

A Bill for an Act Relating to Mixed Martial Arts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 440E, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§440E- Amateur mixed martial arts. This chapter, with the exception of sections 440E-5(b)(5) and 440E-7(a)(2) and (4), shall apply to amateur mixed martial arts contests.

§440E- Control and supervision of amateur mixed martial arts contests. Amateur mixed martial arts contests may be placed under the control and supervision of any recognized national amateur mixed martial arts association. The director shall adopt rules pursuant to chapter 91 for the purposes of this section.”

SECTION 2. Section 440E-1, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

““Amateur mixed martial arts contestant” means a person who is trained in mixed martial arts, competes in an amateur mixed martial arts contest, and is at least eighteen years of age.

““Professional mixed martial arts contestant” means a person who is trained in mixed martial arts and competes in a mixed martial arts contest in which money, a prize, or purse, or other form of monetary compensation is offered or given to contestants.”

2. By amending the definitions of “amateur mixed martial arts contest” and “mixed martial arts contest” or “contest” to read:

““Amateur mixed martial arts contest” means a mixed martial arts contest in which no money, [~~prize,~~] purse, or other form of monetary compensation is offered or given to contestants[-] and the contestants are at least eighteen years of age.

““Mixed martial arts contest” or “contest” means a contest or exhibition in a mixed martial arts event in which a mixed martial arts contestant competes with another mixed martial arts contestant, using mixed martial arts, [~~and in which any contestant in the mixed martial arts event receives any money, prize, purse, or other forms of compensation; provided that the term does not include] and includes an amateur mixed martial arts contest.”~~

SECTION 3. Section 440E-5, Hawaii Revised Statutes, is amended to read as follows:

“§440E-5 Jurisdiction of director. (a) The director is vested with the sole jurisdiction, direction, management, and control over all mixed martial arts contests to be conducted, held, or given within the State; ~~provided that this excludes amateur mixed martial arts contests].~~ No mixed martial arts contest shall be conducted, held, or given within the State except in accordance with this chapter and the rules adopted by the director pursuant thereto.

(b) No mixed martial arts event shall take place unless the director has granted a permit for the proposed event. In addition, the director shall not allow any mixed martial arts contest unless:

- (1) The contest consists of not more than five rounds of a duration of not more than five minutes each with an interval of at least one minute between each round and the succeeding round;
- (2) Each contestant ~~[is at least eighteen years of age,]~~ is not disqualified from competing in a similar mixed martial arts contest in another jurisdiction at the time of the contest~~;~~ and does not use stimulants or banned substances before or during the contest;
- (3) Each mixed martial arts contestant is examined ~~[one hour prior to]~~ within six hours of the contest by at least one physician or osteopathic physician licensed under chapter 453 who shall certify in writing to the referee of the contest that the contestant is physically fit to engage therein;
- (4) Each contestant furnishes to the director:
 - (A) A medical report of a medical examination completed not less than six months before the contest, ~~[at the sole expense of the promoter,]~~ including the results of HIV and hepatitis testing; and
 - (B) Previous fight records that establish the contestant's fitness to compete in the contest;
- (5) The contest is under the control of a licensed referee in the ring who has at least one year of experience in refereeing a match or exhibition involving mixed martial arts and who has passed a physical examination by a physician or osteopathic physician licensed under chapter 453, including an eye examination, within two years prior to the contest;
- (6) The promoter has complied with sections 440E-6 and 440E-7; and
- (7) All licensees have complied with the requirements of this chapter and rules adopted in accordance with chapter 91, including any rules or requirements that protect the safety of the contestants to the extent feasible."

SECTION 4. Section 440E-7, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

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

- (1) ~~[For fiscal years 2009-2010 to 2012-2013, a license]~~ An event fee of [four] two per cent of the [first \$50,000 of the] total gross receipts [and three per cent of the total gross receipts over \$50,000] from admission fees to an event, exclusive of federal, state, and local taxes; and
- ~~(2) For fiscal years beginning July 1, 2013, a license fee that is six per cent of the total gross receipts from admission fees to an event, exclusive of federal, state, and local taxes;~~
- ~~(3) In addition to the license fees established in paragraphs (1) and (2), a licensed promoter shall also pay two per cent of the gross sales price for the sale, lease, or other exploitation of broadcasting, television, Internet, and motion picture rights for a contest or an event, without any deductions for commission, brokerage fee, distribution fees, advertising, contestants' purses, or any other expenses or charges, including federal, state, or local taxes; and~~
- ~~(4) Two] (2) The lesser of \$50,000 or two per cent of the gross receipts from [subscription or admission fees, exclusive of federal, state, and local taxes,] fees charged for viewing a simultaneous or pay per view~~

telecast of a contest or event[-], exclusive of federal, state, and local taxes.

Payments under this subsection shall be deposited into a separate account in the compliance resolution fund and shall be used to cover the costs of administering this chapter.”

SECTION 5. Section 440E-8, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Any person may apply to the director for a license to act as a physician, referee, judge, manager, second, or mixed martial arts contestant to participate, either directly or indirectly, in any mixed martial arts contest[-]; provided that no person may apply for a license as a professional mixed martial arts contestant unless the person is at least eighteen years of age. The application shall be in writing, on a form prescribed by the director, and signed by the applicant. The application shall contain a recital of facts as specified by the director for the director to determine whether or not the applicant possesses the necessary licensure and physical, mental, and moral qualifications to entitle the applicant to a license. The license requirement shall not apply to amateur mixed martial arts contestants; provided that an amateur mixed martial arts contestant shall be required to pass a physical examination conducted by a person licensed to practice medicine under chapter 453 prior to engaging in a mixed martial arts contest. The director shall adopt rules for licensure in accordance with chapter 91.”

SECTION 6. Section 440E-11, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§440E-11]]~~ **Receipts and reports from promoters.** [(a)] Within three business days after the conclusion of every contest for which admission fees are charged and received, every promoter holding a license to conduct, hold, or give mixed martial arts contests, shall furnish to the director a written report, duly verified, showing the number of tickets sold for the contest, the amount of the gross receipts or proceeds thereof, and other matters as the director prescribes in rules adopted in accordance with chapter 91.

[(b) For purposes of this chapter, “gross receipts” includes income received from the sale of print, internet, broadcasting, television, and motion picture rights.]”

SECTION 7. Act 238, Session Laws of Hawaii 2008, is amended by repealing section 2.

~~[“SECTION 2. At each promoter’s license renewal period, each promoter shall pay an additional surcharge fee of \$16,750, or any other amount determined by the department of commerce and consumer affairs to be appropriate that shall be deposited into the compliance resolution fund established pursuant to section 26-9(e), Hawaii Revised Statutes. The department may adjust the additional surcharge fee to equitably apportion the cost among the promoters based on the number of licensed promoters. Upon the full payment of \$335,000 for fiscal years 2007-2008 and 2008-2009 to cover the cost of implementing the provisions of chapter 440E, Hawaii Revised Statutes, no surcharge shall be assessed thereafter and any funds in excess of this amount shall remain in the compliance resolution fund.”]~~

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 9. This Act shall take effect on July 1, 2010.
(Approved May 18, 2010.)

Note

1. Edited pursuant to HRS §23G-16.5.