

SUBSTITUTE FOR
HOUSE BILL NO. 4335

A bill to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license certain persons engaged in boxing; to regulate certain persons connected to the business of boxing and persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan boxing regulatory act".

3 CHAPTER 1

4 Sec. 10. As used in this act:

5 (a) "Amateur" means a person who is not competing and has

1 never competed for a money prize or who is not competing and has
2 not competed with or against a professional for a prize and who
3 is required to be registered by USA boxing.

4 (b) "Commission" means the Michigan boxing commission.

5 (c) "Complainant" means a person who has filed a complaint
6 with the department alleging that a person has violated this act
7 or a rule promulgated or an order issued under this act. If a
8 complaint is made by the department, the director shall designate
9 1 or more employees of the department to act as the complainant.

10 (d) "Department" means the department of labor and economic
11 growth.

12 (e) "Director" means the director of the department or his or
13 her designee.

14 (f) "Employee of the department" means an individual employed
15 by the department or a person under contract to the department
16 whose duty it is to enforce the provisions of this act or rules
17 promulgated or orders issued under this act.

18 (g) "Fund" means the Michigan boxing fund created in section
19 22.

20 (h) "Good moral character" means good moral character as
21 determined and defined in 1974 PA 381, MCL 338.41 to 338.47.

22 Sec. 11. As used in this act:

23 (a) "Physician" means that term as defined in section 17001
24 or 17501 of the public health code, 1978 PA 368, MCL 333.17001
25 and 333.17501.

26 (b) "Professional" means a person who is competing or has
27 competed in boxing for a money prize.

1 (c) "Promoter" means any person who produces or stages any
2 professional contest or exhibition of boxing[, but does not include the
venue where the exhibition or contest is being held unless the venue
contracts with the individual promoter to be a co-promoter].

3 (d) "Purse" means the financial guarantee or any other
4 remuneration for which professionals are participating in a
5 contest or exhibition and includes the professional's share of
6 any payment received for radio, television, or motion picture
7 rights.

8 (e) "Respondent" means a person against whom a complaint has
9 been filed who may be a person who is or is required to be
10 licensed under this act.

11 (f) "Rule" means a rule promulgated under the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

13 (g) "School", "college", or "university" does not include an
14 institution formed or operated principally to provide instruction
15 in boxing and other sports.

16 Sec. 12. This act does not apply to any of the following:

17 (a) Professional or amateur wrestling.

18 (b) Amateur martial arts sports or activities.

19 (c) Contests or exhibitions conducted by or participated in
20 exclusively by an agency of the United States government or by a
21 school, college, or university or an organization composed
22 exclusively of those entities if each participant is an amateur.

23 (d) Amateur boxing regulated by the amateur sports act of
24 1978, 36 USC 371.

25 (e) Boxing elimination contests regulated by section 50.

26 CHAPTER 2

27 Sec. 20. (1) The Michigan boxing commission, consisting of

1 7 voting members, 6 of whom are to be appointed by the governor,
2 with the advice and consent of the senate, is created within the
3 department. A majority of the members appointed by the governor
4 shall be licensees under this act. Budgeting, procurement, human
5 resources, information technology, and related management
6 functions of the commission shall be performed by the
7 department. The director is appointed as an ex officio voting
8 member of the commission.

9 (2) Except as otherwise provided in this subsection, the 6
10 members appointed by the governor shall serve a term of 4 years.
11 Of the initial members appointed under this act, the terms of 2
12 of the members shall be 4 years, the term of 2 of the members
13 shall be 2 years, and the term of 2 of the members shall be 1
14 year. The terms of members appointed by the governor are subject
15 to the pleasure of the governor.

16 (3) Five members of the commission constitute a quorum for
17 the exercise of the authority conferred upon the commission and a
18 concurrence of at least 4 of the members is necessary to render a
19 decision by the commission.

20 (4) A member of the commission shall not at any time during
21 his or her service as a member promote or sponsor any contest or
22 exhibition of boxing, or combination of those events, or have any
23 financial interest in the promotion or sponsorship of those
24 contests or exhibitions. The commission shall meet not less than
25 4 times per year, and upon request and at the discretion of the
26 chair, the department shall schedule additional interim
27 meetings.

1 (5) The records of the commission are subject to disclosure
2 under the freedom of information act, 1976 PA 442, MCL 15.231 to
3 15.246.

4 (6) Meetings of the commission are subject to the open
5 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

6 Sec. 21. A person who has a material financial interest in
7 any club, organization, or corporation, the main object of which
8 is the holding or giving of boxing contests or exhibitions is not
9 eligible for appointment to the commission.

10 Sec. 22. (1) The commission shall elect 1 of its members as
11 the chair of the commission. The commission may purchase and use
12 a seal. The director may adopt rules for the administration of
13 this act but only after first consulting with the commission.
14 The commission may request the department to promulgate a rule
15 under section 38 of the administrative procedures act of 1969,
16 1969 PA 306, MCL 24.238. The department shall respond in writing
17 to any request for rule promulgating by the commission within 30
18 calendar days after a request. The response shall include a
19 reason and explanation for acceptance or denial of the request.
20 The rules shall include all of the following:

21 (a) Number and qualifications of ring officials required at
22 any exhibition or contest.

23 (b) Powers, duties, and compensation of ring officials.

24 (c) Qualifications of licensees.

25 (d) License fees not otherwise provided under this act.

26 (e) Any necessary standards designed to accommodate federally
27 imposed mandates that do not directly conflict with this act.

1 (f) A list of prohibited substances, the presence of which in
2 a contestant is grounds for suspension or revocation of the
3 license or other sanctions.

4 (2) A Michigan boxing fund is created as a revolving fund in
5 the department and administered by the director of the
6 department. The money in the fund is to be used for the costs of
7 administration and enforcement of this act or for any costs
8 associated with the administration of this act. Money remaining
9 in the fund at the end of the fiscal year and interest earned
10 shall be carried forward into the next fiscal year. The
11 department shall deposit into the fund all money received from
12 license fees, event fees, and administrative fines imposed under
13 this act, and from any other source.

14 (3) Annually, the legislature shall fix the per diem
15 compensation of the members of the commission. Travel or other
16 expenses incurred by a commission member in the performance of an
17 official function shall be payable by the department pursuant to
18 the standardized travel regulations of the department of
19 management and budget.

20 (4) The commission may affiliate with any other state or
21 national boxing commission or athletic authority.

22 (5) The commission and department are vested with management,
23 control, and jurisdiction over all boxing contests or exhibitions
24 to be conducted, held, or given within the state of Michigan.
25 Except for any contests or exhibitions exempt from this act, a
26 contest or exhibition shall not be conducted, held, or given
27 within this state except in compliance with this act. Any boxing

1 or sparring contest conforming to the requirements of this act
2 and to the rules of the department is considered to be a boxing
3 contest and not a prize fight.

4 CHAPTER 3

5 Sec. 30. (1) A person shall not engage in or attempt to
6 engage in an activity regulated under this act unless the person
7 possesses a license issued by the department or unless the person
8 is exempt from licensure under this act.

9 (2) A person who violates subsection (1) is guilty of a
10 misdemeanor punishable by a fine of not more than \$500.00 or
11 imprisonment for not more than 90 days, or both.

12 (3) A person who violates subsection (1) a second or any
13 subsequent time is guilty of a misdemeanor punishable by a fine
14 of not more than \$1,000.00 or imprisonment for not more than 1
15 year, or both.

16 (4) Notwithstanding the existence and pursuit of any other
17 remedy, an affected person may maintain injunctive action in a
18 court of competent jurisdiction to restrain or prevent a person
19 from violating subsection (1). If successful in obtaining
20 injunctive relief, the affected person shall be entitled to
21 actual costs and attorney fees. As used in subsection, "affected
22 person" means a person directly affected by the actions of a
23 person suspected of violating subsection (1) and includes, but is
24 not limited to, the commission, the department, or a member of
25 the general public.

26 (5) An investigation may be conducted by the department to
27 enforce this section. A person who violates this section is

1 subject to the strictures prescribed in this section and section
2 43.

3 (6) The remedies under this section are independent and
4 cumulative. The use of 1 remedy by a person shall not bar the
5 use of other lawful remedies by that person or the use of a
6 lawful remedy by another person.

7 Sec. 31. (1) An application for a license is a request for
8 a determination of the applicant's general suitability,
9 character, integrity, and ability to participate, engage in, or
10 be associated with boxing contests or exhibitions. The burden of
11 proof is on the applicant to establish to the satisfaction of the
12 commission and the department that the applicant is qualified to
13 receive a license.

14 (2) By filing an application, the applicant accepts the risk
15 of adverse public notice, embarrassment, criticism, financial
16 loss, or other action with respect to his or her application and
17 expressly waives any claim for damages as a result of any adverse
18 public notice, embarrassment, criticism, financial loss, or other
19 action. Any written or oral statement made by any member of the
20 commission or any witness testifying under oath that is relevant
21 to the application and investigation of the applicant is immune
22 from civil liability for libel, slander, or any other tort.

23 (3) An applicant must demonstrate good moral character. If
24 the applicant for a license is denied a license due to lack of
25 good moral character, the applicant may request an administrative
26 hearing before the commission. The commission, after the conduct
27 of a hearing, may approve or recommend and the department may

1 issue a license to him or her if the commission determines that
2 the applicant's background does not reasonably relate to the
3 activity or occupation for which he or she seeks licensure and
4 that the applicant has the ability at the current time, and is
5 likely, to serve the public in a fair, honest, and open manner.

6 Sec. 32. A boxing contest or exhibition shall not be held
7 or conducted in this state except under a promoter's license
8 issued by the department as provided for in section 33.

9 Sec. 33. (1) An application for a promoter's license must
10 be in writing and correctly show and define the applicant.

11 (2) Before any license for a boxing contest or exhibition is
12 granted, the applicant for a promoter's license must file a bond
13 with the department in an amount fixed by the department but not
14 less than \$20,000.00, executed by the applicant as principal and
15 by a corporation qualified under the laws of this state as
16 surety, payable to the state of Michigan, and conditioned upon
17 the faithful performance by the applicant of the provisions of
18 this act. The department shall adjust the amount of the bond
19 based upon the Detroit consumer price index. In lieu of a bond,
20 the applicant may deposit with the department a like amount of
21 lawful money of the United States. The bond must be purchased or
22 the deposit must be made not less than 5 days before the contest
23 or exhibition and may be used to satisfy payment for the
24 professionals, costs to the department for ring officials and
25 physicians, and drug tests. After satisfaction of all such
26 obligations, the commission shall release the remainder of the
27 deposit to the promoter.

1 (3) A promoter must apply for and obtain an annual license
2 from the department in order to present a program of boxing
3 contests or exhibitions. The annual license fee is \$250.00. As
4 part of the license renewal process, the applicant shall submit
5 to the department a credit report not more than 60 days old at
6 the time the application is submitted.

7 (4) The promoter must pay an event fee for each event based
8 upon the published seating capacity of the venue in which the
9 contest is to be staged. The fee schedule is as follows:

10 (a) Venues with a seating capacity of up to 1,000, \$125.00.

11 (b) Venues with a seating capacity of from 1,001 to 5,000,
12 \$500.00.

13 (c) Venues with a seating capacity of over 5,000, \$2,500.00.

14 Sec. 34. (1) The director, in consultation with the
15 commission, may promulgate rules for the application and approval
16 process for promoters. Until the rules are promulgated, the
17 applicant shall comply with the standards described in subsection
18 (2).

19 (2) The rules regarding the application process shall include
20 at least the following:

21 (a) An application fee sufficient to cover the costs of
22 processing, but not less than \$250.00.

23 (b) A requirement that background information be disclosed by
24 the applicant who is an individual or by the principal officers
25 or members and individuals having at least a 10% ownership
26 interest in the case of any other legal entity, with emphasis on
27 the applicant's business experience. This information must

1 include at least 2 years of federal income tax returns of
2 principal officers or members and individuals having at least a
3 10% ownership interest in the applicant and a credit report of
4 the applicant not more than 60 days old at the time the
5 application is submitted. The department shall utilize the
6 information described in this subdivision to ascertain the
7 financial stability of the applicant.

8 (c) Information from the applicant concerning past and
9 present civil lawsuits, judgments, and filings under the
10 bankruptcy code that are not more than 7 years old.

11 (d) Any other relevant and material information considered
12 necessary by the director upon consultation with the commission.

13 (3) The department may consult with the commission on issues
14 related to the determination of an applicant's financial
15 stability and shall refer the application to the commission if
16 clear and convincing grounds for approval of the financial
17 stability aspect of the application do not exist.

18 (4) As part of the approval process for promoters, the
19 commission may require the applicant or his or her representative
20 to be present at a commission meeting in which the application is
21 considered.

22 CHAPTER 4

23 Sec. 40. A complaint which alleges that a person has
24 violated this act or a rule or an order issued under this act
25 shall be lodged with the department. The department of attorney
26 general, the department, the commission, or any other person may
27 file a complaint.

1 Sec. 41. (1) The department, upon receipt of a complaint,
2 immediately shall begin its investigation of the allegations of
3 the complaint and shall open a correspondence file. The
4 department shall make a written acknowledgment of the complaint
5 within 15 days after receipt of the complaint to the person
6 making the complaint. If the complaint is made by the
7 department, the director shall designate 1 or more employees of
8 the department to act as the person making the complaint.

9 (2) The department shall conduct the investigation required
10 under subsection (1). In furtherance of that investigation, the
11 department may request that the attorney general petition the
12 circuit court to issue a subpoena requiring a person to appear
13 before the department and be examined with reference to a matter
14 within the scope of the investigation and to produce books,
15 papers, or documents pertaining to the investigation.

16 (3) The investigative unit of the department, within 30 days
17 after the department receives the complaint, shall report to the
18 director on the status of the investigation. If, for good cause
19 shown, an investigation cannot be completed within 30 days, the
20 director may extend the time in which a report may be filed.

21 (4) If the report of the investigative unit of the department
22 does not disclose a violation of this act or a rule or an order
23 issued under this act, the complaint shall be closed by the
24 department. The reasons for closing the complaint shall be
25 forwarded to the respondent and complainant, who then may provide
26 additional information to reopen the complaint.

27 (5) If the report of the investigative unit made pursuant to

1 subsection (3) discloses evidence of a violation of this act or a
2 rule or an order issued under this act, the department or the
3 department of attorney general shall prepare the appropriate
4 action against the respondent which may be any of the following:

5 (a) A formal complaint.

6 (b) A cease and desist order.

7 (c) A notice of summary suspension subject to sections 42 and
8 48(7).

9 (6) At any time during its investigation or after the
10 issuance of a formal complaint, the department may bring together
11 the complainant and the respondent for an informal conference.
12 At the informal conference, the department shall attempt to
13 resolve issues raised in the complaint and may attempt to aid the
14 parties in reaching a formal settlement or stipulation.

15 Sec. 42. (1) After an investigation has been conducted, the
16 department may issue an order summarily suspending a license
17 based on an affidavit by a person familiar with the facts set
18 forth in the affidavit, or, if appropriate, based upon an
19 affidavit on information and belief, that an imminent threat to
20 the integrity of the sport, the public interest, and the welfare
21 and safety of a professional exists. Thereafter, the proceedings
22 described in this chapter shall be promptly commenced and
23 decided. double

24 (2) A person whose license has been summarily suspended
25 under this section may petition the department to dissolve the
26 order. Upon receiving a petition, the department immediately
27 shall schedule a hearing to decide whether to grant or deny the

1 requested relief.

2 (3) An administrative law hearings examiner shall grant the
3 requested relief dissolving the summary suspension order, unless
4 sufficient evidence is presented that an imminent threat to the
5 integrity of the sport, the public interest, and the welfare and
6 safety of a professional exists that requires emergency action
7 and continuation of the department's summary suspension order.

8 (4) The record created at the hearing to dissolve a summary
9 suspension order shall become part of the record on the complaint
10 at a subsequent hearing in a contested case.

11 (5) A summary suspension of a professional for refusal or
12 failure to submit to a drug test or for the presence of
13 controlled substances, enhancers, prohibited drugs, or other
14 prohibited substances, as described in section 48(7) shall
15 proceed under this section.

16 Sec. 43. (1) After an investigation has been conducted, the
17 director may order a person to cease and desist from a violation
18 of this act or a rule or an order issued under this act.

19 (2) A person ordered to cease and desist may request a
20 hearing before the department if a written request for a hearing
21 is filed within 30 days after the effective date of the order.

22 (3) Upon a violation of a cease and desist order issued under
23 this act, the department of the attorney general may apply to a
24 court of competent jurisdiction to restrain and enjoin,
25 temporarily or permanently, or both, a person from further
26 violating a cease and desist order.

27 Sec. 44. (1) A summary suspension order, cease and desist

1 order, or injunctive relief issued or granted in relation to a
2 license is in addition to and not in place of an informal
3 conference; criminal prosecution; or proceeding to deny, revoke,
4 or suspend a license; or any other action authorized by this
5 act.

6 (2) After an investigation has been conducted and a formal
7 complaint prepared, the department shall serve the formal
8 complaint upon the respondent and the complainant. At the same
9 time, the department shall serve the respondent with a notice
10 describing the compliance conference and hearing process and
11 offering the respondent a choice of 1 of the following
12 opportunities:

13 (a) An opportunity to meet with the department to negotiate a
14 settlement of the matter.

15 (b) If the respondent is a licensee or registrant under this
16 act, an opportunity to demonstrate compliance prior to holding a
17 contested case hearing.

18 (c) An opportunity to proceed to a contested case hearing.

19 (3) A respondent upon whom service of a formal complaint has
20 been made pursuant to this section may select, within 15 days
21 after the receipt of notice, 1 of the options described in
22 subsection (2). If a respondent does not select 1 of those
23 options within the time period described in this section, then
24 the department shall proceed to a contested case hearing as
25 described in subsection (2)(c).

26 (4) An informal conference may be attended by a member of the
27 commission, at the discretion of that commission, and may result

1 in a settlement, consent order, waiver, default, or other method
2 of settlement agreed upon by the parties and the department. A
3 settlement may include the revocation or suspension of a license;
4 censure; probation; restitution; or a penalty provided for in
5 section 48. The commission may reject a settlement and require a
6 contested case hearing.

7 (5) An employee of the department may represent the
8 department in any contested case hearing.

9 (6) This chapter does not prevent a person against whom a
10 complaint has been filed from showing compliance with this act or
11 a rule or an order promulgated or issued under this act.

12 (7) If an informal conference is not held or does not result
13 in a settlement of a complaint, the department shall allow the
14 respondent an administrative hearing. A hearing under this
15 section may be attended by a member of the commission.

16 (8) The department or the department of the attorney general
17 may petition a circuit court to issue a subpoena which shall
18 require the person subpoenaed to appear or testify or produce
19 relevant documentary material for examination at a proceeding.

20 Sec. 45. (1) At the conclusion of a hearing conducted under
21 section 44(7), the administrative law hearings examiner shall
22 submit a determination of findings of fact and conclusions of law
23 to the department and the department of the attorney general and
24 the commission, in a hearing report. The submitted hearing
25 report may recommend the penalties to be assessed as prescribed
26 in section 48.

27 (2) A copy of a hearing report shall be submitted to the

1 person who made the complaint and to the person against whom the
2 complaint was lodged.

3 (3) Within 60 days after receipt of an administrative law
4 hearings examiner's hearing report, the commission shall meet and
5 make a determination of the penalties to be assessed under
6 section 48. The commission's determination shall be made on the
7 basis of the administrative law hearings examiner's report. A
8 transcript of a hearing or a portion of the transcript shall be
9 made available to the commission upon request. If a transcript
10 or a portion of the transcript is requested, the commission's
11 determination of the penalty or penalties to be assessed under
12 section 48 shall be made at a meeting within 60 days after
13 receipt of a transcript or portion of the transcript.

14 (4) If the commission does not determine the appropriate
15 penalty or penalties to be assessed within the time limits
16 prescribed by subsection (3), the director may determine the
17 appropriate penalty and issue a final order.

18 (5) A member of the commission who has participated in an
19 investigation on a complaint filed with the department or who has
20 attended an informal conference shall not participate in making a
21 final determination in a proceeding on that complaint.

22 Sec. 46. (1) A person seeking a license or renewal under
23 this act may petition the department and the commission for a
24 review if that person does not receive a license or renewal.

25 (2) A petition submitted under subsection (1) shall be in
26 writing and shall set forth the reasons the petitioner feels the
27 licensure or renewal should be issued.

1 (3) In considering a petition submitted under subsection (1),
2 the department and the commission may administer an alternative
3 form of testing to the petitioner or conduct a personal interview
4 with the petitioner, or both.

5 (4) The department may issue a license or renewal if, based
6 on a review of the qualifications of the person who submitted a
7 petition under subsection (1), the department and the commission
8 determine that the person could perform the licensed activity
9 with competence.

10 (5) Notwithstanding any other provision of this act, if a
11 written grievance was lodged before the effective date of this
12 act against a person licensed under an act repealed by this act,
13 the proceedings on that grievance shall be conducted in the
14 manner prescribed in the repealed act.

15 Sec. 47. (1) The department shall initiate an action under
16 this chapter against an applicant or take any other allowable
17 action against the license of any contestant, promoter, or other
18 participant who the department determines has done any of the
19 following:

20 (a) Enters into a contract for a boxing contest or exhibition
21 in bad faith.

22 (b) Participates in any sham or fake boxing contest or
23 exhibition.

24 (c) Participates in a boxing contest or exhibition pursuant
25 to a collusive understanding or agreement in which the contestant
26 competes or terminates the boxing contest or exhibition in a
27 manner that is not based upon honest competition or the honest

1 exhibition of the skill of the contestant.

2 (d) Is determined to have failed to give his or her best
3 efforts, failed to compete honestly, or failed to give an honest
4 exhibition of his or her skills in a boxing contest or
5 exhibition.

6 (e) Is determined to have performed an act or engaged in
7 conduct that is detrimental to a boxing contest or exhibition
8 including, but not limited to, any foul or unsportsmanlike
9 conduct in connection with a boxing contest or exhibition.

10 (f) Gambles on the outcome of a boxing contest or exhibition
11 in which he or she is a contestant, promoter, matchmaker, ring
12 official, or second.

13 (g) Assaults another licensee, commission member, or
14 department employee while not involved in or while outside the
15 normal course of a boxing contest or exhibition.

16 (2) The department, in consultation with the commission,
17 shall promulgate rules to provide for both of the following:

18 (a) The timing of drug tests for contestants.

19 (b) Specific summary suspension procedures for boxing
20 contestants and participants who test positive for drugs or fail
21 to submit to a drug test, under section 48(4). The rules shall
22 include the following:

23 (i) A procedure to allow the department to place the licensee
24 upon the national suspension list.

25 (ii) An expedited appeal process for the summary suspension.

26 (iii) A relicensing procedure following summary suspension.

27 (3) An employee of the department must be present at all

1 weigh-ins, medical examinations, contests, exhibitions, and
2 matches to ensure that this act and rules are strictly enforced.
3 The commission chair, or a commission member assigned by the
4 chair, shall have final authority involving any conflict at a
5 contest, exhibition, or match and shall advise the chief
6 inspector in charge accordingly. In the absence of the chair or
7 an assigned member, the chief inspector in charge shall be the
8 final decision-making authority.

9 (4) Each promoter shall furnish each member of the commission
10 present at a boxing contest or exhibition a seat in the area
11 immediately adjacent to the contest or exhibition of unarmed
12 combat. An additional seat shall be provided in the venue.

13 Sec. 48. (1) Upon receipt of an application for
14 reinstatement and the payment of an administrative fine
15 prescribed by the commission, the commission may reinstate a
16 revoked license or lift a suspension. If disciplinary action is
17 taken against a person under this act that does not relate to a
18 boxing contest or exhibition, the commission may, in lieu of
19 suspending or revoking a license, prescribe an administrative
20 fine. If disciplinary action is taken against a person under
21 this act that relates to the preparation for a boxing contest or
22 an exhibition, the occurrence of a boxing contest or an
23 exhibition, or any other action taken in conjunction with a
24 boxing contest or an exhibition, the commission may prescribe an
25 administrative fine in an amount not to exceed 100% of the share
26 of the purse to which the holder of the license is entitled for
27 the contest or exhibition or an administrative fine not to exceed

1 \$100,000.00 in the case of any other person. This administrative
2 fine may be imposed in addition to, or in lieu of, any other
3 disciplinary action that is taken against the person by the
4 commission.

5 (2) If an administrative fine is imposed under this section,
6 the commission may recover the costs of the proceeding, including
7 investigative costs and attorney fees. The department or the
8 attorney general may bring an action in a court of competent
9 jurisdiction to recover any administrative fines, investigative
10 and other allowable costs, and attorney fees. The filing of an
11 action to recover fines and costs does not bar the imposition of
12 other sanctions under this act.

13 (3) An employee of the department, in consultation with any
14 commission member present, may issue an order to withhold the
15 purse for up to 3 business days due to a violation of this act or
16 a rule promulgated under this act. During that 48-hour time
17 period, the commission may convene a special meeting to determine
18 if the action of the department employee was warranted. If the
19 commission determines that the action was warranted, the
20 department shall offer to hold an administrative hearing as soon
21 as practicable but within at least 7 calendar days.

22 (4) A professional or participant in a professional boxing
23 contest or exhibition shall submit to a test of body fluids to
24 determine the presence of controlled substances, enhancers, or
25 drugs.

26 (5) The promoter is responsible for the cost of the testing
27 performed under this section.

1 (6) The director shall withhold 10% of the purse in a contest
2 or exhibition until the postcontest drug tests are available to
3 the department. If the results do not confirm or demonstrate
4 compliance with this act, the money withheld shall be deposited
5 into the fund.

6 (7) Either of the following is grounds for summary suspension
7 of the individual's license in the manner provided for in section
8 42:

9 (a) A test resulting in a finding of the presence of
10 controlled substances, enhancers, prohibited drugs, or other
11 prohibited substances, as determined by rule of the commission.

12 (b) The refusal or failure of a contestant to submit to the
13 drug testing ordered by an authorized person.

14 CHAPTER 5

15 Sec. 50. (1) Boxing elimination contests in which all of
16 the following apply are exempt from this act:

17 (a) The contestants compete for prizes only in elimination
18 contests and are not also professional boxers competing in 4 or
19 more rounds of nonelimination boxing.

20 (b) Each bout is scheduled to consist of 3 or fewer 1-minute
21 rounds, with contests conducted on no more than 2 consecutive
22 calendar days.

23 (c) Competing contestants are prohibited from boxing for more
24 than 12 minutes on each contest day.

25 (d) The contestants participating in the elimination contest
26 are insured by the promoter for all medical and hospital expenses
27 to be paid to the contestants to cover injuries sustained in the

1 contest.

2 (e) A physician is in attendance at ringside and the
3 physician has authority to stop the contest for medical reasons.

4 (f) All contestants pass a physical examination given by a
5 physician before the contest.

6 (g) A preliminary breath test is administered to each
7 contestant which indicates a blood alcohol content of .02% or
8 less.

9 (h) The promoter conducts the elimination contest in
10 compliance with the following:

11 (i) A contestant who has lost by a technical knockout is not
12 permitted to compete again for a period of 30 calendar days or
13 until the contestant has submitted to the promoter the results of
14 a physical examination equivalent to that required of
15 professional boxers.

16 (ii) The ringside physician examines a contestant who has
17 been knocked out in an elimination contest or whose fight has
18 been stopped by the referee because he or she received hard blows
19 to the head that made him or her defenseless or incapable of
20 continuing immediately after the knockout or stoppage. The
21 ringside physician may recommend post-fight neurological
22 examinations, which may include computerized axial tomography
23 (CAT) scans or magnetic resonance imaging (MRI), to be performed
24 on the contestant immediately after the contestant leaves the
25 location of the contest. The promoter shall not permit the
26 contestant to compete until a physician has certified that the
27 contestant is fit to compete. If the physician recommended

1 further neurological examinations, the promoter shall not permit
2 the contestant to compete until the promoter receives copies of
3 examination reports demonstrating that the contestant is fit to
4 compete.

5 (iii) The promoter requires that a contestant who has
6 sustained a severe injury or knockout in an elimination contest
7 be examined by a physician. The promoter shall not permit the
8 contestant to compete until the physician has certified that the
9 contestant has fully recovered.

10 (iv) The promoter does not permit a contestant to compete in
11 an elimination contest for a period of not less than 60 days if
12 he or she has been knocked out or has received excessive hard
13 blows to the head that required the fight to be stopped.

14 (v) A contestant who has been knocked out twice in a period
15 of 3 months or who has had excessive head blows causing a fight
16 to be stopped is not permitted by a promoter to participate in an
17 elimination contest for a period of not less than 120 days from
18 the second knockout or stoppage.

19 (vi) A contestant who has been knocked out or had excessive
20 hard blows to the head causing a fight to be stopped 3 times
21 consecutively in a period of 12 months is not permitted by a
22 promoter to participate in an elimination contest for a period of
23 1 year from the third knockout.

24 (vii) Before resuming competition after any of the periods of
25 rest prescribed in subparagraphs (iv), (v), and (vi), a promoter
26 requires the contestant to produce a certification by a physician
27 stating that the contestant is fit to take part in an elimination

1 contest.

2 (2) As part of the physical examination given before the
3 boxing elimination contest, the physician or other trained person
4 shall administer a preliminary breath test in compliance with
5 standards imposed in rules promulgated by the department of state
6 police regarding equipment calibration and methods of
7 administration. The promoter shall keep a log of preliminary
8 breath test results of contestants on file at its place of
9 business for at least 3 years after the date of administration of
10 the test. These results shall be made available to law
11 enforcement officials upon request.

12 Sec. 51. (1) A physician, referee, judge, matchmaker,
13 timekeeper, professional boxer, contestant, or manager, or a
14 second of those persons, shall obtain a participant license from
15 the department before participating either directly or indirectly
16 in a boxing contest or exhibition.

17 (2) An application for a participant license shall be in
18 writing, shall be verified by the applicant, and shall set forth
19 those facts requested by and conform to the rules promulgated by
20 the department.

21 (3) The department shall issue a passport with each
22 professional contestant's license.

23 (4) The commission has standing to contest the issuance or
24 nonissuance of an exhibition or other license.

25 Sec. 52. (1) A person seeking a license under this act as a
26 judge or referee may be required to satisfactorily pass an
27 examination or training program acceptable to the department.

1 (2) A person seeking a license under this act as a judge,
2 referee, or contestant shall pass a physical examination
3 acceptable to the department and the commission.

4 (3) Until the expiration of 1 year after the effective date
5 of this act, the department shall issue an equivalent license
6 without an examination to a person who is licensed in any
7 capacity under former article 8 of the occupational code, 1980
8 PA 299, on the effective date of this act upon application on a
9 form provided by the department.

10 Sec. 53. (1) In addition to the requirements of section 52,
11 a person seeking a license as a professional referee, judge, or
12 timekeeper shall referee, judge, or keep time for a minimum of
13 300 rounds of amateur competitive boxing.

14 (2) After a person has successfully completed the
15 requirements of section 51(2) and subsection (1), the department
16 may issue the person a license.

17 Sec. 54. (1) In addition to the requirements of section 53,
18 a person seeking a license as a professional judge shall score,
19 unofficially, not fewer than 200 rounds of professional boxing.
20 In order to fulfill the requirements of this subsection, an
21 applicant shall only unofficially judge contests that are
22 approved by the commission for that purpose. An applicant shall
23 not receive compensation for judging boxing contests or
24 exhibitions under this subsection. Scorecards shall be
25 transmitted to the department and the commission for review and
26 evaluation.

27 (2) An employee authorized by the department or the

1 commission shall complete a standardized evaluation sheet for
2 each boxing contest or exhibition judged by a licensee. The
3 commission shall periodically review the evaluation sheets.

4 Sec. 55. (1) A professional participating in a boxing
5 contest or exhibition shall be insured for not less than
6 \$50,000.00 for medical and hospital expenses to be paid to the
7 contestant to cover injuries sustained in the contest and for not
8 less than \$50,000.00 to be paid in accordance with the statutes
9 of descent and distribution of personal property if the
10 contestant should die as a result of injuries received in a
11 boxing contest or exhibition.

12 (2) A promoter shall pay the deductible regarding any medical
13 or hospital expenses for a contestant's injuries.

14 Sec. 56. (1) A professional boxing contest or exhibition
15 shall be of not more than 10 rounds in length, except a boxing
16 contest or exhibition which involves a national or international
17 championship may last not more than 12 rounds in the
18 determination of the department. The contestants shall wear
19 during a contest gloves weighing at least 8 ounces each. Rounds
20 shall be not longer than 3 minutes, with not less than 1-minute
21 rest between rounds.

22 (2) A professional or participant in a boxing contest or
23 exhibition shall be certified to be in proper physical condition
24 by a physician before participating in a boxing contest or
25 exhibition. The department shall designate any medical test that
26 may be required to determine if the individual is in proper
27 physical condition.

1 MCL 339.801 to 339.814.

2 (b) Section 49 of the state license fee act, 1979 PA 152,
3 MCL 338.2249.

4 Sec. 61. Except as rescinded, rules promulgated under
5 former article 8 of the occupational code, 1980 PA 299, MCL
6 339.801 to 339.814, retain authorization under this act.

7 Sec. 62. This act takes effect June 1, 2004.

8 Sec. 63. This act does not take effect unless House Bill
9 No. 4336 of the 92nd Legislature is enacted into law.