

SENATE No. 998

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regulating the sport of mixed martial arts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	Bristol and Norfolk
Michael A. Costello	1st Essex
Joan M. Menard	First Bristol and Plymouth
Vincent A. Pedone	15th Worcester
Stephen J. Buoniconti	Hampden
Viriato Manuel deMacedo	1st Plymouth
Thomas A. Golden, Jr.	16th Middlesex
James R. Miceli	19th Middlesex
Harold P. Naughton, Jr.	12th Worcester
Brian P. Wallace	4th Suffolk
James T. Welch	6th Hampden
Anthony W. Petruccelli	First Suffolk and Middlesex
Robert L. Hedlund	Plymouth and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 amended by section 6 of chapter 61 of the acts of 2007, and inserting in place thereof the
3 following section:-

4 Section 12. There shall be in the department a commission a state boxing commission,
5 which shall consist of the commissioner of the department of public safety, or his designee, and 4
6 persons to be appointed by the governor, with the advice and consent of the council, who shall
7 serve for terms of 3 years. At least 1 member shall have a background in the sport of boxing and
8 at least 1 member shall have a background in the sport of mixed martial arts. The governor, with
9 the advice and consent of the council, shall from time to time designate 1 member as chair. The
10 members shall receive their traveling expenses necessarily incurred in the performance of their
11 duties and shall be allowed such sums for clerical assistance as the governor and council may
12 approve. The department shall provide administrative support to the commission. The
13 commission may deputize 1 or more persons to represent the commission and to be present at a
14 match or exhibition held under sections 32 to 51, inclusive, of chapter 147. Deputies may receive

15 such compensation for their traveling expenses necessarily incurred in the discharge of their
16 duties.

17 SECTION 2. Chapter 147 of the General Laws is hereby amended by striking out
18 sections 32 and 33, as so appearing, and inserting in place thereof the following 2 sections:-
19 Section 32. No boxing, kickboxing, mixed martial arts or other unarmed combative sporting
20 event or sparring match or exhibition for a prize or purse or at which an admission fee is
21 charged, either directly or indirectly, in the form of dues or otherwise, whether professional or
22 amateur, shall take place or be conducted except in accordance with a license granted as
23 hereinafter provided by the state boxing commission. Applications for the license shall be
24 accompanied by such fee, as established annually by the commissioner of administration and
25 finance under section 3B of chapter 7. Tough-man or similar type matches or exhibitions shall be
26 prohibited. Any persons holding, conducting, participating in or attending a match or exhibition
27 held without a license, as provided in section 33, or a tough-man or similar type match or
28 exhibition, shall be punished by a fine of not more than \$25,000 or by imprisonment for not
29 more than 3 months, or both. In the case of exhibitions or bouts held in accordance with the rules
30 and regulations of amateur organizations as may be approved by the commission, the
31 commission may issue special licenses without the requirement of a bond as provided in section
32 34 or payment of the annual fee. Matches or exhibitions under the governance of the
33 Massachusetts Interscholastic Athletic Association, the National Collegiate Athletic Association
34 or any equivalent school or college organization shall be exempt from the requirements of this
35 section if the competitors are amateurs.

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

38 sparring matches and exhibitions. The license shall be valid only for the date approved by the
39 commission. The commission may revoke the license at any time in the interest of public safety.
40 No license shall be issued for a tough-man competition or similar event.

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

43 SECTION 4. Said section 34 of said chapter 147, as so appearing, is hereby further
44 amended by striking out, in lines 11 and 12, the words “one thousand dollars” and inserting in
45 place thereof the following figure:- \$10,000.

46 SECTION 5. Said chapter 147 is hereby further amended by striking out sections 35 to
47 40, inclusive, and inserting in place thereof the following 9 sections:-

48 Section 35. No person shall act, directly or indirectly, as a physician, referee, judge,
49 timekeeper, professional boxer, kickboxer, mixed martial arts contestant or other unarmed
50 combative sport contestant, or as manager, trainer or second of such a contestant, at a match or
51 exhibition or as a matchmaker therefore, unless licensed by the commission upon receipt of such
52 classified fee to be determined annually by the commissioner of administration and finance
53 under the section 3B of chapter 7. The commission shall set minimum requirements for licensure
54 based upon skill or other fundamental prerequisites deemed necessary to adequately and safely
55 execute the functions of the respective position. The commission may refuse to license any
56 individual who does not meet those requirements or whose safety and well-being it determines
57 will be put at substantial risk by engaging in their respective position. Whoever acts in such
58 capacity, without being so licensed shall be punished by a fine of not more than \$10,000. For the
59 purposes of sections 32 to 47, inclusive, a professional combatant shall be a person who
60 competes for money or other pecuniary gain. Any official who desires to officiate without charge

61 at amateur boxing or sparring matches or exhibitions shall be licensed without charge. No person
62 shall be licensed under this section who is under 18 years of age, except as otherwise provided in
63 section 39.

64 Section 35A. Notwithstanding section 36, the commission shall, in the conduct of all
65 amateur boxing or sparring matches and exhibitions sanctioned by the national governing body
66 and its local affiliate which are appointed and recognized by the United States Olympic
67 Committee for such purposes, acknowledge and follow the rules and regulations of said amateur
68 boxing governing bodies.

69 No amateur match of any kind which is subject to section 32 shall be held unless it is
70 licensed by the commission and sanctioned and supervised by an amateur sanctioning
71 organization approved by the commission.

72 The commission shall recognize and license, upon receipt of the classified fee to be
73 determined annually by the commissioner of administration under section 3B of chapter 7, the
74 amateur referees, judges and other amateur officials assigned to such amateur matches or
75 exhibitions by the amateur governing bodies and certified under their rules and regulations.
76 The commission shall cooperate fully with the amateur boxing governing bodies to assure that
77 amateur boxers are eligible to participate and compete for selection to the United States Olympic
78 boxing team.

79 No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-day
80 period nor shall such contestant participate in more than 3 contests between 12 noon on any 1
81 day and 12:30 a.m on the day following. All amateur boxing or sparring matches or exhibitions
82 shall terminate not later 12:30 a.m. on the day following the start of the match.

83 During a contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear
84 gloves weighing at least 8 ounces each unless otherwise authorized by the amateur boxing
85 governing body. During a contest, contestants in amateur mixed martial arts and other unarmed
86 combative sport matches or exhibitions shall wear gloves weighing at least 4 ounces each unless
87 otherwise authorized by the amateur governing body.

88 Section 36. At every boxing, kickboxing, mixed martial arts, or other unarmed combative
89 sport event, sparring match or exhibition there shall be in attendance a referee, duly licensed
90 under sections 32 to 47, inclusive. There shall also be in attendance at least 3 duly-licensed
91 judges, each of whom shall, at the termination of a match or exhibition, vote for the contestant in
92 whose favor the decision should, in his opinion, be rendered or, for a draw if, in his opinion,
93 neither contestant is entitled to a decision in his favor, and the decision shall be rendered in favor
94 of the contestant receiving a majority of the votes or, if neither receives a majority as aforesaid, a
95 decision of a draw shall be rendered. Upon the rendering of a decision, the vote of each judge
96 shall be announced from the ring. The referee shall have full power to stop the match or
97 exhibition whenever he deems it advisable because of the physical condition of a contestant or
98 when 1 contestant is clearly outclassed by his opponent or for other sufficient reason. The
99 commission shall declare forfeited any prize, remuneration or purse or any part thereof belonging
100 to a contestant if, in the judgment of a majority of the commissioners after consultation with the
101 judges and the referee, such contestant was not competing in good faith. The fees of the referee
102 and other licensed officials shall be fixed by the commission and shall be paid by the licensed
103 organization prior to the match or exhibition.

104 Section 37. At any boxing, kickboxing, mixed martial arts or other unarmed combative
105 sport event, sparring match or exhibition there shall be in attendance at least 1 duly licensed

106 physician, whose duty it shall be to observe the physical condition of the contestants and advise
107 the referee or judges with regard thereto. Any competent physician who has had not less than 3
108 years of experience as a medical practitioner may be licensed. No contestant shall be allowed to
109 enter the ring unless a physician licensed under sections 32 to 47, inclusive, shall certify in
110 writing that the contestant is physically fit to engage in the proposed contest. The physician's
111 fee, as fixed by the commission, shall be paid by the licensee conducting the match or exhibition.

112 Section 38. No boxing, kickboxing or other unarmed combative sporting match or
113 exhibition shall exceed 10 rounds. No mixed martial arts match or exhibition shall exceed 5
114 rounds but, if a match is to determine a championship, it may exceed the round limits with the
115 prior approval of the commission. No round in a boxing, kickboxing or other unarmed combative
116 sporting match or exhibition shall exceed 3 minutes. No round in a mixed martial arts match or
117 exhibition shall exceed 5 minutes. No contestant in a professional match or exhibition shall
118 participate in more than 10 rounds or more than the number of rounds determined by the
119 commission as aforesaid, as the case may be, during a 72-hour period. During a contest,
120 contestants in professional boxing and kickboxing matches or exhibitions shall wear gloves
121 weighing at least 8 ounces each unless otherwise authorized by the commission. During a
122 contest, contestants in mixed martial arts and other unarmed combative sporting events, matches
123 or exhibitions shall wear gloves weighing at least 4 ounces each or as otherwise authorized by
124 the commission. Every contestant participating in boxing, kickboxing, mixed martial arts or
125 other unarmed combative sporting event or exhibition shall be required to wear standard
126 protective devices as outlined by regulation by the commission.

127 Section 39. Except as hereinafter provided, no contestant under 18 years of age or who
128 has reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed

129 martial arts or other unarmed combative sport event, sparring match or exhibition, except that the
130 age requirement shall not apply to a world boxing champion who is still actively engaged as a
131 professional boxer, or to a former boxing champion of the world who has not been inactive as a
132 professional boxer for more than 2 years from the date of his last boxing contest, but an amateur
133 boxer shall be allowed to compete as such at the age of 16. At the discretion of the commission,
134 a professional boxer, kickboxer, mixed martial arts contestant or other unarmed combative sport
135 contestant who has reached his thirty-fifth birthday may be permitted to engage in a match if the
136 contestant has passed a physical examination or is otherwise medically-cleared to participate by
137 a physician selected by the commissioners. At the discretion of the commission, an amateur
138 boxer who has reached his sixteenth birthday but has not yet reached his eighteenth birthday may
139 be licensed as a professional boxer. The foregoing shall not apply to courses of instruction in
140 boxing, kickboxing, mixed martial arts or other unarmed combative sport sponsored and
141 conducted by recognized boys and girls clubs, youth organizations, schools or colleges,
142 municipal or state park or recreational departments, law enforcement organizations or
143 incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and
144 directors. No person under the age of 16 shall be admitted to or be present at a professional match
145 or exhibition unless accompanied by an adult.

146 Section 39A. No professional boxer, kickboxer, mixed martial arts contestant or other
147 unarmed combative sport contestant licensed under section 35 who has been knocked out,
148 technically or otherwise, or lost a contest by way of submission, 6 or more times in the preceding
149 12 months shall take part in a match or exhibition until he has been examined and found fit to
150 take part in such a match or exhibition, by a physician selected by the commission, at a place and
151 time designated by the commission. The cost of conducting the examination shall be borne by

152 the contestant. If a contestant is found unfit to engage in a match or exhibition, he shall be
153 excluded from participation for 3 months, after which time he may make a request to the
154 commission for another physical examination. The license issued to an individual pursuant to
155 section 35 shall be immediately suspended for at least 30 days if the individual is knocked out.

156 Section 39B. A person licensed under section 32 to conduct boxing, kickboxing, mixed
157 martial arts or other unarmed combative sport events, sparring matches or exhibitions, except
158 those persons to whom a special license may be granted thereunder without the requirement of a
159 bond or payment of the annual fee, shall take out a policy of accident insurance on each
160 contestant participating in the match or exhibition in the amount of \$5,000 to compensate him for
161 medical and hospital expenses incurred as the result of injuries received in such match or
162 exhibition and in the amount of \$50,000 in the event of death to the contestant resulting from
163 participation in the match or exhibition, said \$50,000 to be paid to the estate of the deceased
164 contestant. The premiums on the policies shall be paid by the licensee.

165 Section 40. Every licensee holding or conducting a boxing, kickboxing, mixed martial
166 arts or other unarmed combative sporting event, sparring match or exhibition shall, prior to the
167 commencement of the final feature bout of the event, pay to the commission, a sum equal to 4
168 per cent of the total gross receipts from the sale of tickets or from admission fees. Such licensee
169 shall pay to the commission a sum equal to 2 per cent of the total gross receipts generated by the
170 sale, lease or other exploitation of the television, pay per view, motion picture or other
171 broadcasting rights, regardless of whether the event is broadcast live or in the future, such sum to
172 be paid by the licensee whether or not the licensee ever receives a portion of that amount;
173 provided, however, that if such match or exhibition is conducted as an incidental feature in an
174 event or entertainment of a different character, such portion of the total receipts and the total

175 amount shall be paid to the commonwealth, as the commission may determine or as may be fixed
176 by rule adopted under section 46. If the payment is for a fixed amount, payment shall be made 24
177 hours prior to the event but in no event shall payment be made later than 48 hours after the live
178 event. Pay per view showings of an event more than 48 hours after the live event shall be exempt
179 from the requirements of this section. The broadcasting fee imposed under this section shall be
180 not more than \$75,000 per event. Within 72 hours after its conclusion, the licensee shall furnish
181 to the commission a report, showing the exact number of tickets sold and admission fees
182 collected for the contest, the gross receipts thereof and such other data as the commission may
183 require.

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

190 SECTION 6. Section 40A of said chapter 147, as so appearing, is hereby amended by
191 striking out, in lines 2 and 3, the words “within seventy two hours after its conclusion”, and
192 inserting in place thereof the following words:- prior to the commencement of the feature bout of
193 the event,

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

196 The commission may suspend a license of a combatant issued pursuant to section 35
197 without a hearing upon a finding that it would be unsafe for the individual to compete until either

198 the passing of a fixed period of time or upon medical clearance. The commission may assess an
199 administrative penalty not to exceed \$2,000 for each violation of sections 32 to 51, inclusive, or
200 the commission's rules and regulations committed by an individual required to be licensed under
201 this chapter.

202 SECTION 8. Section 45 of said chapter 147, as so appearing, is hereby amended by
203 striking out, in lines 4, 6 and 10, and in lines 14 and 15, the words:- "boxing or sparring".

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

206 Section 46. The commission may make such rules and regulations for the administration
207 and enforcement of sections 32 to 47, inclusive, and to promote and regulate the sports of
208 boxing, kickboxing, mixed martial arts and other unarmed combative sports, as deemed
209 necessary, including defining any terms requiring definition under said sections 32 to 47,
210 inclusive. The rules and regulations may provide for and regulate the granting of special permits
211 for exhibitions where no decision is to be rendered, no admission fee is to be charged and where
212 skilled combatants merely demonstrate the mechanics of their respective discipline. The
213 commission shall make an annual report to the general court of the acts of the commission.

214 SECTION 10. Sections 48 to 50, inclusive of said chapter 147 are hereby repealed.

215 SECTION 11. Said chapter 147 is hereby further amended by striking out section 50A, as
216 appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

217 Section 12. Courses of instruction in boxing, kickboxing, mixed martial arts and other
218 unarmed combative sports, or sparring matches or exhibitions sponsored and conducted by
219 recognized boys and girls clubs, youth organizations, schools and colleges, law enforcement
220 agencies or municipal or state parks and recreation departments, under the supervision of

221 qualified instructors and directors, may be conducted in a city or town without requiring a license
222 pursuant to section 33.

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

226 SECTION 14. Chapter 147 of the General Laws, is hereby amended, as so appearing, by
227 adding the following new section:-

228 Section 51A. The Department of Public Safety may collect and expend an amount not to
229 exceed \$200,000 for the purpose of operating and administering the State Boxing Commission;
230 provided, that the monies shall be derived from fees charged for licensing provided in this
231 chapter, fines collected for violations of this chapter, and fees collected pursuant to section 40 of
232 this chapter, with excess monies paid to the state treasurer; and further provided that for the
233 purposes of accommodating discrepancies between the receipt of retained revenues and related
234 expenditures, the Department may incur expense and the comptroller may certify for payment
235 amounts not to exceed the lower of this authorization or the most recent revenue estimate as
236 reported in the state accounting system.

237 SECTION 15. Chapter 180 of the General Laws is hereby amended by striking out
238 section 28, as so appearing, and inserting in place thereof the following section:-

239 Section 28. If a person is convicted of a violation of section 12 of chapter 265 for
240 engaging in, giving or promoting a public or private boxing, kickboxing, mixed martial arts or
241 other unarmed combative sporting match or sparring exhibition, the contestants who have
242 received or were promised a pecuniary reward, remuneration or consideration on the premises of
243 or under the auspices of a club or organization described in section 4, the commissioner of public

244 safety and homeland security, the board of selectmen or the board of aldermen in a town where
245 the club or organization is situated, or the police commissioner of the city of Boston if the club
246 or organization is situated in Boston shall immediately give notice to the state secretary who,
247 upon receipt thereof, shall declare the charter of the club or organization void. The state secretary
248 shall publish a notice in at least a newspaper published in the city or town wherein the club or
249 organization is situated that the charter of the club or organization is void.

250 SECTION 16. Chapter 265 of the General Laws is hereby amended by striking out
251 section 12, as so appearing, and inserting in place thereof the following two sections:-

252 Section 12. Whoever directly or indirectly, except as provided in sections 32 to 50, inclusive, of
253 chapter 147, gives or promotes a public boxing, kickboxing, mixed martial arts or other unarmed
254 combative sporting match or sparring exhibition, or engages in a private boxing, kickboxing,
255 mixed martial arts or other unarmed combative sporting event match or sparring exhibition, for
256 which the contestants have received or have been promised any pecuniary reward, remuneration
257 or consideration whatsoever shall be punished by imprisonment in the house of corrections for
258 not more than 2 ½ years or by a fine of not more than \$5,000, or by imprisonment in the state
259 prison for not more than 5 years or by a fine of not more than \$25,000 or both such fine and
260 imprisonment.”;

261 Section 12A. Whoever directly or indirectly, except as provided in sections 32 to 50,
262 inclusive, of chapter 147, engages in a public boxing, kickboxing, mixed martial arts or other
263 unarmed combative sporting match or sparring exhibition, or engages in a private boxing,
264 kickboxing, mixed martial arts or other unarmed combative sporting event match or sparring
265 exhibition, for which the contestants have received or have been promised any pecuniary reward,

266 remuneration or consideration whatsoever shall be punished imprisonment in the state prison for
267 not more than 3 months or by a fine of not more than \$200 or both such fine and imprisonment

268 SECTION 17. Any existing member of the state boxing commission, appointed by the
269 governor with the advice and consent of the council, as provided in section 12 of chapter 22 of
270 the General Laws, prior to the effective date of this act, shall continue in office for the remainder
271 of his unexpired term.