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Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committee on Commerce and Consumer Protection
and
Senate Committee on Economic Development and Tourism

Wednesday, January 25
9:35 a.m.
Conference Room 229 and Videoconference

On the following measure:
S.B. 148, RELATING TO COMBAT SPORTS

Chair Keohokalole, Chair DeCoite and Members of the Committee:

My name is Nadine Ando, and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department offers comments on this bill, which establishes a Combat Sports Commission (Commission).

The purpose of this bill is to: (1) establish a new regulatory framework for combat sports contests in Hawaii by establishing the Combat Sports Commission of Hawaii; (2) repeal the existing law governing mixed martial arts contests in Hawaii; and (3) appropriate funds.

The Department has concerns about this measure because the creation of a separate Commission is less efficient than the current method of regulating combat sports in Hawaii. Currently, Hawaii Revised Statutes (HRS) chapter 440E establishes

the Mixed Martial Arts (MMA) Program (Program) under the auspices of the Director of the Department as recommended in the Sunrise Analysis completed by the State Auditor in 2007. ([Sunrise Analysis: Mixed Martial Arts, Report No. 07-02, February 2007](#)). Regulation of mixed martial arts was done in this manner to streamline administration, increase accountability, and ensure efficiency. As a program rather than a commission, any problems or issues could be brought immediately to the Director without having to wait for a scheduled commission meeting that is subject to the Sunshine Law. The ability to act rapidly is important for appropriately regulating an industry which holds events with certain time sensitive deadlines. HRS chapter 440E already includes crucial appropriate safeguards for contestants and prohibits “no rule” combat contests pursuant to HRS section 440E-23.

The requirement starting on page 15, line 10, that the Commission approve all contestants, is impractical as there are often many contestant changes throughout the lead up to, and even in the days immediately prior to an event. Events would potentially have to be canceled due to Sunshine Law¹ requirements that the Commission would be subject to and potentially unable to meet. If the intent of this measure is to ensure expertise is provided in relation to mixed martial arts regulation, the Director is authorized by law to appoint an advisory committee, which could provide expertise without the administrative burden on the industry of a commission.

In contrast, the creation of a separate commission would significantly increase the cost of the licensing process and consequently, jeopardize events in Hawaii. For example, the proposed requirement that participants must be licensed to participate in combat sports events would provide an additional financial barrier for amateurs to participate in combat sports. Most amateur participants and their coaches are not paid to participate in combat sports contest as they participate to gain the experience to

¹ Hawaii Revised Statutes section 92-7, requires, among other things, that: (b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board's office for public inspection...(c) If the written public notice is electronically posted on an electronic calendar less than six calendar days before the meeting, the meeting shall be canceled as a matter of law and shall not be held. The chairperson or the director shall ensure that a notice canceling the meeting is posted at the place of the meeting.

become professionals. To require them to adhere to an annual license fee could push a portion of local athletes out of the sport.

This bill also removes an essential safeguard for fighter safety by no longer requiring an ambulance be present at all contests. The requirement of having an ambulance present has been vital to the Department's commitment to protect participants. Combat sports and injuries are essentially synonymous. Therefore, having an ambulance present is important because it provides onsite physicians with the personnel, supplies and confidence to address injuries that need immediate attention. Injuries including, but not limited to, concussions, severe lacerations, and hematomas have necessitated the use of an ambulance in past events. Across seven (7) events, held from 2022-2024, an ambulance was necessary to get a participant expedited health services in four (4) separate instances. Hawaii is not the only state that requires an ambulance at MMA events. Other states that require an ambulance include: (a) Nevada, which requires at least one (1) ambulance; (b) New York, which requires at least one (1) ambulance; (c) Texas which, requires one (1) ambulance; (d) and Oregon, which requires one (1) ambulance.

The Department also requests clarification regarding Page10, subsection (5), which requires the Department to essentially review records to determine acceptability, collect fees from the promoter, and then refund those fees if it is determined the documents are unacceptable. The Department does not believe that this process needs to be codified in law. As standard practice, the Division may collect certain fees upfront; however, if an application is abandoned or the process is not completed, then the Division, with certain exceptions, will refund the license fees minus the application fee.

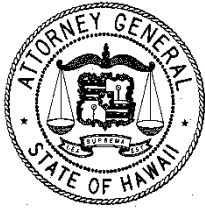
Therefore, the department requests that the Committee consider combining the regulation of mixed martial arts and boxing under a single commission titled the Combat Sports Commission of Hawaii. The regulatory framework could be provided by: (1) renaming the existing Boxing Commission of Hawaii to the Combat Sports Commission of Hawaii; (2) increasing the Boxing Commission's jurisdiction to include combat sports; (3) repeal existing law that governs mixed martial arts contests in Hawaii; (4) combine

the two chapters accordingly; and (5) expand the current Commission membership to eight (8) members who could provide the necessary expertise to regulate all aspects of combat sports and combat sports events. This expansion would ease administration costs on the Department and provide flexibility to the commission to address all combat sports. It is essential that the commission is provided the ability to regulate boxing and mixed martial arts.

If the Committee is inclined to move forward with the creation of a separate commission as proposed in this bill, the Department appreciates the Legislature's consideration of much needed FTEs provided in this bill for the Division, and requests \$251,825.00 be appropriated out of the general revenues of the State of Hawaii for fiscal year 2025-2026, to fund three (3) FTEs including an Office Assistant V, Secretary II, and Regulatory Boards and Commissions Administrative Assistant I within the Department for the Combat Sports Commission of Hawaii. The appropriated funds will ensure that the appropriate staff can be recruited to adequately facilitate a Combat Sports Commission as provided in the bill. The Department must emphasize the huge undertaking the creation of a separate commission would require and thus requests at a minimum, a delayed implementation of at least two (2) years to ensure that:

- (a) In line with the request above, the Division would need the appropriate time to establish, recruit, and hire the full-time position employees to facilitate such a commission;
- (b) The appropriate updates are made to the Division's database;
- (c) The Governor has the appropriate time to appoint members to the Commission; and
- (d) There is no disruption in planned events.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 148, RELATING TO COMBAT SPORTS.

BEFORE THE:

SENATE COMMITTEES ON COMMERCE AND CONSUMER PROTECTION AND ON
ECONOMIC DEVELOPMENT AND TOURISM

DATE: Wednesday, January 29, 2025 **TIME:** 9:35 a.m.

LOCATION: State Capitol, Room 229 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Andrew I. Kim or Christopher J.I. Leong, Deputy Attorneys General

Chairs Keohokalole and DeCoite and Members of the Committees:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to replace the existing mixed martial arts program with a new regulatory framework under the authority of a combat sports commission of Hawaii.

The Department has concerns regarding section 8 on page 36, lines 12-15, of the bill, which provides: "This Act shall take effect on July 1, 2025; provided that sections 3 and 4 of this Act shall take effect upon the adoption of rules by the combat sports commission of Hawaii pursuant to section -7 of section 2 of this Act." Because section 3 places the combat sports commission within the Department of Commerce and Consumer Affairs, that section must take effect at the time the commission is created. Pursuant to article V, section 6, of the Hawaii Constitution, all boards and commissions must be placed within a principal department of the State. Likewise, section 4 should take effect at the time the commission is created because the amendments to section 92-28, Hawaii Revised Statutes, provide the commission with the authority to increase or decrease fees charged by the commission.

Accordingly, we recommend amending the above wording (page 36, lines 12-15) as follows: "This Act, upon its approval, shall take effect on July 1, 2025[; ~~provided that sections 3 and 4 of this Act shall take effect upon the adoption of rules by the combat sports commission of Hawaii pursuant to section -7 of section 2 of this Act~~]." To allow

for time for the Department of Commerce and Consumer Affairs to prepare for the creation of this commission, a delayed implementation of the Act may be advisable.

Thank you for the opportunity to offer comments.

Hawai'i Association of Professional Nurses (HAPN)



To: The Honorable Senator Jarrett Keohokalole, Chair of the Senate Committee on Commerce and Consumer Protection; The Honorable Senator Lynn DeCoite, Chair of the Senate Committee on Economic Development and Tourism

From: Hawai'i Association of Professional Nurses (HAPN)

Subject: SB148 – Relating to Combat Sports

Hearing: January 29, 2025, 9:35 a.m.

LATE

Aloha Senator Keohokalole, Chair; Senator DeCoite, Chair; and Members of the Committees,

On behalf of the Hawai'i Association of Professional Nurses (HAPN), we appreciate the opportunity to provide testimony **in support of SB148 with amendments**, which seeks to establish a Combat Sports Commission of Hawaii to replace the existing mixed martial arts program and create a new regulatory framework for combat sports in the state.

While HAPN recognizes the value of regulating combat sports to promote safety and fair competition, we respectfully request amendments to the bill to ensure **provider-neutral language** is used throughout. Specifically, we propose replacing terms such as “physician” with “licensed healthcare provider” where applicable. This change reflects Hawai'i's inclusive and multidisciplinary healthcare system, ensuring that Advanced Practice Registered Nurses (APRNs) and other qualified professionals can contribute fully to the health and safety of individuals participating in combat sports.

APRNs play a critical role in Hawai'i's healthcare system, often serving as the primary or specialty care providers in rural and underserved communities. By using provider-neutral language, the bill would allow APRNs to assist in areas, such as pre-contest physical evaluations, post-contest medical care, and compliance with safety protocols, particularly in areas where access to physicians may be limited.

HAPN's mission is to advocate for equitable healthcare policies that reflect the realities of our state's diverse healthcare landscape. Including APRNs in the language of this measure ensures that all participants in combat sports contests have timely access to competent, high-quality care, regardless of their location.

Thank you for the opportunity to provide testimony on this measure. We appreciate your dedication to improving safety and accessibility in Hawai'i's combat sports industry while ensuring equitable participation for all licensed healthcare providers.

Respectfully,

Dr. Jeremy Creekmore, APRN
HAPN President

LATE

SB-148

Submitted on: 1/28/2025 8:39:08 AM

Testimony for CPN on 1/29/2025 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Jon	Individual	Oppose	Remotely Via Zoom

Comments:

Opposition to SB148: Key Arguments and Recommendations

1. Separate Combat and Boxing Commissions

Combining the regulation of boxing and mixed martial arts (MMA) under a single "Combat Sports Commission" dilutes the unique requirements and expertise of each sport. Boxing and MMA differ significantly in rules, techniques, athlete preparation, and event management.

- **Supporting Example:** States like Nevada and California have separate commissions or specialized departments within a larger framework to address the nuances of different combat sports.
- **Recommendation:** Establish distinct commissions for boxing and MMA to maintain the integrity and safety standards of each sport.

2. Dual Commissioners for Boxing and MMA

If combining the commissions is deemed unavoidable, appointing separate commissioners for boxing and MMA is essential to ensure accountability and tailored oversight.

- **Rationale:** Each commissioner would focus on revenue, event regulation, and athlete welfare specific to their discipline, enhancing transparency and efficiency.
- **Best Practice:** Florida employs separate heads within its Department of Business and Professional Regulation for boxing and MMA.

3. DCCA's Role Limited to Licensing

The Department of Commerce and Consumer Affairs (DCCA) should limit its involvement to licensing athletes, reducing unnecessary administrative overlaps.

- **Current Issue:** In the proposed bill, DCCA oversees multiple operational aspects, potentially leading to inefficiency.
- **Alternative:** Delegating day-to-day operations to the commission while retaining DCCA for licensing ensures streamlined processes.

4. DCCA Should Cover Event Costs

If DCCA is to be involved in operational oversight, it should contribute to event costs such as judges, referees, inspectors, doctors, timekeepers, and cutmen.

- **Precedent:** In New York, commissions receive state funding for regulatory roles, reducing the financial burden on promoters.
- **Justification:** Promoters already bear significant financial responsibilities, including venue and athlete compensation. Additional costs could discourage local events, hampering the growth of combat sports in Hawaii.

5. **Mandatory Certification and Training for Event Personnel**

Ensuring the competency of coaches, referees, judges, doctors, and other personnel through mandatory certification and training aligns Hawaii with global standards.

- **Global Standard:** Countries like the United Kingdom and Australia require rigorous training programs for officials to guarantee event safety.
 - **Implementation:** Develop a state-recognized certification program that mirrors successful models from other states and nations.
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Conclusion:

While the intent to establish a regulatory framework for combat sports is commendable, the current approach outlined in SB148 risks creating inefficiencies and undermining safety and operational standards. Addressing these concerns with separate commissions or commissioners, limited DCCA involvement, shared event costs, and mandatory personnel certification will better serve the athletes, promoters, and fans, ensuring the sustainable growth of combat sports in Hawaii.

LATE

Honorable Members of the Legislative Assembly,

I am writing to express my full support for the bill to create a Mixed Martial Arts Commission in our state. As a very passionate Coach, Mentor, Promoter and a pioneer of the MMA scene here in Hawaii, I believe that establishing a commission is essential for the growth, safety, and legitimacy of mixed martial arts in our community.

Reflecting on the landscape of MMA in Hawaii over the past decade, it is evident that our state once stood as a beacon of excellence in the sport. In 2011, Hawaii proudly boasted 14 athletes on the UFC roster, a remarkable accomplishment that placed us at the forefront of global MMA representation on a per capita basis. This achievement not only showcased the talent and dedication of our local fighters but also inspired countless young athletes to pursue their dreams of competing on the world stage.

During this golden era of MMA in Hawaii, our community thrived with thousands of youth athletes actively training and aspiring to follow in the footsteps of their UFC heroes. The proliferation of successful MMA events statewide provided opportunities for these aspiring fighters to showcase their skills and pursue their passion for the sport. These events not only entertained audiences but also served as platforms for talent development and community engagement.

However, as we fast forward to the present day, it pains me to acknowledge the stark contrast in the current state of MMA in Hawaii. Where once there were dozens of thriving events, we now find ourselves with less than a handful of sanctioned competitions. Even more concerning are the reports of underground and smoker events, which indicate a dangerous trend towards unregulated and potentially unsafe practices within our MMA community.

The decline of organized MMA events in Hawaii underscores the urgent need for legislative action to establish a Mixed Martial Arts Commission. Such a commission would play a pivotal role in revitalizing and safeguarding the sport in our state. By implementing regulations, licensing requirements, and safety standards, the commission would ensure the well-being of athletes, uphold the integrity of competitions, and protect the interests of fans and stakeholders alike.

Moreover, the establishment of a commission presents an opportunity to reinvigorate our local MMA scene, fostering a supportive environment for athletes, promoters, and fans to thrive. By providing guidance, oversight, and support to the MMA community, we can reignite the passion and excitement that once defined our state's involvement in the sport.

In conclusion, I implore you to support the creation of a Mixed Martial Arts Commission in Hawaii. Let us come together to honor our rich fighting heritage, empower our aspiring athletes, and ensure a vibrant future for MMA in our beloved state.

1. Combat sport commission to be separate from the Boxing commission
2. If the commissions have to be combined then we should have 2 separate chapters within the commission one for boxing and one for Mixed Martial arts each accounting and producing for themselves, all revenues ect.
3. DCCA only involved for licensing the Athletes.
4. If the DCCA is involved they should pick up some of the cost for the events IE. Judges/ Time Keeper/ Cutman/ Referees / Inspectors / Doctors. ECT.
5. All Coaches, Referees, Judges, Doctors, Time Keepers, Cutmen, Inspectors and any other event personnel have to go through training classes to make sure they are qualified to do their job. Certification like every other state and country around the World.
6. Dcca should only collect fees for licensing athletes the other fees charged should go into an appropriated fund for the each branch of this commission.

Thank you for your time and consideration.

Coach: Wally Carvalho