

Subchapter 1

— General Provisions

17-22-101. Definitions.

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For purposes of this chapter:

(1) “Amateur” means a person who has never received nor competed for any purse or other compensation in an amount that exceeds the sum established by the State Athletic Commission in its rules for:

(A) Expenses of training; or

(B) Participating in a combative sports contest or exhibition;

(2) “Boxing” means to compete with the fists;

(3)(A) “Combative sports” means boxing, kickboxing, wrestling, martial arts, or any combination thereof, or any form of competition in which a blow is struck which may reasonably be expected to inflict injury.

(B) “Combative sports” does not include student training or an exhibition of a student's skill when:

(i) Conducted by a martial arts school or an association of martial arts schools;

(ii) The student's participation is for health and recreational purposes rather than competition; and

(iii) The intent is to use only partial contact;

(4) “Commission” means the State Athletic Commission as provided in § 17-22-201;

(5) “Exhibition” means any engagement in which the participants show or display their skills without necessarily striving to win;

(6) “Kick boxing” means any form of boxing in which blows are delivered with the hand and any part of the leg below the hip, including the foot;

(7) “Manager” means any person who, directly or indirectly, controls or administers the combative sports affairs of any professional participant of the same;

(8) “Martial arts” or “mixed martial arts” means any discipline in which the participants utilize kicks, punches, blows, strikes, or other techniques, including without limitation any form of judo, kung fu, karate, and tae kwon do, ju jitsu, or any combination thereof;

(9) “Match” means any engagement in which the participants show or display their skills while striving in good faith to win;

(10) “Person” means any individual, partnership, corporation, association, or club;

(11) “Professional” means an individual who is eighteen (18) years of age or older and who, as a means of obtaining pecuniary gain:

(A) Competes for money, prizes, or purses in combative sports contests or exhibitions; or

(B) Teaches, instructs, or assists in the practice of professional combative sports;

(12) “Promoter” means any person, club, organization, corporation, or association, and in the case of a corporate promoter includes any officer, director,

employee, or stockholder thereof who produces, arranges, or stages any professional boxing, kick boxing, wrestling, or martial arts match or exhibition; and

(13) "Wrestling" means any form of combat between two (2) or more participants in which a participant delivers blows to his or her opponent's body, executes throws to his or her opponent's body, or applies holds to his or her opponent's body.

Subchapter 2

— State Athletic Commission

17-22-201. Creation — Members.

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17-22-201. Creation — Members.

(a) A State Athletic Commission is created, which shall consist of seven (7) members who shall be at least twenty-five (25) years of age.

(b)(1) Members shall be appointed by the Governor for a term of two (2) years.

(2) Two (2) of the members of the commission shall be members of the state executive committees of any patriotic organizations chartered by authority of a special act of the Congress of the United States.

(3) One (1) member shall be a representative of the field of physical education.

(4) One (1) member shall be a representative of the field of sports promotion.

(5) One (1) member shall be a consumer representative.

(6) The remaining two (2) members may be citizens at large but shall have experience with combative sports.

(7)(A) Furthermore, one (1) of the seven (7) members of the commission shall be a member of a minority race.

(B) One (1) of the seven (7) members shall be a senior citizen.

(C) Four (4) of the seven (7) members shall have experience with combative sports.

(c) The members of the commission shall serve without pay.

(d) The members of the commission shall have authority to promulgate such rules and regulations as are necessary for the operation and enforcement of this chapter and not in conflict with this chapter.

(e) The members of the commission may receive expense reimbursement in accordance with § 25-16-901 et seq.

(f) When any member of the commission shall cease to be a member of the state executive committee of any such patriotic organization as herein mentioned, his or her

commission as a member of the commission shall automatically expire. The Governor shall appoint a successor, whose qualifications shall be as prescribed in this section.

17-22-202. Chair.

The State Athletic Commission shall elect one (1) of its members as chair.

17-22-203. Secretary.

(a) The State Athletic Commission shall have authority to select a secretary and fix the salary thereof at a sum not to exceed the maximum annual salary prescribed for such a position in the biennial appropriation for the commission.

(b) The secretary shall:

(1) Keep in the office of the commission a full, complete, and up-to-date record of all the proceedings of the commission;

(2) Keep an up-to-date account of all money received by him or her on behalf of the commission; and

(3) Perform such other duties as shall be prescribed by the commission.

17-22-204. Authority.

(a)(1) The State Athletic Commission shall have the sole discretion, management, control, and jurisdiction over all combative sports matches and exhibitions in this state.

(2) Combative sports matches and exhibitions declaring themselves amateur are governed by the commission unless sanctioned by a body approved in writing by the commission, including without limitation:

(A) A federally recognized sanctioning body; or

(B) A national oversight body with 501(c)(3) status under the Internal Revenue Code operating in at least six (6) states.

(b) The commission shall have the authority to appoint inspectors and other officials necessary to properly conduct any match or exhibition authorized by this chapter.

(c) The commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations considered by it necessary or expedient for the performance of its functions as provided in this chapter and in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d) The commission may issue subpoenas, examine witnesses, and administer oaths and shall, at its discretion, investigate allegations or practices violating the provisions of this chapter.

(e) The commission shall have the authority to hire an investigator for the purposes outlined in this section.

(f) The commission shall have the authority to require insurance for combative sports with limits to be adjusted by the rules and regulations of the commission.

(g) The commission shall have the authority to make a claim on the bond or check posted by a promoter for combative sports events in order to make reimbursements for any unpaid fees, prize money, or other financial commitments of the promoter related to combative sports activity licensed by the commission.

17-22-205. Personal liability.

The members of the State Athletic Commission and employees of the commission shall not be personally liable for acts performed in carrying out their official duties except in the case of gross misconduct, and no legal action shall be maintained against any member or employee of the commission for such acts except in the case of gross misconduct.

17-22-206. Combative sports.

The General Assembly finds and declares to be the public policy of this state that it is in the best interest of the public and combative sports that combative sports be subject to an effective and efficient system of strict control and regulation in order to protect the safety and well-being of the participants in combative sports matches and exhibitions and to promote the public confidence in the regulatory process and the conduct of combative sports matches and exhibitions. To further such public confidence and trust, the State Athletic Commission shall have the authority to adopt and promulgate, amend, or abrogate any and all rules and regulations concerning combative sports.

17-22-207. Civil penalties.

(a) Any person who, after notice and hearing, is found by the State Athletic Commission to have violated any provision of this chapter or any rules or regulations of the commission may be assessed a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation.

(b) The penalty provided for in this section plus interest at ten percent (10%) per annum shall be paid to the commission before the penalized person can be issued a license by the commission.

(c) The commission shall have the authority to file suit in the Pulaski County Circuit Court or the circuit court of the county in which the person resides to obtain a judgment for the amount of any penalty not paid within thirty (30) days of service on the person of the order assessing the penalty, unless the circuit court enters a stay pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

17-22-208. Combative sports elimination contests.

(a) This chapter applies to combative sports elimination contests in which:

(1) The contestants compete for prizes only in combative sports elimination contests and are not:

(A) Professional boxers licensed through the Professional Boxing and Safety Act of 1996, 15 U.S.C. § 6301 et seq. competing in four (4) or more rounds of non-elimination boxing; or

(B) Professional mixed martial arts combatants;

(2) Each bout is scheduled to consist of three (3) or fewer one-minute rounds with combative sports elimination contests conducted on no more than two (2) consecutive calendar days;

(3) Contestants are prohibited from competing for more than twelve (12) minutes on each combative sports elimination contest day;

(4) The contestants participating in the combative sports elimination contest are to be insured by the promoter for not less than five thousand dollars (\$5,000) for medical and hospital expenses to be paid to the contestants to cover injuries sustained in the combative sports elimination contest and for not less than five thousand dollars (\$5,000) to be paid in accordance with the statutes of descent and distribution of personal property if a contestant dies as a result of injuries sustained in the combative sports elimination contest;

(5) A licensed physician is in attendance at ringside, and the physician has authority to stop the combative sports elimination contest for medical reasons;

(6) All contestants pass a physical examination given by a licensed physician before the combative sports elimination contest;

(7) A preliminary breath test is administered to each contestant that indicates a blood alcohol content of two-tenths of one percent (0.2%) or less; and

(8) The promoter conducts the combative sports elimination contest in compliance with the following:

(A) A contestant who has lost by a technical knockout is not permitted to compete again for a period of thirty (30) calendar days or until the contestant has submitted to the promoter the results of a physical examination equivalent to that required of professional boxers or professional mixed martial arts combatants;

(B)(i) The ringside physician examines a contestant who has been knocked out in a combative sports elimination contest or whose fight has been stopped by the referee because the contestant received hard blows to the head that made the contestant defenseless or incapable of continuing immediately after the knockout or stoppage.

(ii) The ringside physician may recommend post-fight neurological examinations, which may include computerized axial tomography scans or magnetic resonance imaging, to be performed on the contestant immediately after the contestant leaves the location of the combative sports elimination contest.

(iii) The promoter shall not permit the contestant to compete until a physician has certified that the contestant is fit to compete.

(iv) If the physician recommends further neurological examinations, the promoter shall not permit the contestant to compete until the promoter receives copies of examination reports demonstrating that the contestant is fit to compete;

(C)(i) The promoter shall require that a contestant who has sustained a severe injury or knockout in a combative sports elimination contest be examined by a physician.

(ii) The promoter shall not permit the contestant to compete until the physician has certified that the contestant has fully recovered;

(D) The promoter shall not permit a contestant to compete in a combative sports elimination contest for a period of not less than sixty (60) days if the contestant has been knocked out or has received excessive hard blows to the head that required the fight to be stopped;

(E) A contestant who has been knocked out twice in a period of three (3) months or who has had excessive head blows causing a fight to be stopped shall not be permitted by a promoter to participate in a combative sports elimination contest for

a period of not less than one hundred twenty (120) days after the second knockout or stoppage;

(F) A contestant who has been knocked out or had excessive hard blows to the head causing a fight to be stopped three (3) times consecutively in a period of twelve (12) months shall not be permitted by a promoter to participate in a combative sports elimination contest for a period of one (1) year after the third knockout; and

(G) Before resuming competition after any of the periods of rest prescribed in subdivisions (a)(8)(D) — (F) of this section, a promoter shall require the contestant to produce a certification by a physician stating that the contestant is fit to take part in a combative sports elimination contest.

(b) As part of the physical examination given before the combative sports elimination contest, the licensed physician or other trained person shall administer a preliminary breath test in compliance with standards imposed in rules promulgated by the Department of Arkansas State Police regarding equipment calibration and methods of administration.

(c)(1) The promoter shall keep a log of preliminary breath test results of contestants on file at its place of business for at least three (3) years after the date of administration of the test.

(2) These results shall be made available to law enforcement officials upon request.

(d) A combative sports elimination contest held under subsection (a) of this section is not considered to be in violation of the law.

(e) Any person violating the provisions of this section shall be guilty of a Class A misdemeanor and shall be subject to a fine not to exceed one thousand dollars (\$1,000).

Subchapter 3

— Licensing

17-22-301. Authorized matches and exhibitions.

17-22-302. Issuance of licenses — Fees.

17-22-303. License required — Penalty for unlicensed activity.

17-22-304. Bond required.

17-22-305. Refusal or revocation of license.

17-22-306. Fees.

17-22-301. Authorized matches and exhibitions.

(a) All combative sports matches or exhibitions in this state are subject to the requirements of this chapter and the rules and regulations of the State Athletic Commission unless exempted by § 17-22-204(a) or § 17-22-101(3)(B).

(b) All matches or exhibitions as provided in subsection (a) of this section shall be conducted only in accordance with the provisions of this chapter and acts amendatory or supplemental hereto and in accordance with the rules and regulations of the commission.

17-22-302. Issuance of licenses — Fees.

(a) The State Athletic Commission shall have the authority to appoint and issue annual licenses to the following persons with regard to participation in combative sports in this state:

- (1) A person engaging in combative sports;
- (2) A promoter of a combative sports match or exhibition;
- (3) A manager;
- (4) A matchmaker;
- (5) A referee;
- (6) A judge;
- (7) A physician;
- (8) A timekeeper; and

(9) A person arranging, participating in, or otherwise involved with matches and exhibitions as provided in § 17-22-301(a).

(b) The commission shall have the authority to refuse to issue a license to any person or organization that has been sanctioned in any way by any comparable licensing body of another state.

(c) Fees for the licenses shall be established by the commission.

(d) All licenses as provided in this section shall expire annually on June 30.

17-22-303. License required — Penalty for unlicensed activity.

(a) No person shall participate in or engage in the promotion of a combative sports match or exhibition in this state without first having obtained a license from the State Athletic Commission.

(b) No person shall participate in a combative sports match or exhibition as a manager, matchmaker, referee, judge, physician, or timekeeper, without first having obtained a license from the commission.

(c) Any person mentioned in subsection (a) or (b) of this section who does not first obtain a license from the commission before participating in a combative sports match or exhibition shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500).

(d) A venue, entity, or person who knowingly assists in making an unlicensed combative sports match or exhibition occur shall be subject to the penalties under subsection (c) of this section.

17-22-304. Bond required.

As a condition to the issuance of a license as provided in § 17-22-302(a)(2), the person applying for the license shall file with the State Athletic Commission a cashier's check, a letter of credit, or a corporate surety bond in an amount to be established by the commission in its rules, but not less than the sum of one thousand dollars (\$1,000) written by a corporate surety authorized to do business in this state, conditioned upon the licensee's payment of all taxes and other charges due the state and its political subdivisions on account of such matches or exhibitions.

17-22-305. Refusal or revocation of license.

(a) The State Athletic Commission may refuse for good cause to issue a license under § 17-22-302(a).

(b) The commission may also revoke for good cause any license granted under authority of this chapter.

17-22-306. Fees.

(a)(1) Within five (5) business days after a combative sports match or exhibition, the licensed manager, promoter, or person responsible for the match or exhibition shall furnish to the State Athletic Commission a written report under the penalty of perjury on a form that shall be provided by the commission showing the number of tickets that were issued or sold and the gross receipts therefor without any deductions whatsoever.

(2)(A) The person shall also pay to the commission at the same time a five percent (5%) fee of the total gross receipts received from admission charges for each exhibition held under the authority of this chapter.

(B) The five percent (5%) shall be computed using gross gate receipts, unless the venue collects and remits sales tax for the promoter.

(C) If the venue collects and remits sales tax for the promoter, the five percent (5%) shall be computed on the net gate receipts after sales tax.

(b)(1) The commission may designate a representative to be present and to observe the computation of the number of tickets issued or sold and the determination of the gross receipts.

(2)(A) When the tickets are sold through an electronic ticket system, the commission may accept a computerized certification of tickets sold and a statement from the venue.

(B) The statement from the venue shall be signed by an arena representative and the promoter.