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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Ways and Means
Friday, March 3, 2023
10:20 a.m.
Conference Room 211 and Videoconference**

**On the following measure:
S.B. 1027, S.D. 1, RELATING TO COMBAT SPORTS**

WRITTEN TESTIMONY ONLY

Chair Dela Cruz 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 opposes this bill, which establishes a Combat Sports Commission (Commission).

The purposes of this bill are to: (1) establish the Combat Sports Commission of Hawaii to provide for the regulation of combat sports; (2) prohibit no rules combat or similar contests; and (3) appropriate funds to establish the Combat Sports Commission of Hawaii.

The Department appreciates the Legislature's consideration of much needed FTEs provided in this bill for the Professional and Vocational Licensing Division (Division); however, the Department opposes this measure as the creation of a Commission is unnecessary because, currently, Hawaii Revised Statutes (HRS) chapter 440E establishes the Mixed Martial Arts Program (Program) under the auspices

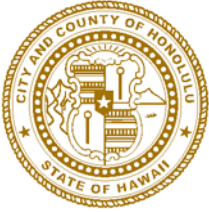
of the Director of the Department as recommended in the Sunrise Analysis completed by the State Auditor in 2007. ([Sunrise Analysis: Mixed Martial Arts, Report No. 07-02, February 2007](#)). This was done to streamline its administration, increase accountability, and to ensure efficiency. Any problems or issues could be brought directly to the Director without having to wait for a scheduled commission meeting. Most importantly, HRS chapter 440E already includes appropriate safeguards for contestants and prohibits “no rules” combat pursuant to HRS section 440E-23.

In contrast, the creation of a commission would significantly lengthen the licensing process and consequently, jeopardize scheduled events. For example, the requirement that the Commission approve all contestants is impractical, as there are often many contestant changes throughout the lead up and even in the days immediately prior to an event. The event would potentially have to be canceled, due to the Commission being subject to Sunshine Law requirements. 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.

If the Committee is inclined to move forward with the creation of a Commission as proposed, the Department notes that moving forward with creating a Commission would be a logistically significant undertaking and thus, in consultation with the Division respectfully 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) Ensure there is no disruption in planned events.

Thank you for the opportunity to testify on this bill.



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March 2, 2023

Senate Committee on Ways and Means
Friday, March 3, 2023
10:20AM

Subject: In Support of S.B. 1027, SD1, Relating to Combat Sports

Chair Dela Cruz, Vice-Chair Keith-Agaran and members of the Committee,

As a former amateur and professional boxer in Hawaii, I had the privilege of being licensed by the Hawaii Boxing Commission. This license allowed me the opportunity to participate in boxing matches here in Hawaii, across the United States, and throughout the world. Boxing was, and still remains one of the greatest experiences of my life.

I started boxing at the age of 12, and turned professional at 18 years old. During that time, I very much appreciated the oversight of the boxing commission. They provided rules, guidance, and paved the way for Hawaii's boxing industry to thrive.

I believe the same is possible for other combat sports, but without a commission that understands the needs of the athletes, it is difficult for our home-grown talent to grow in the islands. Standing up a combat sports commission in Hawaii is crucial to allowing this industry to move forward and prosper. I fully support this bill and urge that this committee pass this measure.

Sincerely,

A handwritten signature in black ink, appearing to be "Augie Tulba".

Augie Tulba, Honolulu Councilmember District 9

Aloha Senator Dela Cruz, and members of the Committee, I am submitting testimony in support of SB1027 with recommended amendments. Hawaii needs a real combat sports commission with dedicated funding to attract the UFC to host fights in Hawaii. I support the measures intent to create a combat sports commission for the purposes of attracting the UFC, ONE FC, and several other Professional events to Hawaii however; I would like to offer the following amendments to the structure of the commission:

1. The DCCA should only be administratively attached to the combat sports commission for the purposes of helping the commission with its accounting needs only. They will handle all incoming money's from all events and provide the support that the Commission needs to move forward upon request. All money's earned by the Combat sport commission will be deposited into its own account and will only be used to support anything to do with combat sports and also in providing all rules and safe measures to help each event be successful.
2. The DCCA is not experienced in operating and facilitating any combat sports commission, therefore the DCCA should not have influence over the makeup of the commission and its members. All members of this commission should have an extensive background in Martial Arts, there are many qualified people for these positions.
3. DCCA has tried to provide the help we needed thus far but many things have fallen through the cracks therefore stopping the bigger events from coming to Hawaii.
4. I have traveled the world working at all the biggest Mixed Martial events and have been licensed in every state and country I have worked in and can see why these World Class events do not want to come to Hawaii. With this new commission I think we can truly turn this around

I would like to thank you in advance for your time and consideration.

Walt Carvalho

SB-1027-SD-1

Submitted on: 3/2/2023 10:25:53 PM

Testimony for WAM on 3/3/2023 10:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Yancy Medeiros	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Yancy Medeiros.

A proud local, Native Hawaiian, and professional MMA athlete of 14 years currently fighting for Bellator.

I believe having a commission over a committee would bring great benefit, exposure, and experience to the combat athletes of Hawaii, especially our youth. I believe in being on fair/equal terms of competition and having a commission would provide that.

Competing all over the world, I've always appreciated the professionalism the commission brought to the event.

It's their job to provide fairness and instill boundaries so we can do our jobs as athletes and compete and to make sure we are safe and professional before, during and after our bout. Not only will having a commission show more professionalism to outside promotions, it will also give our youth and current athletes the understanding, exposure and experience of being in and around a professional environment. This is something I only got to experience competing outside of Hawaii.

I truly believe we have to the Aloha, knowledge, wisdom and understanding to create a competent qualified committee that will enforce fairness, regulate rules, and bring inspiration and experience to our youth when it's their time to compete and represent in/outside of Hawaii.

Mahalo for your time and commitment in letting us prosper as locals and natives.

Aloha always all ways,

Yancy Medeiros

Aloha to all members of the Committee, I am submitting testimony in support of SB1027.

My name is Jay Kahe'e. I am a Firefighter/Paramedic on the Big Island. I have been in Martial Arts for 30 years, from Tae Kwon Do as a kid, to amateur then professional kickboxing, then professional mixed martial arts.

I have fought in multiple events on the Big Island, Maui, Oahu, Oregon, and California. I have held multiple titles in these organizations and have experienced firsthand, what having the right structure in place does for the stability of these events. Like anything else, it allows for ease of duplication and expansion. The implications of having a Sports Commission that specializes in Mixed Martial arts will have on our community is exponential.

First and Foremost is the safety of the fighters. In the current setup here in Hawai'i, I have firsthand competed against competitors actively on Performance Enhancing Drugs, like steroids. I have also heard other competitors say they were high on Meth when they fought. With the Establishment of a Commission, the process of scrutinizing the competitors would increase to prevent these types of dangerous incidents from happening. This is a media frenzy waiting to happen.

Hawaii is a dream destination for the whole world. People will travel from every corner to watch their favorite competitors compete, then "sip mai tais" on the beach. The amount of revenue an event like UFC or Bellator would bring in, would be infused directly into the restaurants, mom and pop shops, shopping centers, local gyms, tours, hotels, and bars of the entire state with one event. Hawai'i will become an even bigger must go destination for visitors of all ages. After a few of these events, the revenue received by the state would far offset any initial monetary startup to put a respected Commission structure in place.

The states where MMA have been legalized and supported have flourished. New Jersey for example has become a Mecca for MMA and MMA fight fans. I believe Hawai'i could experience even greater success in attracting hundreds of thousands more visitors every year.

As a state, we have put out a plethora of high caliber MMA competitors, and because of that, we have a thriving MMA and Jui Jitsu presence across the state. We have so much untapped talent that call Hawaii home. With no "Professional" sport or sport team, Hawaii fans are ready to support local talent.

Establishing a Commission dedicated to Mixed Martial Arts or even expanding on the current Athletic Commission by adding an MMA wing, would change the face of Hawai'i. Will there be challenges? Of course. Are we able to improve upon things we overlook? Absolutely. But status quo is failing the fighters and limiting the potential of what Hawai'i can become.

Please consider this issue beyond the formality of the commission itself and what this will look like for the future of Hawai'i.

Thank you all for your your time and consideration.

Jay Kahe'e

SB-1027-SD-1

Submitted on: 3/3/2023 5:23:56 AM

Testimony for WAM on 3/3/2023 10:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Dylan P. Armstrong	Individual	Support	Written Testimony Only

Comments:

Sports like football, mixed-martial arts, boxing, et cetera, are clearly causing severe and chronic illness in athletes.

This raises a series of moral problems. This industry in effect is one that leads to participants' self-harm and the spectators' schadenfreude.

If you believe in liberty, the instinctual response is to permit voluntary participation and simulataneously heavily regulate the industry. Regulation is needed to limit needless disability, injury, and death, and to prevent coercive or manipulative tactics aimed to yield consent from the athletes.

Ultimately, such a commission provided for in SB 1027 SD 1 will need to work with agencies like the Department of Health towards the goals I describe. A responsible and authoritative Commission is the right step.

Combat sports have a long history in places like the American South and Oceania. Kulakula'i and varied feats of strength were traditionally performed during Makahiki.

Most combat sports today are actually modified blood sports or proxies for these, that results in high rates of chronic injury and disability.

Long before American football existed, the American South had centuries of games that originates in the Scottish highlands and English border, feats of strength and no holds-barred fighting which included eye gouging and other mutilation. This is amply documented in David Hackett Fischer's *Albion's Seed* and demonstrated in historical laws to ban thse blood sports, both predating the American Revolution and continuing into the 1800s in (nee) states like Virginia, North Carolina, and Tennessee.

American Football is strongest in the American (highland) south, following as a substitute in the tradition of the previous sports. Hawai'i and the Philippines were quick to adopt contemporary boxing. In fact, one of boxing's earliest stars was a Cebuano featherweight champion named Francisco Villaruel Guilledo but known as "Pancho Villa." This Pancho Villa was a star in the racist, segregated American South. Due to the nature of such combat sports it is not a coincidence that he died in 1925 at only the age of 23.

When the prize-fighter Joseph Kahahawai was lynched by the Massie-Fortescue murderers in 1932, his Honolulu funeral parade rivaled Lili'uokalani in attendance and prominence.

History is important because context includes the underlying psychology and culture of our laws. We will only succeed in properly utilizing human nature when we understand its origins and our unconscious assumptions (biases).