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# A BILL FOR AN ACT

RELATING TO COMBAT SPORTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Hawaii has embraced  
2 full-contact combat sports that allow the use of both striking  
3 and grappling techniques; involve both standing and on-the-  
4 ground; and blend boxing, wrestling, Brazilian jiu-jitsu, Muay  
5 Thai, kickboxing, karate, judo, and other styles of combat  
6 sports. Combat sports events have drawn capacity crowds to the  
7 Neal S. Blaisdell Arena. The prestigious Ultimate Fighting  
8 Championship organization has never staged a show in Hawaii, but  
9 the idea has been floated many times. The legislature finds  
10 that to continue growing the combat sports industry in the State  
11 and to attract events staged by the Ultimate Fighting  
12 Championship, a combat sports commission must be established.

13           Accordingly, the purpose of this Act is to replace the  
14 existing mixed martial arts program with a new regulatory  
15 framework under the authority of a combat sports commission of  
16 Hawaii.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 COMBAT SPORTS CONTESTS

6 § -1 **Definitions.** As used in this chapter:

7 "Combat sports" means unarmed combat involving the use,  
8 subject to any applicable limits set forth in this chapter and  
9 any rules adopted to implement these limits, of a combination of  
10 techniques from different disciplines of martial arts, including  
11 grappling, kicking, and striking.

12 "Combat sports contest" means a contest or exhibition in  
13 which a combat sports contestant competes with another combat  
14 sports contestant, using combat sports, for money, prize, purse,  
15 or other forms of compensation.

16 "Combat sports contestant" or "contestant" means a person  
17 who is trained in combat sports and competes in a combat sports  
18 contest.

19 "Commission" means the combat sports commission of Hawaii  
20 established in section -2.



1 "Department" means the department of commerce and consumer  
2 affairs.

3 "Director" means the director of commerce and consumer  
4 affairs.

5 "Executive officer" means the executive officer assigned to  
6 the commission.

7 "Manager" means any person who:

8 (1) Undertakes or has undertaken to represent in any way  
9 the interests of any combat sports contestant in  
10 procuring, arranging, or conducting any combat sports  
11 contest in which the combat sports contestant is to  
12 participate; or

13 (2) Directs or controls the combat sports activities of  
14 the combat sports contestant.

15 "Manager" does not include an attorney licensed to practice in  
16 the State while the attorney is representing the legal interests  
17 of a combat sports contestant as a client.

18 "No rules combat or similar contest" means a contest or  
19 exhibition performed in the State in which the contestants:

20 (1) Are permitted to use, with few or no rules or  
21 restrictions, a combination of combative contact



1 techniques, including punches, kicks, chokes, joint  
2 locks, and other maneuvers, with or without the use of  
3 weapons, that place contestants at an unreasonably  
4 high risk of bodily injury or death; and

5 (2) Have received, directly or indirectly, any money,  
6 prize, reward, purse, or other compensation, or  
7 promise thereof, for the expenses of training, taking  
8 part in the contest, or winning the contest.

9 "No rules combat or similar contest" does not include a contest  
10 involving the exclusive use of boxing, wrestling, kickboxing,  
11 martial arts, or combat sports.

12 "Promoter" means an individual, corporation, joint venture,  
13 partnership, limited liability corporation, limited liability  
14 partnership, or any other type of business entity that promotes,  
15 conducts, holds, or gives a combat sports contest.

16 **§ -2 Combat sports commission of Hawaii; established.**

17 There is established within the department for administrative  
18 purposes only, the combat sports commission of Hawaii. The  
19 commission shall consist of five members appointed by the  
20 governor for staggered terms as determined by the governor,  
21 pursuant to section 26-34; provided that at least one member



1 shall have experience as a combat sports contestant and all  
2 members shall have experience in combat sports contests as a  
3 contestant or in the promotion or administration of such combat  
4 sports contests. The governor shall designate one member as  
5 chairperson of the commission.

6 § -3 **Executive officer.** The director shall assign an  
7 executive officer to the commission to carry out the  
8 commission's activities, duties, and other obligations under  
9 this chapter.

10 § -4 **Deputy commissioners.** The director may appoint  
11 deputy commissioners; provided that the director shall have the  
12 approval of the commission prior to any appointment. The  
13 director may remove deputy commissioners after consultation with  
14 the commission. The commission may direct one or more deputy  
15 commissioners to be present at any combat sports contest and, in  
16 the absence of the commission or a member thereof, to supervise  
17 and control the combat sports contest, in accordance with this  
18 chapter and the rules adopted by the commission pursuant to this  
19 chapter. The deputy commissioners shall submit a written report  
20 to the executive officer in the manner and form prescribed by



1 the commission detailing the conditions prevailing at every  
2 combat sports contest.

3       §   -5 **Other employees.** Subject to chapter 76, the  
4 department may employ clerks, inspectors, and other employees as  
5 it deems necessary for the purposes of this chapter.

6       §   -6 **Authority to subpoena witnesses and administer**  
7 **oaths and penalties.** The chairperson of the commission or the  
8 executive officer may issue subpoenas for the attendance of  
9 witnesses before the commission, with the same effect as if the  
10 subpoenas were issued in an action in the circuit court, and may  
11 administer oaths in all matters connected with the  
12 administration of the affairs of the commission. Disobedience  
13 of a subpoena and false swearing before the executive officer or  
14 the commission shall be attended by the same consequences and be  
15 subject to the same penalties as if disobedience or false  
16 swearing occurred in an action in the circuit court.

17       §   -7 **Powers and duties of the commission.** The  
18 commission shall adopt rules in accordance with chapter 91  
19 necessary or expedient for the conduct of its business and the  
20 regulation of the matters in this chapter committed to its  
21 charge, including:



- 1           (1) An appropriate method of ensuring that all financial  
2                           obligations are met by a promoter who conducts, holds,  
3                           or gives a combat sports contest;
- 4           (2) A public record accounting for the distribution of all  
5                           tickets provided to the commission by a promoter and  
6                           anything else of value that is provided to the  
7                           commission;
- 8           (3) Clinics or seminars on health and safety for licensees  
9                           deemed necessary by the commission;
- 10          (4) A mandatory neurological examination for any combat  
11                          sports contestant who is knocked out in a combat  
12                          sports contest, and an eye examination as part of a  
13                          combat sports contestant's annual medical examination;
- 14          (5) An automatic medical suspension from combat sports  
15                          contests for a period of time to be determined by the  
16                          commission for any combat sports contestant who is  
17                          knocked out from head blows or who has received a  
18                          severe beating about the head. The period of time of  
19                          the automatic medical suspension shall be based upon  
20                          the severity of the beating received by the combat  
21                          sports contestant;



- 1 (6) Procedures to evaluate the professional records and  
2 physician's certification of each combat sports  
3 contestant participating in a combat sports contest in  
4 the State and to deny authorization to a combat sports  
5 contestant to fight when the requirements of this  
6 paragraph are not met;
- 7 (7) Procedures to ensure that no combat sports contestant  
8 shall be permitted to compete while under suspension  
9 from any government entity that regulates combat  
10 sports due to:
- 11 (A) A recent knockout or series of consecutive  
12 losses;
- 13 (B) An injury, any required medical procedure, or a  
14 physician's denial of certification to compete;
- 15 (C) Failure of any drug test; or
- 16 (D) The use of false aliases or falsifying or  
17 attempting to falsify official identification  
18 cards or documents relating to combat sports  
19 contests;



1 (8) Procedures to review a suspension if appealed by a  
2 combat sports contestant, including an opportunity for  
3 the contestant to present contradictory evidence;

4 (9) Procedures to revoke a suspension if a combat sports  
5 contestant furnishes proof of sufficiently improved  
6 medical or physical condition or furnishes proof that  
7 the suspension was not, or is no longer, warranted by  
8 the facts; and

9 (10) Establishing a combat sports registry and the issuance  
10 of an identification card to combat sports  
11 contestants.

12 § -8 **Jurisdiction of commission.** (a) The commission is  
13 vested with the sole jurisdiction, direction, management, and  
14 control over all combat sports contests to be conducted, held,  
15 or given within the State. No combat sports contest shall be  
16 conducted, held, or given within the State except in accordance  
17 with this chapter and the rules adopted by the commission  
18 pursuant to this chapter.

19 (b) No combat sports contest shall take place unless the  
20 commission has approved the proposed combat sports contest;



1 provided that the commission shall not allow any combat sports  
2 contest unless:

3 (1) The combat sports contest consists of not more than  
4 five rounds of a duration of not more than five  
5 minutes each with an interval of at least one minute  
6 between each round and the succeeding round;

7 (2) Each contestant is at least eighteen years of age,  
8 registered with and licensed by the commission, and is  
9 not disqualified from competing in a similar combat  
10 sports contest in another jurisdiction at the time of  
11 the combat sports contest;

12 (3) One hour before the combat sports contest, each combat  
13 sports contestant is examined by at least one  
14 physician licensed under chapter 453 who shall certify  
15 in writing to the referee of the combat sports contest  
16 that the contestant is physically fit to engage  
17 therein;

18 (4) The combat sports contest is under the control of a  
19 licensed referee in the ring who has at least one  
20 year's experience in refereeing a match or exhibition  
21 involving combat sports and has passed a physical



1 examination by a physician licensed under chapter 453,  
2 including an eye examination, within two years before  
3 the combat sports contest;

4 (5) At least thirty days before a combat sports contest, a  
5 promoter of the combat sports contest provides to the  
6 commission information and documents, as prescribed by  
7 the commission, together with a review and enforcement  
8 fee of \$500, to establish that the combat sports  
9 contest is not prohibited in accordance with this  
10 chapter; provided further that if the commission  
11 determines that the combat sports contest is  
12 prohibited in accordance with this chapter, then the  
13 commission shall refund the \$500 review and  
14 enforcement fee to the promoter;

15 (6) The promoter has complied with sections -9  
16 and -10; and

17 (7) All participants have complied with the requirements  
18 provided in this chapter and rules adopted by the  
19 commission in accordance with chapter 91, including  
20 any rules or requirements that protect the safety of  
21 the contestants to the extent feasible.



1 (c) No person shall hold, promote, or participate in no  
2 rules combat or similar contests. The commission shall enforce  
3 the prohibition on no rules combat or similar contests, and may  
4 adopt rules, in accordance with chapter 91, to enforce the  
5 prohibition. In addition to any applicable judicial remedy, a  
6 person who violates this subsection shall be subject to the  
7 penalties, fines, and other provisions applicable to violators  
8 of this chapter.

9 § -9 Licenses; promoters. (a) A promoter may apply to  
10 the commission for a license that shall be required to conduct,  
11 hold, or give combat sports contests. The application shall be  
12 in writing, addressed to the commission, and signed by the  
13 applicant, and shall include the following:

14 (1) Evidence of financial integrity in accordance with  
15 rules adopted by the commission in accordance with  
16 chapter 91; and

17 (2) Proof that the applicant currently satisfies all of  
18 the applicable requirements of the department's  
19 business registration division.

20 (b) The application shall contain a recital of the facts  
21 as may be specified by the commission for it to determine



1 whether the applicant possesses the necessary physical, mental,  
2 moral, and financial qualifications to entitle the applicant to  
3 a license.

4 (c) The application for a license to promote combat sports  
5 contests shall be accompanied by a fee as provided in rules  
6 adopted by the director in accordance with chapter 91.

7 (d) The commission shall not issue any license to conduct,  
8 hold, or give combat sports contests unless the commission is  
9 satisfied that the applicant:

- 10 (1) Has complied with the conditions of this chapter;
- 11 (2) Possesses the necessary qualifications for a license;
- 12 (3) Is the real party in interest; and
- 13 (4) Intends to conduct, hold, or give the combat sports  
14 contest itself;

15 provided that the commission shall not issue a promoter's  
16 license to an applicant if the applicant or any of the  
17 applicant's officers, partners, members, or associates have been  
18 convicted of any crime related to gambling or a crime that is  
19 directly related to the person's performance in the sport of  
20 combat sports.



1 (e) A license may be revoked at any time if the commission  
2 finds after a hearing that:

3 (1) The licensee is not the real party in interest or has  
4 not complied with this chapter or the rules of the  
5 commission; or

6 (2) The licensee or any of the licensee's officers,  
7 partners, members, or associates have been convicted  
8 of any crime related to gambling or a crime that is  
9 directly related to the person's performance in the  
10 sport of combat sports.

11 (f) Every license shall be subject to this chapter and the  
12 rules of the commission.

13 § -10 Requirements to hold a combat sports contest. (a)

14 For approval to conduct, hold, or give a combat sports contest,  
15 a promoter shall provide proof of:

16 (1) Medical insurance for combat sports contestants in  
17 accordance with rules adopted by the commission;  
18 provided that all promoters shall be responsible for  
19 paying any deductible amount of the medical insurance  
20 policy; and



1           (2) Liability insurance for combat sports audience members  
2           in accordance with rules adopted by the commission;  
3           provided that all promoters shall be responsible for  
4           paying any deductible amount of the liability  
5           insurance policy.

6           (b) Before each combat sports contest, a promoter shall  
7           provide a bond, in an amount determined by the commission, to  
8           adequately cover the promoter's obligations in conducting,  
9           holding, or giving a combat sports contest. The bond shall be  
10          executed by the promoter as principal and by a surety company  
11          authorized to do business in the State as the surety. If the  
12          promoter fails to pay any obligations covered by the bond, any  
13          aggrieved person may file an action against the bond to recover  
14          the amount owed, in the circuit court in the circuit in which  
15          the combat sports contest was conducted, held, or given;  
16          provided that the aggregate liability of the surety to all  
17          aggrieved persons shall not exceed the amount of the bond. Any  
18          action against the bond shall be commenced within ninety days  
19          after the combat sports contest was conducted, held, or given.

20          (c) Before any combat sports contest, all contracts with  
21          managers, combat sports contestants, and venues, including any



1 agreement of pre-contest training funds advanced to any  
2 contestant either by the promoter or manager or any party of  
3 interest, shall be submitted by the promoter to the commission  
4 for its review and approval.

5 (d) Before any combat sports contest, the promoter shall  
6 submit to the commission, for its review and approval, license  
7 information and all ring records of all combat sports  
8 contestants scheduled to participate in the combat sports  
9 contest.

10 (e) A promoter shall provide cashier's or certified checks  
11 made payable to each combat sports contestant for the amount due  
12 the contestant or the contestant's manager, as the case may be,  
13 in accordance with the contracts approved by the commission.

14 (f) A promoter shall provide to the commission written  
15 confirmation that appropriate security service has been obtained  
16 and will be present at all times at the venue of the combat  
17 sports contest, and provide evidence that security personnel and  
18 resources will be present in sufficient number and force to  
19 exercise crowd control and protect spectators at the combat  
20 sports contest.



1 (g) A promoter shall provide to the commission evidence  
2 that the combat sports contest will be conducted in compliance  
3 with applicable fire codes.

4 (h) A promoter shall maintain sanitary conditions at the  
5 site of the combat sports contest.

6 (i) Failure, refusal, or neglect of any licensed promoter  
7 to comply with this section shall result in the automatic denial  
8 to conduct, hold, or give the combat sports contest.

9 (j) Licensed promoters may engage in promotions with other  
10 licensed promoters as long as each promoter holds a valid,  
11 unexpired license and has received the written approval of the  
12 commission before the promotion.

13 (k) In addition to the payment of other fees and moneys  
14 due under this chapter, a licensed promoter shall pay:

15 (1) A license fee of three per cent of the first \$50,000  
16 of the total gross receipts from admission fees to a  
17 combat sports contest, exclusive of federal, state,  
18 and local taxes;

19 (2) A license fee of two per cent of the total gross  
20 receipts over \$50,000 from admission fees to a combat



1 sports contest, exclusive of federal, state, and local  
2 taxes;

3 (3) Two per cent of the gross sales price for the sale,  
4 lease, or other exploitation of broadcasting,  
5 television, internet, and motion picture rights for a  
6 combat sports contest, without any deductions for  
7 commission, brokerage fee, distribution fees,  
8 advertising, contestants' purses, or any other  
9 expenses or charges, including federal, state, or  
10 local taxes; and

11 (4) Two per cent of the gross receipts from subscription  
12 or admission fees, exclusive of federal, state, and  
13 local taxes, charged for viewing within the State of a  
14 simultaneous telecast of a combat sports contest;

15 provided that, notwithstanding section -12, payments made in  
16 accordance with this subsection shall be deposited into the  
17 combat sports commission special fund.

18 (1) Within seven days following a combat sports contest,  
19 the promoter shall provide the commission with an unedited video  
20 record of the combat sports contest in a format prescribed by  
21 the commission.



1 (m) No combat sports contest shall be commenced without  
2 the approval of the commission pursuant to this section.

3 § -11 Licenses, participants. (a) Any person may apply  
4 to the commission for a license to act as a physician, referee,  
5 judge, matchmaker, coach, corner person, manager, timekeeper,  
6 second, or combat sports contestant to participate, either  
7 directly or indirectly, in any combat sports contest. The  
8 application shall be in writing, addressed to the commission,  
9 and signed by the applicant. The application shall contain a  
10 recital of facts as may be specified by the commission for it to  
11 determine whether the applicant possesses the necessary  
12 licensure and physical, mental, and moral qualifications to  
13 entitle the applicant to a license. The commission shall adopt  
14 rules for licensure in accordance with chapter 91.

15 (b) In addition to the requirements in subsection (a), an  
16 applicant for a referee, judge, coach, corner person, manager,  
17 or second license shall be certified by the commission by  
18 passing a written examination and interview as provided by the  
19 commission. The commission may exempt a manager or second  
20 license applicant from examination and interview requirements;  
21 provided that the applicant holds a valid manager or second



1 license in another jurisdiction with comparable combat sports  
2 regulations.

3 (c) All combat sports contestants, whether, professional  
4 or amateur, shall register with and be licensed by the  
5 commission to allow the commission to track the contestant's  
6 ring record to prevent overmatching, and enforce rules,  
7 including taking disciplinary action against any contestant,  
8 coach, or any other person licensed by the commission who  
9 violates the rules.

10 (d) Any license to act as a physician, referee, judge,  
11 matchmaker, coach, corner person, manager, timekeeper, second,  
12 or combat sports contestant may be suspended or revoked, or the  
13 person otherwise disciplined by the commission after a contested  
14 case hearing held in accordance with chapter 91.

15 § -12 **License fees.** Except as provided, in  
16 section -10(k), license fees shall be paid annually to the  
17 State by every applicant to whom a license is issued to  
18 participate in the conduct of combat sports in any of the  
19 capacities set forth in this chapter: promoter, physician,  
20 referee, judge, matchmaker, manager, timekeeper, second, and  
21 combat sports contestant. The charge for a duplicate of a



1 license and all fees required by this chapter shall be as  
2 provided in rules adopted by the director in accordance with  
3 chapter 91 and shall be deposited with the director to the  
4 credit of the compliance resolution fund.

5       § -13 Licenses, limitations, renewals. (a) No combat  
6 sports contest shall be conducted, held, or given unless all the  
7 parties participating, as designated herein, are licensed by the  
8 commission, and it shall be unlawful for any individual or  
9 promoter to participate in a combat sports contest in any  
10 capacity designated herein unless the person is licensed to do  
11 so.

12       (b) The commission may limit the number of licenses issued  
13 for any purpose as specified in this chapter and may limit the  
14 number of combat sports contests conducted, held, or given in  
15 any county of the State.

16       (c) All licenses shall be for a period of no more than one  
17 year and all licenses shall expire on December 31 of the year in  
18 which the licenses are issued.

19       (d) The commission, at its discretion and upon  
20 application, may renew the licenses for the following year.  
21 Failure to timely apply for renewal of any license shall result



1 in the automatic forfeiture of the license. Any applicant whose  
2 license has been forfeited shall file an application for a new  
3 license and meet all current requirements, including successful  
4 passage of the examination, as the case may be, for the license.

5 (e) Every individual or promoter licensed under this  
6 chapter shall be subject to the rules adopted by the commission.

7 § -14 Receipts and reports thereon. (a) Every promoter  
8 holding a license to conduct, hold, or give combat sports  
9 contests, within seventy-two hours after the determination of  
10 every combat sports contest for which admission fees were  
11 charged and received, shall furnish to the commission a written  
12 report, duly verified, showing the number of tickets sold for  
13 the combat sports contest, the amount of the gross receipts or  
14 proceeds thereof, and other matters as the commission  
15 prescribes.

16 (b) For purposes of this section, "gross receipts" include  
17 income received from the sale of print, internet, broadcasting,  
18 television, and motion picture rights.

19 § -15 Failure to report receipts. Whenever any promoter  
20 holding a license to conduct, hold, or give combat sports  
21 contests fails to make a report of any combat sports contest at



1 the time and in the manner prescribed by this chapter, or  
2 whenever the report is unsatisfactory to the commission, the  
3 executive officer, at the promoter's expense, may examine, or  
4 cause to be examined, the books and records of the promoter.

5       §   **-16 Admission tickets.** All tickets of admission to  
6 any combat sports contest for which admission fees are charged  
7 and received shall have printed clearly upon the face of the  
8 ticket the purchase price of the ticket, and no ticket shall be  
9 sold for more than the printed price.

10       §   **-17 Inspectors; duties.** The commission may appoint  
11 official representatives designated as inspectors, each of whom  
12 shall receive from the commission a card or badge authorizing  
13 the person to act as inspector whenever the commission may  
14 designate the person to so act. An inspector, the executive  
15 officer, or a deputy commissioner shall be present at all combat  
16 sports contests and see that this chapter and the rules are  
17 strictly observed.

18       §   **-18 Judges; duties.** The commission, in its  
19 discretion, may appoint two judges to act with the referee in  
20 rendering a decision, or three judges to act with a nonvoting  
21 referee in rendering a decision.



1           §   **-19 Physician; duties.** Every promoter holding a  
2 license to conduct, hold, or give combat sports contests shall  
3 have in attendance at every combat sports contest at least two  
4 physicians who are licensed to practice medicine in the State  
5 under chapter 453, and licensed pursuant to this chapter, who  
6 shall observe the physical condition of the combat sports  
7 contestants and advise the referee with regard thereto and, one  
8 hour before each contestant enters the ring, certify in writing  
9 as to the physical condition of the contestant to engage in the  
10 combat sports contest. A report of the medical examination  
11 shall be filed with the commission no later than forty-eight  
12 hours after the termination of the combat sports contest. In  
13 addition, at least one physician shall immediately examine every  
14 contestant who was knocked down or who sustained a severe  
15 beating about the head during the combat sports contest and  
16 shall file a written medical opinion within forty-eight hours of  
17 the combat sports contest to the executive officer.

18           §   **-20 Referees; duties.** (a) At each combat sports  
19 contest there shall be in attendance a duly licensed referee  
20 designated by the commission, who shall direct and control the  
21 combat sports contest. The referee shall render a decision for



1 each combat sports contest, except as otherwise provided under  
2 section -18.

3 (b) The referee may recommend and the commission in its  
4 discretion may declare the forfeiture of any prize, reward,  
5 purse, or other compensation, or any part thereof, to which one  
6 or both of the combat sports contestants may be entitled, or any  
7 part of the gate receipts for which the contestants are  
8 competing, if in the commission's judgment one or both of the  
9 contestants are not honestly competing.

10 (c) Each referee shall warn contestants of the referee's  
11 power to recommend the forfeiture of any prize, reward, purse,  
12 or other compensation should there be any apparent cause for the  
13 warning.

14 (d) In any case where the referee decides that one or both  
15 of the contestants are not honestly competing and that under the  
16 law one or both of the contestants' prize, reward, purse, or  
17 other compensation, should be forfeited, the combat sports  
18 contest shall be stopped before the end of the last round, and  
19 no decision shall be given. A contestant earns nothing and  
20 shall not be paid for a combat sports contest in which there is  
21 stalling, faking, dishonesty, or collusion. The commission,



1 independently of the referee or the referee's decision, may  
2 determine the merits of any combat sports contest and take  
3 whatever action it considers proper. In any case, the executive  
4 officer or any commissioner may order the prize, reward, purse,  
5 or other compensation, of the offender held up for investigation  
6 and action.

7 (e) The referee shall stop the combat sports contest when,  
8 in the referee's judgement, either of the contestants shows a  
9 marked superiority or is apparently outclassed.

10 § -21 **Timekeeper; duties.** (a) At each combat sports  
11 contest there shall be in attendance at least one timekeeper  
12 licensed pursuant to this chapter and designated to act as the  
13 official timekeeper of the combat sports contest.

14 (b) The timekeeper shall keep track of the time elapsing  
15 during each round of a combat sports contest and the time  
16 intervals between rounds and between combat sports contests.  
17 The timekeeper shall keep the referee aware during each combat  
18 sports contest of the time constraints of each combat sports  
19 contest.

20 § -22 **Drug test; withholding of wages; penalty.** (a) On  
21 the advice of one or both of the physicians in attendance at



1 every combat sports contest, a post-contest drug test may be  
2 administered to any contestant, at the sole expense of the  
3 promoter, to determine whether the contestant has consumed any  
4 illegal drugs or drugs banned by the commission.

5 (b) Any wages due to a contestant shall be withheld by the  
6 commission until the commission, in consultation with the two  
7 attending physicians, is satisfied that the contestant did not  
8 have the presence of any illegal or banned drugs in the  
9 contestant's person.

10 (c) Any contestant who fails a drug test shall have the  
11 contestant's license suspended by the commission for not less  
12 than twelve months from the date of the offense and, in the  
13 discretion of the commission, may have the contestant's license  
14 permanently revoked.

15 § -23 Sham or false combat sports contest; forfeiture of  
16 license. Any promoter who conducts, holds, gives, or  
17 participates in any sham or false combat sports contest, knowing  
18 the same to be a sham or false, shall forfeit the license issued  
19 in accordance with this chapter, and the license shall be  
20 canceled and declared void by the commission. The promoter and  
21 any officers, partners, or members of the promoter shall not



1 thereafter be entitled to receive and shall not be given another  
2 license.

3       **§ -24 Sham or false combat sports contest; penalty**  
4 **against contestant.** Any combat sports contestant who knowingly  
5 participates in any sham or false combat sports contest shall be  
6 suspended by the commission for not less than twelve months from  
7 the date of the offense from further participation in any  
8 contest held or given under this chapter and may be permanently  
9 disqualified from further participation in any combat sports  
10 contest held or given under this chapter.

11       **§ -25 Financial interest in combat sports contestant**  
12 **prohibited.** (a) No commission member or staff, or appointee,  
13 may receive any compensation from any person who sanctions,  
14 arranges, or promotes combat sports contests; nor shall they  
15 have, either directly or indirectly, any financial interest in  
16 any contestant competing in any combat sports contest.

17       (b) For the purposes of this section, "compensation" shall  
18 not include funds held in escrow for payment to another person  
19 in connection with a combat sports contest. The prohibition set  
20 forth in this section shall not apply to any contract entered  
21 into, or any reasonable compensation received, by the commission



1 to supervise a combat sports contest in this State or another  
2 state.

3       §    -26   **Wages of contestant; prepayment prohibited.** All  
4 moneys paid to a combat sports contestant for services, as money  
5 prize, reward, purse compensation, or otherwise, shall be  
6 considered wages. No contestant shall be paid for services  
7 before a combat sports contest; provided that with the approval  
8 of the commission, a promoter may advance sums of money for  
9 training purposes.

10       §    -27   **Disposition of receipts.** Except as otherwise  
11 provided for in this chapter, all fees and other moneys received  
12 by the commission shall be deposited into the combat sports  
13 commission special fund.

14       §    -28   **Summary disciplinary action.** The commission may  
15 fine, withhold purse money or fees, and issue immediate  
16 temporary suspensions of no more than sixty days against a  
17 licensee for violations of this chapter or commission rules.  
18 The commission shall notify the licensee in writing of any  
19 temporary suspension, fine, or withholding of purse money within  
20 five days of the commission's action. The licensee shall have a  
21 right to a hearing in accordance with chapter 91; provided that



1 the licensee notifies the commission in writing of the request  
2 for a hearing within thirty days after the commission notifies  
3 the licensee in writing, by mail or personal service, of the  
4 commission's order.

5       §   -29   **Inapplicability to active duty armed forces, armed  
6 forces reserves, national guard, or Police Activities League.**

7 This chapter shall not apply to any combat sports contest held  
8 as a recreational activity by personnel of the active duty armed  
9 forces, armed forces reserves, national guard, or the Police  
10 Activities League, when the combat sports contest is held under  
11 the supervision of a recreational officer of the active duty  
12 armed forces, armed forces reserves, national guard, or Police  
13 Activities League staff member.

14       §   -30   **Revocation; suspension.** (a) In addition to any  
15 other actions authorized by law, the commission shall have the  
16 power to revoke or suspend the license of any person licensed  
17 under any of the classifications designated in this chapter, or  
18 fine the licensee, or both, for any cause authorized by law,  
19 including but not limited to the following:

20           (1) Violation of any provision of this chapter or the  
21           rules adopted pursuant to this chapter or any other



- 1 law, or any rule that applies to those persons  
2 licensed under this chapter;
- 3 (2) Manifest incapacity, professional misconduct, or  
4 unethical conduct;
- 5 (3) Making any false representations or promises through  
6 advertising or other dissemination of information;
- 7 (4) Any fraudulent, dishonest, or deceitful act in  
8 connection with the licensing of any promoter under  
9 this chapter or in connection with any combat sports  
10 contest;
- 11 (5) Making any false or misleading statement in any  
12 application or document submitted or required to be  
13 filed under this chapter;
- 14 (6) Revocation or suspension of a license or other  
15 disciplinary action against the licensee by another  
16 combat sports commission or similar commission;
- 17 (7) Failure to report any disciplinary action, including  
18 medical and mandatory suspensions, or revocation or  
19 suspension of a license in another jurisdiction within  
20 fifteen days before any combat sports contest in which  
21 the licensee participates; or



1 (8) Participation in any sham or false combat sports  
2 contest.

3 (b) A manager may be held responsible for all violations  
4 of this chapter or rules adopted in accordance with this chapter  
5 by a combat sports contestant whom the manager manages and may  
6 be subject to license revocation or suspension, or a fine, or  
7 any combination thereof, irrespective of whether any  
8 disciplinary action is taken against the combat sports  
9 contestant.

10 § -31 **Penalties.** (a) Any person in violation of this  
11 chapter or the rules of the commission shall be fined not more  
12 than \$5,000 for each violation. Each day's violation or failure  
13 to comply shall be deemed a separate offense.

14 (b) In addition to the penalties provided in this chapter,  
15 any person in violation of this chapter may be prohibited from  
16 engaging in any combat sports activities in the State for a  
17 period in conformity with that set forth in section 92-17.

18 § -32 **Cumulative penalties.** Unless otherwise expressly  
19 provided, the remedies or penalties provided by this chapter are  
20 cumulative to each other and to the remedies or penalties  
21 available under all other laws of this State.



1           §    **-33 Injunctive relief.** The commission, in addition to  
2 any other remedies available, may bring an action in any court  
3 of this State to enjoin a person from continuing any violation  
4 of this chapter or doing any acts in furtherance thereof, and  
5 for any other relief that the court deems appropriate.

6           §    **-34. Combat sports commission special fund;**  
7 **established.** (a) There is established in the treasury of the  
8 State the combat sports commission special fund to be  
9 administered by the commission, into which shall be deposited:

10           (1) Fees, penalties, fines, and other moneys collected  
11                pursuant to this chapter, except for the license fees  
12                to be collected and deposited into the compliance  
13                resolution fund pursuant to section     -12;

14           (2) Appropriations made by the legislature to the fund;  
15                and

16           (3) Any interest earned on the balance of the special  
17                fund.

18           (b) Moneys in the combat sports commission special fund  
19 shall be expended, subject to the approval of the commission,  
20 for the purposes of:

21           (1) Compensating the commissioners and inspectors; and



1           (2) Administrative costs of the commission, including  
2           costs to enforce this chapter and rules adopted  
3           pursuant to this chapter."

4           SECTION 3. Section 26-9, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6           "(c) The board of acupuncture, board of public  
7 accountancy, board of barbering and cosmetology, combat sports  
8 commission of Hawaii, Hawaii board of chiropractic, contractors  
9 license board, board of dentistry, board of electricians and  
10 plumbers, elevator mechanics licensing board, board of  
11 professional engineers, architects, surveyors, and landscape  
12 architects, board of massage therapy, Hawaii medical board,  
13 motor vehicle industry licensing board, motor vehicle repair  
14 industry board, board of naturopathic medicine, board of  
15 nursing, Hawaii board of optometry, pest control board, board of  
16 pharmacy, board of physical therapy, board of psychology, board  
17 of private detectives and guards, real estate commission, Hawaii  
18 board of veterinary medicine, board of speech pathology and  
19 audiology, and any board, commission, program, or entity created  
20 pursuant to or specified by statute in furtherance of the  
21 purpose of this section including but not limited to section



1 26H-4, or chapters 484, 514B, and 514E shall be placed within  
2 the department of commerce and consumer affairs for  
3 administrative purposes.

4 The public utilities commission shall be placed, for  
5 administrative purposes only, within the department of commerce  
6 and consumer affairs. Notwithstanding section 26-9(e), (f),  
7 (g), (h), (j), (k), (l), (m), (n), (p), (q), (r), and (s), and  
8 except as permitted by sections 269-2 and 269-3, the department  
9 of commerce and consumer affairs shall not direct or exert  
10 authority over the day-to-day operations or functions of the  
11 commission."

12 SECTION 4. Section 92-28, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§92-28 State service fees; increase or decrease of.** Any  
15 law to the contrary notwithstanding, the fees or other nontax  
16 revenues assessed or charged by any board, commission, or other  
17 governmental agency may be increased or decreased by the body in  
18 an amount not to exceed fifty per cent of the statutorily  
19 assessed fee or nontax revenue, to maintain a reasonable  
20 relation between the revenues derived from [~~such~~] the fee or  
21 nontax revenue and the cost or value of services rendered,



1 comparability among fees imposed by the State, or any other  
2 purpose [~~which~~] that it may deem necessary and reasonable;  
3 provided that:

4 (1) The authority to increase or decrease fees or nontax  
5 revenues shall be subject to the approval of the  
6 governor and extend only to the following: chapters  
7 36, 92, 94, 142, 144, 145, 147, 150, 171, 188, 189,  
8 231, 269, 271, 321, 338, 373, 412, 414, 414D, 415A,  
9 417E, 419, 421, 421C, 421H, 421I, 425, 425E, 428, 431,  
10 436E, 436H, 437, 437B, 440, [~~440E,~~] \_\_\_\_, 441, 442,  
11 443B, 444, 447, 448, 448E, 448F, 448H, 451A, 451J,  
12 452, 453, 453D, 455, 456, 457, 457A, 457B, 457G, 458,  
13 459, 460J, 461, 461J, 462A, 463, 463E, 464, 465, 465D,  
14 466, 466D, 466K, 467, 467E, 468E, 468L, 468M, 469,  
15 471, 472, 482, 482E, 484, 485A, 501, 502, 505, 514B,  
16 514E, 572, 574, and 846 (part II) and any board,  
17 commission, program, or entity created pursuant to  
18 title 25 and assigned to the department of commerce  
19 and consumer affairs or placed within the department  
20 for administrative purposes;



- 1           (2) The authority to increase or decrease fees or nontax  
2 revenues under the chapters listed in paragraph (1)  
3 that are established by the department of commerce and  
4 consumer affairs shall apply to fees or nontax  
5 revenues established by statute or rule;
- 6           (3) The authority to increase or decrease fees or nontax  
7 revenues established by the University of Hawaii under  
8 chapter 304A shall be subject to the approval of the  
9 board of regents; provided that the board's approval  
10 of any increase or decrease in tuition for regular  
11 credit courses shall be preceded by an open public  
12 meeting held during or before the semester preceding  
13 the semester to which the tuition applies;
- 14           (4) This section shall not apply to judicial fees as may  
15 be set by any chapter cited in this section;
- 16           (5) The authority to increase or decrease fees or nontax  
17 revenues pursuant to this section shall be exempt from  
18 the public notice and public hearing requirements of  
19 chapter 91; and
- 20           (6) Fees for copies of proposed and final rules and public  
21 notices of proposed rulemaking actions under chapter



1 91 shall not exceed 10 cents a page, as required by  
2 section 91-2.5."

3 SECTION 5. Chapter 440E, Hawaii Revised Statutes, is  
4 repealed.

5 SECTION 6. In accordance with section 9 of article VII of  
6 the Hawaii State Constitution and sections 37-91 and 37-93,  
7 Hawaii Revised Statutes, the legislature has determined that the  
8 appropriations contained in Act 164, Regular Session of 2023,  
9 and this Act will cause the state general fund expenditure  
10 ceiling for fiscal year 2024-2025 to be exceeded by  
11 \$ or per cent. This current declaration takes  
12 into account general fund appropriations authorized for fiscal  
13 year 2024-2025 in Act 164, Regular Session of 2023, and this Act  
14 only. The reasons for exceeding the general fund expenditure  
15 ceiling are that:

- 16 (1) The appropriation made in this Act is necessary to  
17 serve the public interest; and
- 18 (2) The appropriation made in this Act meets the needs  
19 addressed by this Act.

20 SECTION 7. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2024-2025 to  
 2 fund full-time equivalent ( .0 FTE) positions within the  
 3 department of commerce and consumer affairs for the combat  
 4 sports commission of Hawaii.

5 The sum appropriated shall be expended by the department of  
 6 commerce and consumer affairs for the purposes of this Act.

7 SECTION 8. There is appropriated out of the combat sports  
 8 commission special fund the sum of \$ or so much  
 9 thereof as may be necessary for fiscal year 2024-2025 for the  
 10 establishment and operation of the combat sports commission of  
 11 Hawaii.

12 The sum appropriated shall be expended by the combat sports  
 13 commission of Hawaii for the purposes of this Act.

14 SECTION 9. Statutory material to be repealed is bracketed  
 15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on July 1, 2024.

17

INTRODUCED BY:



JAN 23 2024



# H.B. NO. 2439

**Report Title:**

Combat Sports Contests; Combat Sports Commission of Hawaii;  
Prohibitions; Expenditure Ceiling; Appropriations

**Description:**

Establishes the Combat Sports Commission of Hawaii. Provides for regulation of combat sports. Prohibits no rules combat or similar contests. Establishes the Combat Sports Commission Special Fund. Makes appropriations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

