

**CHAPTER 91****(HB 684)**

AN ACT relating to the Kentucky Boxing and Wrestling Authority and making an appropriation therefor.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 229.011 is amended to read as follows:

As used in this chapter unless the context clearly indicates otherwise the following definitions shall apply:

- (1) "Advertise" includes the use of handbills, placards, posters, billboards, pictures, printed or written material or newspapers or other publications, or radio, television, **Internet**, and other communication media.
- (2) "Authority" means the Kentucky Boxing and Wrestling Authority.
- (3) **"Boxing" means a contest or exhibition in which a person delivers blows with the fist which may be reasonably expected to disable or inflict injury and in which boxers compete for money, a prize, or other pecuniary gain.**
- (4) "Exhibition," **means an event or engagement in which the participants show or display their skills without necessarily striving to win or involve amateurs not under the jurisdiction of the Kentucky High School Athletic Association, the National Collegiate Athletic Association, the Amateur Athletic Union, Golden Gloves, USA Boxing, USA Wrestling, or**[in addition to its ordinary meaning, shall include] a public show[ ~~or showing through the medium of closed circuit television~~] to which an admission ticket is required, or other charge is made, **or invitation.**
- (5) **"Kickboxing" means a boxing contest or exhibition where the participants are allowed to throw kicks or foot blows at the opponent in addition to punching with the hands and in which kickboxers compete for money, a prize, or other pecuniary gain.**
- (6) **"Mixed Martial Arts" means any form of unarmed contest or exhibition in which participants compete for money, a prize, or other pecuniary gain, or for which admission or donations are collected from the audience. Mixed martial arts may include any element or combination of elements of boxing, kickboxing, wrestling or other martial arts. Exhibitions where participants are judged on form and style and where punches and kicks are pulled shall not be included in this definition.**
- ~~(7)(4)~~ "Person" includes an individual, partnership, corporation, association or club.
- ~~(8)(5)~~ "Professional" is a boxer, **kickboxer, mixed martial arts contestant**, or wrestler who competes for a money prize, or other pecuniary gain.
- (9) **"Show" means any organized grouping of boxing, kickboxing, mixed martial arts, or wrestling matches, contests, or exhibitions coming under the jurisdiction of the Kentucky Boxing and Wrestling Authority.**
- (10) **"Professional wrestling" means an activity or performance of athletic and wrestling skill between individuals who are not under the jurisdiction of the Kentucky High School Athletic Association, the National Collegiate Athletic Association, or USA Wrestling, in which the participants struggle hand-to-hand primarily for the purpose of providing entertainment to spectators rather than conducting a bona fide athletic contest. The outcome of these matches may be predetermined. Participating wrestlers may not be required to use their best efforts in order to win.**

~~[(6) "Professional match" is a boxing, sparring, or wrestling match or exhibition in which a professional is a contestant.]~~

➔Section 2. KRS 229.021 is amended to read as follows:

Unless a license or permit has been granted by the authority, as provided in this chapter, no person shall:

- (1) Engage in a **show or exhibition or**[professional match, or a fight] for a bet or stakes;
- (2) Act as a second in a **show**[professional match], bear a challenge or the oral or written acceptance of a challenge for such **show**[match], make up or aid in making up the stakes for the **show**[match] or assist in any way in the bringing on or conducting of the **show**[match];
- (3) Train or prepare, or assist another in training or preparing for such a **show**[match] in this state; ~~or~~[and]

- (4) ~~Voluntarily~~ Permit the use of any land owned, controlled, or occupied by him or her for such a *show or exhibition*~~[match]~~.

➔Section 3. KRS 229.031 is amended to read as follows:

- (1) Every person conducting a ~~professional~~ boxing, *kickboxing, mixed martial arts*, or wrestling *show*~~[match]~~ or exhibition, other than those holding a permit under subsection (1) of KRS 229.061, shall, within twenty-four (24) hours after the termination of every *show*~~[match]~~ or exhibition, furnish to the authority a written report, verified by the person, if an individual, or by some officer, if a corporation or association, showing the number of tickets sold for the *show*~~[match]~~ or exhibition, the amount of the gross receipts from such sale and such other matters as the authority prescribes. He or she shall also, within the same period, pay to the authority a tax of *twenty-five dollars (\$25) or* five percent (5%) of the gross receipts from the sale of all tickets to the *show*~~[match]~~ or exhibition, *whichever is greater*.
- (2) He or she shall also ~~pay to the authority, as soon as possible, a tax of five percent (5%) of the gross receipts from all other sources, direct or indirect, except that the tax shall not apply to the gross receipts from the sale, lease, or other exploitation of broadcasting, television, and motion picture rights of such contests. He or she shall also~~, prior to any such *show*~~[professional boxing or wrestling match]~~ or exhibition, file with the authority a copy of each contract involving compensation of the contestants and a copy of each contract under which he or she will receive, directly or indirectly, compensation from any source whatsoever. Any person making payments under any such contract shall promptly report to the authority the amount of any such payments.
- (3) All taxes required to be paid by this section shall be computed on the gross receipts without any deduction whatsoever for commissions, brokerage, distribution fees, advertising or other expenses, charges or recoupments in respect thereto, exclusive of any federal excise taxes.
- (4) Any person supplying radio, television, or cable facilities for the broadcast or televising of any *show*~~[professional match]~~ shall, prior to the contest, notify the authority.

➔Section 4. KRS 229.041 is amended to read as follows:

Whenever a person fails to make the report within the time prescribed by KRS 229.031, or whenever the report is unsatisfactory to the authority, it may examine or cause to be examined the books and records of that person to ascertain and fix the total amount of its gross receipts for any *show*~~[match]~~ or exhibition and the amount of the tax due.

➔Section 5. KRS 229.051 is amended to read as follows:

Before a *promoter license*~~[permit]~~ is granted to any person to hold ~~or~~~~[-]~~ promote~~[- or act as a booker for a professional]~~ boxing, *kickboxing, mixed martial arts*, or ~~a~~ wrestling *shows*~~[match]~~ or *exhibitions*~~[exhibition]~~, the applicant shall file with the authority a bond in the sum of five thousand dollars (\$5,000), to be approved as to form and the sufficiency of the sureties by the authority, conditioned for the payment of the *taxes, fines or any fees*~~[tax]~~ imposed by *the authority*~~[KRS 229.031]~~. Upon the approval of the bond, the authority shall issue to the applicant a certificate of filing and approval~~[- which shall be filed by the applicant with the authority, with the application for the permit. The permit shall not be issued until the certificate has been filed]~~.

➔Section 6. KRS 229.061 is amended to read as follows:

- (1) The authority may issue a permit, without the payment of any taxes or license *fee*, to any accredited college, university, school, Young Men's Christian Association, Young Men's Hebrew Association, or organization which in the judgment of the authority is of like character, to hold boxing *or kickboxing shows*~~[or wrestling matches]~~ or exhibitions upon a sufficient showing that the matches or exhibitions are to be held by and between bona fide students or members of such accredited colleges, universities, schools, Young Men's Christian Associations, Young Men's Hebrew Associations, or organizations which in the judgment of the authority are of like character.
- (2) Any regularly organized post of the American Legion, and any organization operating solely for charitable purposes from which no individual, partnership, or corporation derives any monetary gain, may hold *boxing or kickboxing shows*~~[boxing or wrestling matches]~~ or exhibitions without the payment of the license fee prescribed by KRS 229.071. Any post of the American Legion or other organization holding *shows*~~[matches]~~ or exhibitions under this section shall be subject to the provisions of KRS 229.031 and 229.051.

- (3) No ~~show~~~~match~~ permitted by subsections (1) and (2) of this section may be conducted without a permit to hold the specific match and accompanying program of events at a specified location on a specified date.

➔Section 7. KRS 229.071 is amended to read as follows:

- (1) No person shall conduct or advertise a *show or exhibition*~~professional match~~ without a *promoter* license~~and permit~~ issued by the authority to conduct the *show*~~match~~. *Show dates shall be approved as determined in administrative regulation*~~An accompanying program of events shall be filed with the application for permit which specifies the location, date and time of the match~~.
- (2) *No person shall provide training for such a show or exhibition in this state without a promoter license approved by the authority.*
- (3) If, in the judgment of the authority, the financial responsibility, experience, character, and general fitness of an applicant, including in the case of corporations its officers and stockholders, are such that the participation of the applicant will be consistent with the public interest, convenience, or necessity and with the best interests of boxing, *kickboxing, mixed martial arts*, or wrestling generally and in conformity with the purposes of this chapter, the authority may grant an annual license in accordance with the provisions of *subsections (4), (5), and (6)*~~subsection (3)~~ of this section.
- ~~(4)(3)~~ The annual license fee shall be established by the authority by promulgation of administrative regulations.
- ~~(5)(4)~~ No person may be issued an annual license unless he or she has been a resident of Kentucky for sixty (60) days prior to the issuance thereof, or in the case of a corporation, unless it has qualified to do business in the Commonwealth.
- ~~(6)(5)~~ In determining which applicant may be granted a *license*~~permit~~ to conduct a *boxing, kickboxing, mixed martial arts or*~~professional~~ wrestling *show*~~match~~, the authority shall give preference to Kentucky residents and domestic corporations.

➔Section 8. KRS 229.081 is amended to read as follows:

A person shall not participate in a *show*~~professional match~~ in any of the following enumerated capacities or in any other capacity as set out in administrative regulations promulgated by the authority without holding a license issued by the authority and meeting all eligibility requirements as established by the authority by promulgation of administrative regulations:

- (1) *Bout Assistant;*
- (2) Contestant;
- ~~(3)(2)~~ Judge;
- ~~(4)(3)~~ Manager;
- ~~(5)(4)~~ Physician;
- ~~(6)(5)~~ Referee;
- (7) *Second;*
- ~~(8)(6)~~ Timekeeper; or
- ~~(9)(7)~~ Trainer.

Licenses issued under this section shall expire on December 31 of the year in which they are issued. The authority may establish a schedule of compensation to be paid to officials for participating in a professional match by promulgation of administrative regulations. The compensation shall be paid by the person conducting the match, and by no other person.

➔Section 9. KRS 229.101 is amended to read as follows:

- (1) A boxing or *kickboxing bout*~~wrestling match~~ or exhibition shall not consist of more than twelve (12) rounds.
- (2) *A mixed martial arts bout or exhibition shall not consist of more than five (5) rounds.*
- (3) *Duration of the rounds shall be determined by administrative regulation.*

➔Section 10. KRS 229.111 is amended to read as follows:

Contestants in a ~~professional~~ boxing, ***kickboxing***, or ***mixed martial arts show*** ~~[wrestling match]~~ or exhibition shall be examined by a reputable licensed physician appointed by the authority, and shall meet the health and fitness requirements as established in administrative regulations promulgated by the authority before participating in a boxing, ***kickboxing***, or ***mixed martial arts bout*** ~~[wrestling match]~~ or exhibition.

➔Section 11. KRS 229.121 is amended to read as follows:

No contestant under eighteen (18) years of age shall be knowingly issued a license or allowed to participate in any ~~professional~~ boxing, ***kickboxing***, ***mixed martial arts***, or wrestling ***show*** ~~[match]~~ or exhibition, nor shall any person obtain, or cause to be obtained, a license to any person under eighteen (18) years of age, to participate in any ~~professional~~ boxing, ***kickboxing***, ***mixed martial arts***, or wrestling ***show*** ~~[match]~~ or exhibition.

➔Section 12. KRS 229.131 is amended to read as follows:

Decisions may be rendered in any boxing, ***kickboxing***, ***mixed martial arts***, or wrestling ***show*** ~~[match]~~ or exhibition, permitted by this chapter, in the discretion of the authority and by such method as it by rule prescribes.

➔Section 13. KRS 229.141 is amended to read as follows:

All structures or parts of structures used, or intended to be used, for boxing, ***kickboxing***, ***mixed martial arts***, and wrestling ***shows*** ~~[matches]~~ and exhibitions, shall be properly ventilated and provided with fire exits and fire escapes, if need be, and shall conform to the laws, ordinances and regulations pertaining to buildings in the city where situated.

➔Section 14. KRS 229.151 is amended to read as follows:

- (1) The Kentucky Boxing and Wrestling Authority is hereby created and established as an agency of state government charged with the responsibility for regulatory oversight and the establishment of sound policies and procedures governing the conduct of ~~professional~~ boxing, wrestling, and other ~~professional~~ full contact competitive bouts within the Commonwealth of Kentucky. The authority shall be attached to the Environmental and Public Protection Cabinet, Department of Public Protection, for administrative purposes.
- (2) The authority shall consist of five (5) members appointed by the Governor.
  - (a) One (1) member shall be the secretary of the Environmental and Public Protection Cabinet, or the secretary's designee, who shall serve as an ex officio voting member;
  - (b) One (1) member shall be a medical doctor; and
  - (c) Three (3) members shall be appointed from the state at large, one (1) of whom shall have no financial interest in the business or industry regulated.

One (1) member shall be appointed to serve as the authority's chairperson. The Governor shall further designate a second member to serve as vice chair with authority to act in the absence of the chair. A majority of the members of the authority shall constitute a quorum for the transaction of business.

- (3) The appointed members of the authority shall serve for a term of three (3) years at the pleasure of the Governor, with initial terms staggered. Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.
- (4) Members of the authority shall receive one hundred dollars (\$100) per day for each meeting attended and shall be reimbursed for all expenses paid or incurred in the discharge of official business.

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 229 IS CREATED TO READ AS FOLLOWS:

- (1) ***The Kentucky Boxing and Wrestling Medical Advisory Panel is hereby created.***
- (2) ***The panel shall consist of three (3) to five (5) physicians appointed by the chair of the Kentucky Boxing and Wrestling Authority with the consent of the full authority. Each physician shall be:***
  - (a) ***Licensed to practice medicine in Kentucky; and***
  - (b) ***Knowledgeable regarding the kinds and types of injuries or conditions likely to be the result of boxing, kickboxing, mixed martial arts, and wrestling.***

- (3) *Each member of the panel shall receive one hundred dollars (\$100) per day for each meeting of the panel and for each day or portion thereof that the member is engaged in carrying out the duties of the panel.*
- (4) *The panel shall advise the Kentucky Boxing and Wrestling Authority regarding:*
  - (a) *Health and safety issues and policy relating to the sports regulated by the authority; and*
  - (b) *The fitness of an individual referred to the panel for review to compete in the regulated sports.*

➔Section 16. KRS 229.155 is amended to read as follows:

- (1) To carry out the functions relating to the authority's duties and responsibilities and to afford the full experience and resources of the Environmental and Public Protection Cabinet, ***after revenue of five hundred thousand dollars (\$500,000) is generated in two (2) consecutive fiscal years by the authority***, the Governor ~~may~~***shall*** appoint an executive director who shall serve at the pleasure of the Governor. The Governor shall set the qualifications and salary for the position of executive director under the provisions of KRS 64.640. ***The commissioner of the Department of Public Protection shall act as executive director until the fiscal requirement is met.***
- (2) The executive director shall employ sufficient regulatory staff for the authority ~~that~~***and*** shall be responsible for the day-to-day operations of the authority, including but not limited to the following:
  - (a) Complying with regulations;
  - (b) Issuing licenses and permits;
  - (c) Establishing appropriate organizational structures;
  - (d) Carrying out policy and program directives of the authority; and
  - (e) Performing all other duties and responsibilities as assigned.
- (3) With approval of the authority, the executive director and regulatory staff may enter into agreements with any state agency or political subdivision of the state, any postsecondary education institution, or any other person or entity to enlist assistance to implement the duties and responsibilities of the authority.

➔Section 17. KRS 229.171 is amended to read as follows:

- (1) The authority shall have and hereby is vested with the sole direction, management, control, and jurisdiction over all ~~professional~~ boxing, sparring, ***kickboxing, mixed martial arts***, and wrestling ~~shows~~***matches*** or exhibitions to be conducted, held, or given within the Commonwealth. The authority is hereby given the sole control, authority, and jurisdiction over all licenses to hold boxing, sparring, ***kickboxing, mixed martial arts***, or wrestling ~~shows~~***matches*** or exhibitions for prizes or purses or where an admission fee ***or donation*** is received, ***or a ticket or invitation is required to attend*** and over all licenses to any and all persons who participate in the boxing, sparring, ***kickboxing, mixed martial arts***, or wrestling ~~shows~~***matches*** or exhibitions.
- (2) Except as otherwise provided in this chapter, the authority shall be responsible for the following:
  - (a) Developing programs and procedures which will aggressively fulfill its oversight and regulatory role, with full accountability and internal controls to protect ~~professional~~ athletes in the ring;
  - (b) Adhering to the best regulatory practices and due process procedures to protect the regulated community and the interests of the Commonwealth, and ensuring that all education and training requirements for hearing officers and members serving as hearing officers under KRS Chapter 13B are met;
  - (c) Developing the Commonwealth's goals of providing the professional staff necessary to ensure that events are effectively regulated, while allowing authority members to provide the policy oversight necessary to protect the integrity of the regulatory program; and
  - (d) Recommending changes to statutory and regulatory authorities to best protect ~~professional~~ athletes, while promoting Kentucky as a world-class market for major events.

➔Section 18. KRS 229.180 is amended to read as follows:

~~{(1)—}~~The authority is authorized 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 provided in this chapter. In recognition of the fact that more supervision is desirable in this area, it is the intention of the General Assembly to confer upon the authority wider discretion than that ordinarily possessed by administrative agencies.

~~{(2)— All licenses approved by, and dates awarded by, the Kentucky Athletic Commission shall remain in effect through December 31, 2005.}~~

➔Section 19. KRS 229.200 is amended to read as follows:

- (1) The authority may suspend, reprimand, revoke, *probate*, or refuse to renew or issue a license for the following reasons: that the licensee or applicant has, in the judgment of the authority, been guilty of an act detrimental to the interests of boxing, *kickboxing, mixed martial arts*, or wrestling generally or to the public interest, convenience, or necessity, including, but not by way of limitation, the violation of any of the provisions of this chapter or any rule or administrative regulation of the authority.
- (2) The authority may suspend, reprimand, revoke, *probate*, or refuse to renew or issue a license if it finds that the applicant, or any person who is a partner, agent, employee, stockholder, or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, gamblers, or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with boxing, *kickboxing, mixed martial arts*, or wrestling, or has violated or attempted to violate any law with respect to boxing, *kickboxing, mixed martial arts*, or wrestling in any jurisdiction or any rule, regulation, or order of the authority, or shall have violated any rule of boxing, *kickboxing, mixed martial arts*, or wrestling which shall have been approved or adopted by the authority, or has been guilty of or engaged in similar, related, or like practices.
- (3)
  - (a) The authority may suspend, reprimand, revoke, *probate*, or refuse to renew or issue a license to protect the health of the licensee, upon notification of the suspension or revocation of the license of a licensee in another state or jurisdiction.
  - (b) Upon proceedings for the revocation of any license under KRS 229.081, the authority may, in its discretion, order a suspension of the license. However, the licensee may have the alternative, subject to the approval of the authority, to pay in lieu of part or all of the days of any suspension period a sum not in excess of five hundred dollars (\$500).

➔Section 20. KRS 229.210 is amended to read as follows:

- (1) For any act which would justify the suspension of a license, *other than a medical suspension*, the authority may declare the person committing such act ineligible to receive a license for a period not to exceed one (1) year.
- (2) *The length of a medical suspension shall be recommended by the medical review panel and approved by a majority vote of the board.*

➔Section 21. KRS 229.240 is amended to read as follows:

All peace officers, who are informed or who have reason to believe that a *show or exhibition*~~[professional match]~~ that is in violation of this chapter or administrative regulations promulgated in accordance with this chapter is about to take place, or that there is training or preparation for such a *show or exhibition*~~[contest]~~, in any place within their jurisdiction, shall suppress and prevent it. For this purpose any peace officer may enter any place where such *show or exhibition*~~[contest]~~ is being or will be held or where there is training or preparation for such a *show or exhibition*~~[contest]~~ and may arrest without a warrant any person who does not submit satisfactory proof that he or she has the license or permit required by this chapter.

➔Section 22. KRS 229.250 is amended to read as follows:

- (1) The first *two hundred fifty thousand dollars (\$250,000)*~~[one hundred thousand dollars (\$100,000)]~~ in fees and charges collected by the Kentucky Boxing and Wrestling Authority shall be paid into the State Treasury and credited to a separate revolving or trust and agency fund account established for the purpose of administering the provisions of this chapter. The amount of fees and charges collected in excess of *two hundred fifty thousand dollars (\$250,000)*~~[one hundred thousand dollars (\$100,000)]~~ shall be deposited to the credit of the

general fund. The cost and expenses of administering the provisions of this chapter, including compensation to members of the authority and its officers and employees shall be paid out of the State Treasury upon warrants of the secretary of the Finance and Administration Cabinet according to law, provided that the total expense of administering these provisions shall not exceed the fees and other charges collected by the authority and available in the revolving or trust and agency fund account, of that authority, except that, in fiscal year 1984-85 such costs shall not exceed the fees and other charges collected by the authority and available in the revolving or trust and agency account plus any funds which are appropriated to the authority under the provisions of Acts Chapter 418 of the 1984 session of the Kentucky General Assembly.

- (2) All fees and charges collected by the Kentucky Boxing and Wrestling Authority, up to a maximum of **two hundred fifty thousand dollars (\$250,000)**~~one hundred thousand dollars (\$100,000)~~, shall be available for the administration of the provisions of this chapter, and for no other purpose.

➔Section 23. KRS 229.991 is amended to read as follows:

- (1) Any person who violates subsection (1) of KRS 229.071 or subsection (1) of KRS 229.021 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned in the county jail for not more than six (6) months, or both.
- (2) Any person who violates subsection (2), (3), or (4) of KRS 229.021 shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned in the county jail for not more than ninety (90) days, or both.
- (3) Any person who violates KRS 229.081 where the violation does not constitute a violation of KRS 229.021, shall be fined not less than one hundred dollars (\$100) nor more than **one thousand dollars (\$1,000)**~~five hundred dollars (\$500)~~.
- (4) Any peace officer who willfully fails to execute the duties required of him by KRS 229.240 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500).
- (5) Any person who violates any of the provisions of this chapter for which no specific penalty is provided shall be fined not less than ten dollars (\$10) nor more than **five hundred dollars (\$500)**~~one hundred dollars (\$100)~~.
- (6) Any person who fails to pay the taxes required by KRS 229.031 or ascertained to be due under KRS 229.041 together with the expenses incurred in the examination, within twenty (20) days after notice to the delinquent person of the amount fixed by the authority shall ipso facto forfeit his or her license. In addition he or she shall forfeit and pay into the State Treasury an additional amount equal to the taxes found to be due.
- (7) Any person who violates the provisions of KRS 229.121 shall be fined not less than one hundred dollars (\$100) nor more than **one thousand dollars (\$1,000)**~~five hundred dollars (\$500)~~ and no person who has been guilty of such an offense shall be allowed to participate in any boxing, **kickboxing, mixed martial arts**, or wrestling **show[match]** or exhibition for one (1) year after being found guilty of the offense.
- (8) Any person failing to make the report required by subsection (2) or (4) of KRS 229.031 shall be liable for any tax the Commonwealth may lose as a result of his or her failure to make the required report.

➔Section 24. The following KRS section is repealed:

229.161 Other officers, employees, and inspectors.

**Signed by Governor April 11, 2008.**