

PUBLIC CHAPTER NO. 1149

HOUSE BILL NO. 2633

By Representatives Todd, Mike Turner, Pinion, John DeBerry, Towns, Lollar, Eldridge, Campfield, McCord, Cooper, Rinks, Miller, Favors, Montgomery, Hawk, Richardson, Harmon, Fitzhugh, Odom, Casada, Ferguson, Kernell, Buck, Hardaway, Shepard, Maddox, Armstrong, Tindell, Mumpower, Baird, Sargent

Substituted for: Senate Bill No. 3836

By Senators Jackson, Marrero, Burchett, Crowe, Tate, Williams, Ketron, Bunch, Kilby, Ford

AN ACT to amend Tennessee Code Annotated, Title 4; Title 36, Chapter 5; Title 39; Title 67, Chapter 4 and Title 68, to enact the "Tennessee Athletic Commission Act of 2008".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1102, is amended by deleting subsection (a) and (b) in their entirety and by substituting instead the following:

Language.

(a) It is an offense for any person or persons to engage in what is known as prize fighting or boxing with or without gloves, or in other brutal sport or exhibition, whereby bruising, maiming, or other serious bodily injury may result to the boxers or participants unless regulated pursuant to title 68, chapter 115.

(b) This section shall not be construed to apply to football, baseball, basketball, hockey, soccer, lacrosse or similar activities nor to any professional contest of unarmed combat regulated pursuant to title 68, chapter 115.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 115, is amended by deleting Parts 1, 2 and 3 in their entirety and by substituting instead the following:

PART 1

§ 68-115-101. This act shall be known and may be cited as the "Tennessee Athletic Commission Act of 2008".

§ 68-115-102. As used in this act, unless the context otherwise requires:

(1) "Amateur" means a person who has never competed in an unarmed combat sport competition or contest for any purse or item of value, other than for a prize or item of value which does not exceed fifty dollars (\$50).

(2) "Application fee" means the fee due at the time an application for a license is submitted to the commission;

(3) "Association of Boxing Commissions" means the association recognized by state athletic commissions, which affiliate with such association regarding rules and regulations of unarmed combat sports. The association may also mean and be referred to as the "ABC Association for Professional Unarmed Combat Contests";

(4) "Banned substances" mean substances defined by the World Anti-Doping Agency as banned substances, in addition to any illegal substance;

(5) "Boxing" means unarmed combat to compete with the fists;

(6) "Combatant" means any person eighteen (18) years of age or older who engages in a professional unarmed combat contest;

(7) "Commission" means the Tennessee athletic commission;

(8) "Commissioner" means any member of the Tennessee athletic commission;

(9) "Contest" means an unarmed combat sport competition in which licensed combatants compete for a purse or item of value greater than that amount authorized for an amateur event;

(10) "Department" means the department of commerce and insurance;

(11) "Event" means an amateur event in which combatants compete in an unarmed combat sport competition in accordance with this act;

(12) "Immediate family member" means a spouse, parent, sibling or child;

(13) "Kickboxing" means unarmed combat involving the use of striking techniques delivered with the upper and lower body, and in which the combatants remain standing while striking;

(14) "Manager" means a person who:

(A) Undertakes to represent the interests of another person by contract, agreement or other arrangement, in procuring, arranging or conducting a professional contest in which such person will participate as a combatant;

(B) Directs or controls the activities of an unarmed combatant relating to the participation of the unarmed combatant in a professional contest;

(C) Receives or is entitled to receive at least ten percent (10%) of the gross purse of any professional unarmed combatant for services relating to the participation of the unarmed combatant in a professional contest; or

(D) Receives compensation for services as an agent or representative of an unarmed combatant.

The term does not include an attorney who is licensed to practice law in this state if the attorney's participation in any of the activities described in subdivision (A) is limited solely to the attorney's legal representation of a client who is an unarmed combatant.

(15) "Matchmaker" means a person who brings together professional boxers, kickboxers, or mixed martial art combatants or arranges professional contests of unarmed combat;

(16) "Mixed martial arts" means unarmed combat using a combination of techniques from different disciplines of the martial arts, including kicking, wrestling, and striking, subject to applicable limitations set forth in this act and rules promulgated by the commission;

(17) "Permit" means a certification of approval for a contest, issued upon receipt of an application and fee that shall be established and collected, pursuant to the rulemaking authority of the commission for professional contests;

(18) "Person" means and includes individuals, corporations, limited liability companies, partnerships or associations, domestic and foreign;

(19) "Physician" means a person licensed to practice medicine in the state of Tennessee;

(20) "Professional" means a person who competes in an unarmed combat sport contest in this state for the purpose of a purse or item of value greater than that amount authorized for an amateur event;

(21) "Promoter" means any person who produces, or stages or sponsors any professional contest of unarmed combat;

(22) "Purse" means the financial guarantee or any other remuneration for which combatants are participating in a professional contest and includes the combatant's share of any payment received for radio broadcasting, television or motion picture rights;

(23) "Ring official" means any person who performs any one (1) or more of the following official functions during the progress of a professional contest of unarmed combat:

(A) "Announcer" means a person authorized to act as an announcer at professional contests of unarmed combat;

(B) "Judge" means a person who is responsible for scoring the performances of the combatants in a professional contest of unarmed combat;

(C) "Referee" means a person who is present in the ring during the professional contest and exercises general supervision; and

(D) "Ringside physician" means a person licensed to practice medicine in the state of Tennessee and licensed by the commission as a ring official;

(E) "Timekeeper" means a person who is the official timer of the length of the rounds and the intervals thereof in a professional contest of unarmed combat;

(24) "Sanctioning organization" means an organization recognized by the Tennessee athletic commission that sanctions professional contests of unarmed combat, and is required to comply with all provisions of this act. "Sanctioning organization" may also mean an organization recognized by the Tennessee athletic commission that adopts rules and regulations pursuant to the provisions of § 68-115-213;

(25) "Second" means a person, including a manager, who is present at any professional unarmed combat contest to provide assistance or advice to combatants during a professional contest of unarmed combat;

(26) "Show settlement" means the period of time immediately following the professional contest in which a commission member or the administrator shall meet with venue personnel and the contest promoter to review ticket sales and collect fees due if paid immediately following the professional contest;

(27) "Unarmed combat" means and shall include boxing, mixed martial arts, and kickboxing as defined and regulated under the provisions of this act.

§ 68-115-103.

(a) There is hereby created as an independent entity of state government, the Tennessee athletic commission. For administrative purposes, the Tennessee athletic commission shall be attached to the department of commerce and insurance for all administrative matters

relating to receipts, disbursements, budget, audit, and other similarly related administrative items. The autonomy of the commission and its authority are not affected by this subsection (a), and the department of commerce and insurance shall have no administrative or supervisory control over the commission.

(b) The commission shall consist of nine (9) members. Except for initial appointments, the term of office shall be four (4) year terms.

(1) One (1) member shall be a public member, to be appointed by the governor. The initial appointment shall be a four (4) year term.

(2) Two (2) members shall be licensed physicians with knowledge and experience in mixed martial arts, boxing, or sports medicine, both to be appointed by the governor. One (1) member shall initially be appointed for a two (2) year term and one (1) member shall initially be appointed for a one (1) year term.

(3) Three (3) of the members shall have knowledge of and experience in boxing, with one (1) of such members to be appointed by the speaker of the house of representatives, one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the governor. One member, to be appointed by the speaker of the senate, shall initially be appointed to serve a three (3) year term, one (1) member, to be appointed by the speaker of the house of representatives, shall initially be appointed to serve a two (2) year term and one (1) member, to be appointed by the governor, shall initially be appointed to serve a four (4) year term.

(4) Three (3) of the members shall have knowledge of and experience in mixed martial arts, with one (1) of such members to be appointed by the speaker of the house of representatives, one (1) to be appointed by the speaker of the senate and one (1) to be appointed by the governor. One member, to be appointed by the speaker of the house of representatives, shall initially be appointed to serve a four (4) year term, one (1) member, to be appointed by the speaker of the senate, shall initially be appointed to serve a two (2) year term and one (1) member, to be appointed by the governor, shall initially be appointed to serve a four (4) year term.

(c) All commission members shall be resident citizens of Tennessee and at least one (1) member of the commission shall reside in each grand division of the state.

(d) In making appointments to the commission, the governor and both speakers shall each endeavor to appoint at least one (1) member who is either a racial minority or a female.

(e) In making appointments to the commission, the appointing authorities shall be provided written proof of experience by all candidates for membership on the commission.

(f) A member of the commission who is appointed to an initial term of three (3) years or less may be reappointed for up to one (1) additional four-year term. Members whose initial appointments are for four (4) years and members who have been reappointed to a four-year term shall not be reappointed for four (4) years from the date the member's term expires.

(g) Five (5) members of the commission shall constitute a quorum for the exercise of the authority conferred upon the commission, and a concurrence of at least three (3) of the members shall be necessary if only five (5) members are present to render a choice or a decision by the commission. If more than five (5) members are present, a concurrence of a majority of the members present shall be necessary to render a choice or a decision by the commission.

(h) No member of the commission or any member of a commissioner's immediate family shall, at any time during the commissioner's service as a member of the commission or, for one (1) year after the commissioner's term expires or the commissioner resigns as a member, be employed by a promoter of or promote any professional contest of unarmed combat, or have any financial interest in the promotion or sponsorship of those unarmed professional contests of unarmed combat. The provisions of this subsection shall not apply to immediate family members who compete as combatants in a professional contest of unarmed combat, or who may compete as combatants in an amateur event of unarmed combat if regulated by the commission pursuant to § 68-115-213.

(i) No member of the commission shall receive any complimentary tickets, nor shall any member of a commissioner's immediate family receive any complimentary tickets for such professional contests.

(j) As a member of the commission, the commission members are officials in the executive branch as defined in § 3-6-301(19).

§ 68-115-104.

(a) A vacancy through expiration of the term of the public member and the members who are licensed physicians shall be filled by appointment by the governor for a term of four (4) years. In the event a vacancy should occur other than by expiration of the term of a public member, the governor shall fill such vacancy for the unexpired portion of the original term.

(b) Vacancies through expiration of the terms of the members of the commission appointed by the speakers shall be filled by appointment

by the appropriate speaker for a term of four (4) years. If a vacancy occurs other than by expiration of the term, the appropriate speaker shall fill the vacancy for the unexpired portion of the original term.

§ 68-115-105. The governor or speakers may remove a member of the commission appointed by them for inefficiency, neglect of duty, or misconduct in office.

§ 68-115-106. The members of the commission shall elect one (1) member as chairman of the commission, who shall serve in such capacity for a term of one (1) year, whereupon another member shall be elected as provided herein.

§ 68-115-107.

(a)(1) All fees and taxes collected by the administrator or the Tennessee athletic commission pursuant to the provisions of this act shall be deposited by the state treasurer in a separate account exclusively for the athletic commission, and shall be used by the athletic commission to defray expenses necessary to administer the provisions of this act, including the payment of salaries to employees, the purchase of supplies, and any other necessary expenses. All funds placed in such account during the 2008-2009 and 2009-2010 fiscal years shall remain in this account and shall not revert to the general fund at the end of such fiscal years, but shall remain available for use by the commission. Beginning with the 2010-2011 fiscal year and thereafter, the commissioner of finance and administration shall determine the amount of funds to remain in the account at the end of the fiscal year to be used by the commission, which amount shall not revert to the general fund at the end of the fiscal year. Such amount shall not be less than an amount sufficient to pay the average cost of operating the commission over a two-year period.

(2) Penalties imposed by the athletic commission shall be deposited into the state general fund.

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(A) Beginning with the 2010-2011 fiscal year, and thereafter, not more than fifty percent (50%) of the amount as determined by the commissioner of finance and administration in accordance with this subsection (a), shall be appropriated by the general assembly in the general appropriations act, for a grant program to be established by the Tennessee Higher Education Commission for the purpose of developing and maintaining combat sports programs within post-secondary educational institutions in this state that participate in NCAA, division 1 sanctioned sports programs.

(B) As used in this subdivision "combat sports" means those sports included collectively in the interdisciplinary sport

known as mixed martial arts and shall include, but not be limited to, boxing, jiu-jitsu, judo, karate, kickboxing, and wrestling.

(C) The Tennessee Higher Education Commission shall, in collaboration with the athletic directors of each such post-secondary educational institution located in this state, develop the grant program in such a manner to give each such institution a fair opportunity to apply for and receive any available annual grants.

(b) This act shall not be construed to constitute an appropriation of funds. Funds within the account shall be expended pursuant to the provisions of the general appropriations act consistent with the policies set forth in subsection (a).

§ 68-115-108.

(a) The commission shall meet at least quarterly but may meet as often as the duties of such commission require.

(b) The commission members shall each receive compensation for their service in the amount of one hundred fifty dollars (\$150) for each day the commission meets and shall receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident thereto, in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

§ 68-115-109. The commission shall employ an administrator who shall be responsible for the daily operations of the commission.

PART 2

§ 68-115-201.

(a) The commission is authorized to promulgate rules and regulations, including but not limited to emergency rules, to effectuate the purposes of this act and to protect and ensure the health, safety and welfare of combatants in professional contests or events of unarmed combat. The commission shall make every effort to promulgate emergency rules no later than sixty (60) days after a quorum of the commission is appointed. All such rules and regulations shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled at title 4, chapter 5. Any hearing conducted pursuant to this act shall be conducted in accordance with the Uniform Administrative Procedures Act.

(b) The rules and regulations adopted by the commission shall include, but not be limited to:

(1) The number and qualifications of ring officials required at any contest;

- (2) The powers and duties of ring officials;
- (3) The qualifications of licensees or permittees;
- (4) The procedures for supplying a social security number, fingerprint sample and submitting to a criminal history records check; and
- (5) The procedures for performing medical duties relative to contests.

§ 68-115-202. The commission shall have the authority to recognize or associate with any other state boxing commissions, or athletic or sanctioning authority.

§ 68-115-203.

(a) Except as provided in § 68-115-302 concerning wrestling contests, the commission shall have sole and full discretion, authority, management, regulation, and control of all professional contests of unarmed combat held, conducted, or given within this state, and such powers and duties specified in this act, and all other powers necessary and proper to enable the commission to execute fully and effectively all of the purposes, duties, and policies of this act.

(b) The commission or the administrator shall have the authority to employ, as necessary, designated individuals who are qualified to assist ring officials and commission members in the regulation of professional contests;

(c) The commission may review, with a promoter, all ring officials employed for a professional contest, and the promoter may submit a list of recommended ring officials for consideration by the commission.

§ 68-115-204.

(a) All combatants of professional unarmed combat contests, promoters, managers, matchmakers, seconds, ringside physicians and any other ring official shall be licensed by the commission. No person shall participate, directly or indirectly, in any professional contest of unarmed combat unless the person has first applied for and received a license from the commission.

(b) The commission shall establish license fees for professional combatants, promoters, managers, matchmakers, seconds, ringside physicians and any other ring official who shall be licensed by the commission in regulated unarmed combat contests and shall have the authority to establish any fees deemed necessary for professional contests held within the state of Tennessee, the failure of which to pay shall be cause for denial of the application.

(c) The commission may issue and revoke licenses issued pursuant to this act for cause deemed sufficient by the commission upon a hearing as provided for in this act.

(d) License applications shall be in writing on forms prescribed by the commission and shall correctly identify the applicant. Licenses shall be valid for two (2) years from the date of issuance. Applicants for such license shall pay a biennial license fee to be fixed by the commission on a uniform scale, and a fifty dollar (\$50) nonrefundable application fee.

(e) The commission may deny an application for a license.

(f) Before any promoter's license is granted, the applicant shall file a bond in an amount fixed by the commission, but not less than twenty-five thousand dollars (\$25,000), executed by the applicant as principal, and by a corporation qualified under the laws of this state as surety, payable to the state of Tennessee, and conditioned upon the faithful performance by the applicant of the provisions of this act.

(g) A person who has failed to pay any reportable fee or tax due the commission shall not be issued a promoter's license, or have a promoter's license renewed. The provisions of this subsection shall also apply to a corporation, limited liability company or a partnership for which such person was an officer, managing member or member.

(h) The provisions of this section shall not apply to amateur sanctioning organizations or amateur combatants.

§ 68-115-205.

(a) The commission shall establish a permit application and accompanying permit fee to be charged to promoters of all professional contests of unarmed combat in this state, the failure of which to pay shall be cause for denial of such application. If the commission determines that the bond filed by the promoter pursuant to § 68-115-204 is inadequate for the permit being sought, it may require the promoter to file additional security in an amount and form fixed by the commission prior to the issuance of the permit.

(b) Every promoter of a professional contest of unarmed combat shall obtain a permit from the commission for each contest not less than thirty (30) days prior to the date a promoter stages a contest.

(c) As provided by § 68-115-213 upon the adoption of rules and regulations, the commission may establish an application and accompanying permit fee to be charged to promoters of amateur events of unarmed combat in this state.

§ 68-115-206.

(a) The administrator shall have the authority to examine the professional combatant's record, experience, skill and physical condition pursuant to the powers granted to it in this act, and may deny the issuance of a license if, in the administrator's opinion, the combatant's record, experience, skill and physical condition indicate the combatant is unqualified to participate in professional contests of unarmed combat. The applicant may appeal the administrator's decision to deny the issuance of a license to the commission. Such appeal shall be heard within a timely manner.

(b)

(1) All combatants applying for a license under this act shall be required to submit, upon application, proof that a medical examination has been performed and that blood tests have been taken for infectious diseases or for any other purpose required by the commission within thirty (30) days of applying for such license or the renewal thereof.

(2) Professional combatants who are thirty-five (35) years of age or older shall, in addition to the requirements of subdivision (1), have a neurological examination and submit a medical report within thirty (30) days of applying for a license or renewal thereof.

(3) Professional combatants shall meet all medical requirements as prescribed by this section. The commission or administrator may deny any application based on the results of such examinations or may request additional medical examinations as deemed necessary.

(c) An application for a license constitutes a request for a determination of the applicant's general suitability, character, integrity, and ability to participate or engage in, or be associated with contests of unarmed combat. The burden of proof is on the applicant to establish to the satisfaction of the commission or administrator that the applicant is qualified to receive a license. By filing an application with the commission, an applicant accepts the risk of adverse public notice, embarrassment, criticism, financial loss or other action with respect to the applicant's application, and expressly waives any claim for damages as a result thereof. Any written or oral statement that is made by a member of the commission, administrator, or any witness testifying under oath which is relevant to the application and investigation of the applicant is privileged and does not impose liability for defamation or constitute a ground for recovery in a civil action.

(d) The commission may require a criminal history records check to be conducted by the Tennessee bureau of investigation on applicants for licenses. The commission may require the applicant or licensee to submit a social security number and a complete set of fingerprints as part of the records check. The Tennessee bureau of investigation may conduct a criminal history records check of any applicant or licensee,

including those records maintained by the federal bureau of investigation. The cost of the records check by the Tennessee bureau of investigation or the federal bureau of investigation, as appropriate, shall be paid by the person being investigated.

§ 68-115-207.

(a) Except as otherwise provided in subsection (b), the commission and the administrator shall keep confidential:

(1) Any information, including but not limited to an applicant's social security number, that it receives concerning an applicant for the issuance of a license pursuant to this act which is declared confidential by law and that is provided to the commission by the applicant, another governmental entity or the Association of Boxing Commissions;

(2) Any information contained in an applicant's medical records, if the information is not relevant to the commission in determining whether to grant a license to the applicant;

(3) Any information relating to the financial records of an applicant or licensee; and

(4) Any information required to be disclosed to the commission and kept confidential pursuant to federal law.

(b) The commission shall reveal the information set forth in subsection (a):

(1) Upon the lawful order of a court of competent jurisdiction;

(2) To any person, upon the request of the person who is the subject of the information; and

(3) In the course of the necessary administration of this act.

(c) A person seeking an order of a court of competent jurisdiction for the disclosure of information described in subsection (a) shall submit a motion in writing to the court requesting the information. At least ten (10) days prior to submitting the motion, the person shall provide notice to the commission, the attorney general and all persons who may be affected by the disclosure of the information. The notice shall:

(1) Include, without limitation, a copy of the motion and all documents in support of the motion that are to be filed with the court; and

(2) Be delivered in person or by certified mail to the last known address of each person to whom notice shall be provided.

§ 68-115-208.

(a) Every promoter shall pay professional contest fees and taxes due for professional contests of:

(1) Four percent (4%) of the total gross receipts from admission fees to the live professional contest of unarmed combat or five hundred dollars (\$500), whichever is greater, exclusive of any federal tax or tax imposed by any political subdivision of this state; and

(2) Three percent (3%) of the first one million dollars (\$1,000,000), and one percent (1%) of the next two million dollars (\$2,000,000), of the total gross receipts from the sale, lease or other exploitation of broadcasting, television and motion picture rights for that contest without any deductions for commissions, brokerage fees, distribution fees, advertising, combatants' purses or any other expenses or charges.

(b)

(1) At show settlement, the promoter and venue personnel shall sign off on and submit to a commission member or the administrator, on a form prescribed by the commission, a preliminary report on ticket sales.

(2) The promoter shall pay to the commission the four percent (4%) reportable gross receipts tax described in subsection (a) based upon the preliminary report at show settlement, during which time monies are paid to the promoter from the contracted venue, or no later than ten (10) days from the date of the contest. If any additional tax is required to be paid pursuant to this section, such tax shall be paid within thirty (30) days from the date of the contest.

(c) The promoter shall pay to the commission the fees for the rights described in subdivision (a)(2) no later than thirty (30) days from the date of the contest.

(d) A promoter shall not issue complimentary tickets for more than two percent (2%) of the seats in the house, equally distributed between or among the price categories for which complimentary tickets are issued, without the commission's written authorization. The commission shall not consider complimentary tickets which it authorizes pursuant to this section to constitute part of the total gross receipts from admission fees.

(e) Every promoter shall, within thirty (30) days after the completion of any professional contest for which an admission fee is charged and received, furnish to the commission a final verified written report showing:

(1) The number of tickets sold or issued for the professional contest;

(2) The amount of:

(A) Gross receipts from admission fees without any deductions for commissions, brokerage fees, distribution fees, advertising, combatants' purses or any other expenses or charges; and

(B) Broadcasting fees derived from the sale, lease or other exploitation of broadcasting, motion picture and television rights of such professional contest, without any deductions for commissions, brokerage fees, distribution fees, advertising, combatants' purses or any other expenses or charges; and

(3) Any other reports requested by the commission.

(f) When any person fails to make any report and pay the full amount of the reportable tax or fee required by this act, there shall be imposed a specific penalty to be added to the tax or fee in the amount of five percent (5%) of such tax or fee if the failure is for not more than thirty (30) days, with an additional five percent (5%) for each additional thirty (30) days or fraction thereof, during which the failure continues, not to exceed twenty-five percent (25%) in the aggregate. In the case of a false or fraudulent report, or in the case where no report has been filed and there exists a willful intent to defraud the state of the tax or fee due under this act, a specific penalty of one hundred percent (100%) of the tax or fee shall be due.

(g) Every person required to pay a tax or fee pursuant to this act shall keep and preserve records showing the amount of the person's reportable gross receipts taxable and broadcast fees pursuant to this act and such other books of account as may be necessary to determine the amount of tax or fee pursuant to this act, and all such books and records shall be open to inspection at all reasonable hours to the commission. All such books and records shall be maintained by the taxpayer for a period of three (3) years.

§ 68-115-209.

(a) The commission may, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, suspend or revoke the license of any person issued pursuant to this act who:

(1) Enters into a contract for a professional contest of unarmed combat in bad faith;

(2) Participates in any sham or fake professional contest of unarmed combat;

(3) Participates in a professional contest of unarmed combat pursuant to a collusive understanding or agreement in which the combatant competes in or terminates the professional contest in a manner that is not based upon honest competition;

(4) Is found to have failed to give his or her best efforts, a failure to compete honestly or a failure to give an honest exhibition of his or her skills in a professional contest of unarmed combat;

(5) Is found by the commission to have committed an act or conduct that is detrimental to a professional contest of unarmed combat, including, but not limited to, any foul or unsportsmanlike conduct in connection with a professional contest of unarmed combat;

(6) Fails to comply with any limitation, restriction or condition placed on the professional combatant's license;

(7) Is determined to have used performance enhancing drugs or violated any provision of the World Anti-Doping Agency guidelines regulating substances;

(8) Engages in fraud or deceit in obtaining a license under this act;

(9) Is physically or mentally incapable;

(10) Has violated any provision of this act, any rule duly promulgated hereunder, or any lawful order of the commission; or

(11) Has had the person's license revoked or suspended by any other authority, or has surrendered such license to such other authority, which regulates unarmed combat or its equivalent.

(b) The commission may also refuse to issue a license to an applicant who has been found by the commission to have committed any of the acts described in subsection (a) in this state or in any other jurisdiction.

§ 68-115-210. The commission shall assign all ring officials for a professional contest of unarmed combat. Every promoter of a professional contest shall pay for services rendered by such ring officials, and any other fees for services provided pursuant to this act.

§ 68-115-211. Every promoter of a professional contest of unarmed combat shall provide proof of medical insurance coverage for medical, surgical and hospital care, to cover injuries sustained by a combatant while engaged in professional contests of unarmed combat, in an amount not less than fifty thousand dollars (\$50,000).

§ 68-115-212.

(a) The commission, its administrator, or any other employee authorized by the commission may order the promoter to withhold any part of a purse or other money belonging or payable to any professional combatant, or any manager or second if, in the judgment of the commission, administrator or other employee:

(1) The combatant is not or has not competed honestly or to the best of the combatant's skill and ability or the combatant otherwise is in violation of any rules and regulations adopted by the commission or any of the provisions of this act, including, but not limited to, the provisions of § 68-115-209; or

(2) The manager or second violates any rules and regulations promulgated by the commission or any of the provisions of this act, including, but not limited to, the provisions of § 68-115-209.

(b) Upon the withholding of any part of a purse or other money pursuant to this section, the commission shall immediately schedule a hearing on the matter, and provide adequate notice to all interested parties prior to such hearing.

(c) If it is determined that a licensee is not entitled to any part of such licensee's share of the purse or other money, the promoter shall pay the money over to the commission. Subject to the provisions of subsection (d), all money received by the administrator or the commission shall be paid into the athletic commission account pursuant to § 68-115-107.

(d) Money turned over to the commission pending final action in any matter shall be credited to the athletic commission's agency account and shall remain in such account until the commission orders its disposition in accordance with the final action taken.

(e)

(1) Unless otherwise stipulated by the promoter and professional combatant by contract, the combatant shall be paid the purse at the conclusion of the professional contest.

(2) All contracts entered into between a combatant and a promoter shall include a provision that entitles the combatant, upon obtaining a favorable judgment by a court, to recover all

costs, prejudgment interests and attorney fees, the right to which shall not be waived in any such contract.

§ 68-115-213.

(a) Except for amateur events exempted from this act pursuant to Part 3, the commission is authorized to require promoters of amateur events of unarmed combat to obtain a permit prior to conducting such events. If such permit is required, the commission shall adopt rules and regulations in accordance with the Uniform Administration Procedures Act compiled in title 4, chapter 5 that prescribe, without limitation, the requirements and fees for obtaining the same.

(b) Except for combatants participating in amateur events exempted from this act pursuant to Part 3, an amateur combatant may not take part in an amateur event of unarmed combat unless the event is sanctioned by and the amateur is registered with an amateur sanctioning organization recognized and approved by the commission.

(c) The commission may require an approved sanctioning organization that participates in amateur events of unarmed combat in this state to register with the commission before it participates, directly or indirectly, in any amateur event of unarmed combat. If such registration is required, the commission shall adopt rules and regulations in accordance with the Uniform Administration Procedures Act compiled in title 4, chapter 5 that prescribe, without limitation, the requirements and fees for obtaining the same.

§ 68-115-214.

(a) A promoter shall, at least seventy-two (72) hours before a professional contest of unarmed combat, file with the commission's administrator a copy of all contracts entered into for the sale, lease or other exploitation of broadcasting, television and motion picture rights for the professional contest.

(b) The promoter shall keep detailed records of the accounts and other documents related to the promoter's receipts from the sale, lease or other exploitation on the broadcasting, television and motion picture rights for a professional contest, and the commission, or any state agency may inspect these accounts and documents at any time to determine the amount of the total gross receipts received by the promoter from the broadcasting, television and motion picture rights.

(c) Each contract filed with the commission pursuant to this section is confidential and is not a public record, and shall not be disclosed except as provided in § 68-115-207(b).

§ 68-115-215. Each venue shall provide, at all professional contests, a designated working area at ringside in which commission members and ring officials shall carry out their official duties.

§ 68-115-216.

(a) If disciplinary action is taken against a person by the commission pursuant to this act based on the conduct of such person which either directly or indirectly relates to a professional contest of unarmed combat, the commission may, in lieu of or in addition to revoking or suspending a license or permit issued to the person, impose a penalty not to exceed two hundred fifty thousand dollars (\$250,000).

(b) If disciplinary action is taken against a person pursuant to this act, the commission may require the person against whom such action is taken to pay the costs of the proceeding, including investigative costs and attorney's fees.

§ 68-115-217. The commission may reinstate a revoked license upon receipt of an application and the payment of a penalty prescribed by the commission, not to exceed two hundred fifty thousand dollars (\$250,000).

§ 68-115-218. A violation of this act is a Class A misdemeanor.

PART 3

§ 68-115-301. The provisions of this act shall not apply to any amateur event of unarmed combat conducted by or participated in exclusively by any school, college or university or by any association or organization of a school, college or university, when each combatant in the event is a bona fide student in the school, college or university.

§ 68-115-302. The provisions of this act shall not apply to any amateur wrestling event including but not limited to high school and college wrestling. Nor shall the provisions of this act apply to any professional wrestling contest or any form of wrestling for entertainment purposes.

PART 4

§ 68-115-401. The administrator of the commission, a member of the commission, or the commission's designee shall be present at all weigh-ins, pre-contest physical examinations and professional contests, and shall ensure that the rules are strictly enforced.

§ 68-115-402. Every combatant in an unarmed combat contest shall be present and weighed in at least twenty-four (24) hours prior to, or the day of, the scheduled start of the contest at the discretion of the commission.

§ 68-115-403.

(a) All professional combatants shall be required to submit to a pre-contest physical examination within forty-eight (48) hours of, or the day prior to the scheduled start of the contest. A random urine drug screen to determine the use of banned or illegal substances may be

required of a combatant, within the time specified herein, prior to a contest.

(b) All physical examinations required pursuant to subsection (a) shall be performed by a ringside physician.

(c) A professional combatant shall be subject to additional blood testing for infectious diseases if more than ninety (90) days have elapsed since the combatant's license was issued.

§ 68-115-404.

(a) In making round and foul determinations, the referee shall be the sole arbiter of the professional contest; however the ringside physician shall advise the referee to terminate or continue the contest based on the physician's observation of the combatant's physical condition.

(b) Immediately following the professional contest, the ringside physician shall examine both combatants.

(c) After examining each professional combatant who has lost as a result of a technical knockout (TKO) or knockout (KO), the ringside physician may require the combatant to undergo a neurological examination.

(d) If a loss of consciousness has occurred, the professional combatant may undergo neurological testing at the determination of the commission and may not be permitted to participate in any professional contest until the test has been conducted and the combatant has been determined to be medically fit to compete by a neurologist. All neurological reports shall be submitted to the commission for its review before the combatant may be permitted to compete in a subsequent professional contest.

(e) The commission may require a drug screen or any other examination to be performed or requested immediately following a contest.

(f)

(1) An ambulance or other emergency vehicle shall remain on the premises at all times during a professional contest.

(2) A two-member licensed emergency medical team consisting of one (1) paramedic shall remain on the premises at all times during a professional contest.

(3) The most direct and unobstructed route to the ambulance or other emergency medical vehicle shall be made available for medical officials.

(4) Emergency medical services shall be approved by the chief or the director of the local fire department or emergency medical service department or bureau of the city or county having jurisdiction over the professional contest.

§ 68-115-405. Combatants shall not train or compete under the influence of any illegal drug or legal drug used illegally, as recognized by the World Anti-Doping Agency.

§ 68-115-406. Combatants shall report any and all medication they are taking to the ringside physician prior to a professional contest. If the combatant is under the influence of alcohol or any stimulant, or is taking any controlled substance or other medication, that the ringside physician determines would endanger the combatant or the combatant's opponent, the combatant shall not be allowed to compete.

PART 5

§ 68-115-501.

(a) The provisions of this act shall be in full compliance with the federal Professional Boxing Safety Act of 1996 as amended by the Muhammad Ali Boxing Reform Act (15 USC § 6301, et seq.).

(b) The Tennessee athletic commission is hereby directed to become a member of the Association of Boxing Commissions, with costs associated with such membership in the association to be paid out of commission revenue and to use the regulatory guidelines adopted by the Association of Boxing Commissions and any amendments made thereto in promulgating rules for the regulation of boxing.

(c) The Tennessee athletic commission is hereby directed to use the Mixed Martial Arts Unified Rules as adopted and established in other states and professional associations as the regulatory guideline to promulgate rules for the regulation of mixed martial arts.

(d) The Tennessee athletic commission is hereby directed to use as a regulatory guideline to promulgate rules those rules recognized by the International Kickboxing Federation (IKF), the International Sport Kickboxing Association (ISKA) and the World Karate Association (WKA).

SECTION 3. Tennessee Code Annotated, Section 4-29-231(a), is amended by adding a new subdivision thereto, as follows:

() Tennessee athletic commission, created by § 68-115-103.

SECTION 4. Tennessee Code Annotated, Section 4-3-1304(a), is amended by deleting the language "All state regulatory" and by substituting instead the language "Except as provided in § 68-115-103 relative to the Tennessee athletic commission, all state regulatory".

SECTION 5. Tennessee Code Annotated, Section 4-3-1304(a)(15), is amended by deleting the language "except that there shall not be included" and by substituting instead the language "except that there shall not be included the Tennessee athletic commission,".

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. For the purpose of making appointments to the Tennessee athletic commission and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect July 1, 2008.

PASSED: May 21, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 13th day of June 2008



PHIL BREDESEN, GOVERNOR