as a professional combatant or for
54 amateur status by a commission-approved amateur organization; provided, however, that
55 “toughman” shall not include matches or exhibitions conducted pursuant to section 50A.

56 (b) No boxing, kickboxing, mixed martial arts or other unarmed combative sporting event
57 or sparring match or exhibition for a prize or purse, or at which an admission fee is charged,

58 either directly or indirectly, in the form of dues or otherwise, whether professional or amateur,
59 shall take place or be conducted except in accordance with a license granted as hereinafter
60 provided by the commission. Applications for a license shall be accompanied by such fee, as
61 established annually by the commissioner of administration and finance pursuant to section 3B
62 of chapter 7, which may take into consideration the population of the city or town or the seating
63 capacity of the building or place in which the match or exhibition is to be held; provided, that a
64 license, the fee for which is established on the basis of seating capacity of a building or place as
65 aforesaid, shall be exercised only in such building or place. Tough-man or similar type matches
66 or exhibitions shall be prohibited. In the case of exhibitions or bouts held in accordance with the
67 rules and regulations of amateur organizations as may be approved by the commission, the
68 commission may issue special licenses without the requirement of a bond as provided in section
69 34 or payment of the annual fee.

70 (c) Any persons holding, conducting, promoting or participating in a match or exhibition
71 held without a license, as provided in section 33, or a toughman or similar type match or
72 exhibition, shall be punished by imprisonment in the house of corrections for not more than 3
73 months or by a fine of not more than \$5,000, or both such fine and imprisonment.

74 (d) Matches or exhibitions under the governance of the Massachusetts Interscholastic
75 Athletic Association, the National Collegiate Athletic Association or any equivalent school or
76 college organization shall be exempt from the requirements of this section if the competitors are
77 amateurs.

78 Section 33. The commission may, subject to sections 32 to 47, inclusive, issue licenses to
79 conduct boxing, kickboxing, mixed martial arts or other unarmed combative sporting events,

80 sparring matches and exhibitions. The license shall be valid only for the date approved by the
81 commission. The commission may revoke the license at any time in the interest of public safety.
82 No license shall be issued for a toughman competition or similar event.

83 SECTION 4. Section 34 of said chapter 147, as so appearing, is hereby amended by
84 striking out, in line 3, the words “five thousand dollars” and inserting in place thereof the
85 following figure:- \$50,000.

86 SECTION 5. Said section 34 of said chapter 147, as so appearing, is hereby further
87 amended by striking out, in lines 11 and 12, the words “one thousand dollars” and inserting in
88 place thereof the following figure:- \$10,000.

89 SECTION 6. Said chapter 147 is hereby further amended by striking out sections 35 to
90 40A, inclusive, and inserting in place thereof the following 10 sections:-

91 Section 35. No person shall act, directly or indirectly, as a physician, promoter, referee,
92 judge, timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed
93 combative sport contestant, or as manager, trainer or second of such a contestant, at a match or
94 exhibition or as a matchmaker therefor, unless licensed by the commission upon receipt of such
95 classified fee to be determined annually by the commissioner of administration and finance
96 under section 3B of chapter 7. The commission shall set minimum requirements for licensure
97 based upon skill or other fundamental prerequisites deemed necessary to adequately and safely
98 execute the functions of the respective position. The commission may refuse to license any
99 individual who does not meet those requirements or whose safety and well-being it determines
100 will be put at substantial risk by engaging in their respective position. Whoever acts in such
101 capacity, without being so licensed shall be punished by a fine of not more than \$10,000. Any

102 official who desires to officiate without charge at amateur boxing or sparring matches or
103 exhibitions shall be licensed without charge. No person shall be licensed under this section who
104 is under 18 years of age, except as otherwise provided in section 39.

105 Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all
106 amateur boxing, mixed martial arts or other unarmed combative sporting events, sparring
107 matches and exhibitions sanctioned by the national governing body and its local affiliate which
108 are appointed and recognized by the United States Olympic Committee for such purposes,
109 acknowledge and follow the rules and regulations of said amateur governing bodies.

110 No amateur match which is subject to section 32 shall be held unless it is licensed by the
111 commission and sanctioned and supervised by an amateur sanctioning organization approved by
112 the commission.

113 The commission shall recognize and license, upon receipt of the classified fee to be
114 determined annually by the commissioner of administration and finance under section 3B of
115 chapter 7, the amateur referees, judges and other amateur officials assigned to such amateur
116 matches or exhibitions by the amateur governing bodies and certified under their rules and
117 regulations.

118 The commission shall cooperate fully with the amateur boxing governing bodies to assure
119 that amateur boxers are eligible to participate and compete for selection to the United States
120 Olympic boxing team.

121 No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day
122 period nor shall such contestant participate in more than 3 contests between 12 noon on any 1

123 day and 12:30 a.m. on the following day. All amateur boxing or sparring matches or exhibitions
124 shall terminate not later 12:30 a.m. on the day following the start of the match.

125 During a contest, contestants in amateur boxing or kickboxing matches or exhibitions
126 shall wear gloves weighing at least 8 ounces each unless otherwise authorized by the amateur
127 boxing governing body. During a contest, contestants in amateur mixed martial arts and other
128 unarmed combative sport matches or exhibitions shall wear gloves weighing at least 4 ounces
129 each unless otherwise authorized by the amateur governing body.

130 Section 36. At every boxing, kickboxing, mixed martial arts or other unarmed combative
131 sporting event, sparring match or exhibition there shall be in attendance a referee, duly licensed
132 under this section and sections 35 and 35A. There shall also be in attendance at least 3 duly-
133 licensed judges, each of whom shall, at the termination of a match or exhibition, vote for the
134 contestant in whose favor the decision should, in his opinion, be rendered or, for a draw if, in his
135 opinion, neither contestant is entitled to a decision in his favor and the decision shall be rendered
136 in favor of the contestant receiving a majority of the votes or, if neither receives a majority as
137 aforesaid, a decision of a draw shall be rendered. Upon the rendering of a decision, the vote of
138 each judge shall be announced from the ring. The referee shall have full power to stop the match
139 or exhibition whenever he deems it advisable because of the physical condition of a contestant or
140 when 1 contestant is clearly outclassed by his opponent or for other sufficient reason. The
141 commission shall declare forfeited any prize, remuneration or purse or any part thereof belonging
142 to a contestant if, in the judgment of a majority of the commissioners after consultation with the
143 judges and the referee, such contestant was not competing in good faith. The fees of the referee
144 and other licensed officials shall be fixed by the commission and shall be paid by the licensed
145 organization prior to the match or exhibition.

146 Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative
147 sporting event, sparring match or exhibition there shall be in attendance at least 1 duly licensed
148 physician, whose duty it shall be to observe the physical condition of the contestants and advise
149 the referee or judges with regard thereto. A competent physician who has at least 3 years of
150 experience as a medical practitioner may be licensed. No contestant shall be allowed to enter the
151 ring unless a physician licensed under this section and section 35, inclusive, shall certify in
152 writing that the contestant is physically fit to engage in the proposed contest. The physician's
153 fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

154 Section 38. No boxing, kickboxing or other unarmed combative sporting match or
155 exhibition shall exceed 10 rounds; provided, however, if a match is to determine a championship,
156 it may exceed the round limits with the prior approval of the commission. No mixed martial arts
157 match or exhibition shall exceed 3 rounds; provided, however, if a match is to determine a
158 championship, it may exceed the round limits with the prior approval of the commission. No
159 round in a boxing, kickboxing or other unarmed combative sporting match or exhibition shall
160 exceed 3 minutes. No round in a mixed martial arts match or exhibition shall exceed 5 minutes.
161 No contestant in a professional match or exhibition shall participate in more than 10 rounds
162 unless otherwise authorized by the commission, as the case may be, during a 72-hour period.
163 During a contest, contestants in professional boxing and kickboxing matches or exhibitions shall
164 wear gloves weighing at least 8 ounces each unless otherwise authorized by the commission.
165 During a contest, contestants in mixed martial arts and other unarmed combative sporting events,
166 matches or exhibitions shall wear gloves weighing at least 4 ounces each unless otherwise
167 authorized by the commission. Every contestant participating in boxing, kickboxing, mixed

168 martial arts or other unarmed combative sporting event or exhibition shall be required to wear
169 standard protective devices as outlined by regulation by the commission.

170 Section 39. Except as hereinafter provided, no contestant under 18 years of age or who
171 has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed
172 martial arts or other unarmed combative sport event, sparring match or exhibition, except that the
173 age requirement shall not apply to a world boxing champion who is still actively engaged as a
174 professional boxer, or to a former boxing champion of the world who has not been inactive as a
175 professional boxer for more than 2 years from the date of his last boxing contest; provided,
176 however, an amateur boxer shall be allowed to compete as such at the age of 16. At the
177 discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or
178 other unarmed combative sport contestant who has reached his thirty-fifth birthday may be
179 permitted to engage in a match if the contestant has passed a physical examination or is
180 otherwise medically-cleared to participate by a physician selected by the commission. At the
181 discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has
182 not yet reached his eighteenth birthday may be licensed as a professional boxer. The foregoing
183 shall not apply to courses of instruction in boxing, kickboxing, mixed martial arts or other
184 unarmed combative sport sponsored and conducted by recognized boys and girls clubs, youth
185 organizations, private clubs and athletic associations, schools or colleges, municipal or state park
186 or recreational departments, law enforcement organizations or incorporated, private, nonprofit
187 boxing teams, under the supervision of qualified instructors and directors.

188 No person under the age of 16 shall be admitted to, or be present at, a professional match
189 or exhibition unless accompanied by an adult.

190 Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other
191 unarmed combative sport contestant licensed under section 35 who has been knocked out,
192 technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding
193 12 months shall take part in a match or exhibition until he has been examined and found fit to
194 take part in such a match or exhibition, by a physician selected by the commission, at a place and
195 time designated by the commission. The cost of conducting the examination shall be borne by
196 the contestant. If a contestant is found unfit to engage in a match or exhibition, he shall be
197 excluded from participation for 3 months, after which time he may make a request to the
198 commission for another physical examination. A license issued to an individual pursuant to
199 section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

200 Section 39B. A person licensed under section 33 to conduct boxing, kickboxing, mixed
201 martial arts or other unarmed combative sport events, sparring matches or exhibitions, except
202 those persons to whom a special license may be granted thereunder without the requirement of a
203 bond or payment of the annual fee, shall take out a policy of accident insurance on each
204 contestant participating in the match or exhibition in the amount of \$5,000 to compensate him for
205 medical and hospital expenses incurred as the result of injuries received in such match or
206 exhibition and a policy in the amount of \$50,000 to be paid to the estate of the deceased
207 contestant in the event of death to the contestant resulting from participation in the match or
208 exhibition. The premiums on the policies shall be paid by the licensee.

209 Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial
210 arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the
211 commencement of the final feature bout of the event, pay to the commission a sum equal to 4 per
212 cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee shall

213 pay to the commission an additional sum equal to 2 per cent of the total gross receipts generated
214 by the sale, lease or other exploitation of the television, pay-per-view, motion picture or other
215 broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to
216 be paid by the licensee whether or not the licensee ever receives a portion of that amount;
217 provided, however, that if such match or exhibition is conducted as an incidental feature in an
218 event or entertainment of a different character, such portion of the total receipts and the total
219 amount shall be paid to the commonwealth, as the commission may determine or as may be fixed
220 by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24
221 hours prior to the event but in no event shall payment be made later than 48 hours after the live
222 event. Pay-per-view showings of an event more than 48 hours after the live event shall be
223 exempt from the requirements of this section. The broadcasting fee imposed under this section
224 shall be not more than \$75,000 per event. Within 72 hours after its conclusion, the licensee shall
225 furnish to the commission a report, showing the exact number of tickets sold and admission fees
226 collected for the contest, the gross receipts thereof and such other data as the commission may
227 require.

228 A licensee holding or conducting a boxing, kickboxing, mixed martial arts or other
229 unarmed combative sporting event, sparring match or exhibition shall, at least 48 hours before a
230 licensed contest or exhibition, file with the commission a copy of all contracts entered into for
231 the sale, lease or other exploitation of broadcasting rights for the contest or exhibition. All
232 contracts filed with the commission pursuant to this section shall be exempt from disclosure
233 pursuant to section 10 of chapter 66. The commission shall enforce this section.

234 Section 40A. Every licensee holding or conducting any boxing, kickboxing, mixed
235 martial arts, or other unarmed combative sporting event or sparring match or exhibition shall,

236 prior to the commencement of the feature bout of the event, pay to the state treasurer, in addition
237 to the payment required under section 40, a sum equal to 1 per cent of the total gross receipts
238 from the sale of tickets or from admission fees; provided, however, that if such match or
239 exhibition is conducted as an incidental feature in an event or entertainment of a different
240 character, such portion of the total receipts shall be paid to the commonwealth as the commission
241 may determine or as may be fixed by rule adopted under section 46. Said sums shall be credited
242 by the treasurer to a fund to be know as the Boxers' Fund which shall be administered by the
243 Boxers' Fund board for the use and benefit of a contestant or former contestant in a regulated
244 event under the purview of the commission for funeral expenses or assistance needed as a result
245 of an injury suffered while participating in an event.

246 SECTION 7. Section 42 of said chapter 147, as so appearing, is hereby amended by
247 adding the following paragraph:-

248 The commission may suspend a license of a combatant issued pursuant to section 35
249 without a hearing upon a finding that it would be unsafe for the individual to compete until either
250 the passing of a fixed period of time or upon medical clearance. The commission may assess an
251 administrative penalty not to exceed \$2,000 for each violation of sections 32 to 45, inclusive, or
252 the commission's rules and regulations committed by an individual required to be licensed under
253 this chapter.

254 SECTION 8. Section 45 of said chapter 147, as so appearing, is hereby amended by
255 striking out, in lines 4, 6 and 10, and in lines 14 and 15, each time they appear, the words:-
256 "boxing or sparring".

257 SECTION 9. Said chapter 147 is hereby further amended by striking out section 46, as so
258 appearing, and inserting in place thereof the following section:-

259 Section 46. The commission may make such rules and regulations for the administration
260 and enforcement of sections 32 to 50A, inclusive, and to promote and regulate the sports of
261 boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed
262 necessary, including defining any terms requiring definition under said sections 32 to 50A,
263 inclusive. The rules and regulations may provide for and regulate the granting of special permits
264 for exhibitions where no decision is to be rendered, no admission fee is to be charged and where
265 skilled combatants merely demonstrate the mechanics of their respective discipline. The
266 commission shall make an annual report in January of each year to the general court of the acts
267 of the commission.

268 SECTION 10. Chapter 147 of the General Laws is hereby amended by inserting after
269 section 47 the following section:-

270 Section 47A. The commission shall notify a municipality in writing of the issuance of a
271 license for an event scheduled to take place therein within 24 hours of its issuance. At its option,
272 a municipality may prohibit an event licensed by the commission under section 33. Such
273 prohibition shall be by a majority vote of the city council and mayor in a city or by a majority
274 vote of the board of selectmen. Such municipal option shall be exercised within 7 days of
275 issuance of a license by the commission. The municipality shall notify the commission within 24
276 hours of any such action. Upon receipt of such notice, the commission shall immediately notify
277 the promoter of the determination of the municipality and the license shall be revoked.

278 SECTION 11. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

279 SECTION 12. Said chapter 147 is hereby further amended by striking out section 50A, as
280 appearing in the 2008 Official Edition, and inserting in place thereof the following section:-

281 Section 50A. Courses of instruction in boxing, kickboxing, mixed martial arts and other
282 unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by
283 recognized boys and girls clubs, youth organizations, private clubs and athletic associations,
284 schools and colleges, law enforcement agencies or municipal or state parks and recreation
285 departments, under the supervision of qualified instructors and directors, may be conducted in a
286 city or town without requiring a license pursuant to section 33.

287 SECTION 13. Section 51 of said chapter 147, as so appearing, is hereby amended by
288 inserting after the word “boxing”, in line 3, the following words:- , kickboxing, mixed martial
289 arts or other unarmed combative sporting event.

290 SECTION 14. Chapter 180 of the General Laws is hereby amended by striking out
291 section 28, as appearing in the 2008 Official Edition, and inserting in place thereof the following
292 section:-

293 Section 28. If a person is convicted of a violation of section 12 of chapter 265 for
294 engaging in, giving or promoting a public or private boxing, kickboxing, mixed martial arts or
295 other unarmed combative sporting match or sparring exhibition, the contestants who have
296 received or were promised a pecuniary reward, remuneration or consideration on the premises of
297 or under the auspices of a club or organization described in section 4, the commissioner of public
298 safety and homeland security, the city council or mayor in a city where the club or organization
299 is situated, the board of selectmen or the board of aldermen in a town where the club or
300 organization is situated, or the police commissioner of the city of Boston if the club or

301 organization is situated in Boston shall immediately give notice to the state secretary who, upon
302 receipt thereof, shall declare the charter of the club or organization void. The state secretary shall
303 publish a notice in at least 1 newspaper published in the city or town wherein the club or
304 organization is situated that the charter of the club or organization is void.

305 SECTION 15. Chapter 265 of the General Laws is hereby amended by striking out
306 section 12, as so appearing, and inserting in place thereof the following section:-

307 Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50A,
308 inclusive, of chapter 147, gives, promotes or engages in a public boxing, kickboxing, mixed
309 martial arts or other unarmed combative sporting match or sparring exhibition, or engages in a
310 private boxing, kickboxing, mixed martial arts or other unarmed combative sporting event match
311 or sparring exhibition, for which the contestants have received or have been promised any
312 pecuniary reward, remuneration or consideration whatsoever shall be punished by imprisonment
313 in the house of corrections for not more than 3 months or by a fine of not more than \$5,000, or
314 both such fine and imprisonment.

315 SECTION 16. Notwithstanding any general or special law to the contrary, an existing
316 member of the state boxing commission, appointed as provided in section 12 of chapter 22 of the
317 General Laws prior to the effective date of this act, shall continue in office for the remainder of
318 his unexpired term and shall be eligible for reappointment to the state athletic commission
319 created in sectio