

AMENDED IN ASSEMBLY JULY 3, 2002

AMENDED IN SENATE APRIL 1, 2002

SENATE BILL

No. 1749

Introduced by Senator Polanco

February 21, 2002

An act to amend Section 18712 of the Business and Professions Code, relating to boxing and martial arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1749, as amended, Polanco. Boxing and martial arts.

Existing law, the Boxing Act, provides for the licensure of boxers and martial arts fighters by the State Athletic Commission and makes a violation of its provisions a misdemeanor. The act requires that applicants for licensure and for licensure renewal as a professional boxer or as a professional martial arts fighter submit documentation of negative test results for the human immunodeficiency virus and hepatitis ~~type B~~ *virus*.

This bill would additionally include within this requirement testing for hepatitis ~~type C~~ *virus* and would require professional boxers and martial arts fighters to submit to the commission negative results for all of the required tests prior to competing in a match that occurs 180 days or more after the date of the tests submitted by the boxer or fighter for issuance or renewal of his or her license.

Because the bill would specify an additional requirement under the Boxing Act, a violation of which would be punishable as a misdemeanor, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18712 of the Business and Professions
2 Code is amended to read:

3 18712. (a) Notwithstanding any other provision of law, any
4 person applying for a license or the renewal of a license as a
5 professional boxer or as a professional martial arts fighter shall
6 present documentary evidence satisfactory to the commission that
7 the applicant has been administered a test, by a laboratory in the
8 United States that possesses a certificate under the Clinical
9 Laboratory Improvement Act (42 U.S.C. Sec. 263a), to detect the
10 presence of antibodies both to the human immunodeficiency virus
11 (HIV) and to hepatitis ~~type C (HCC)~~ *C virus (HCV)* and to detect
12 the presence of the antigen of ~~virus hepatitis type B~~ *B virus (HBV)*
13 within 30 days prior to the date of the application and that the
14 results of all three tests are negative. A negative report for all three
15 tests shall also be required of a professional boxer or professional
16 martial arts fighter prior to competing in a match that will occur
17 180 days or more after the date of the tests submitted for the
18 issuance or renewal of his or her license.

19 (b) Information received under this section and any other
20 medical information about an applicant or licensee shall be
21 confidential and not subject to discovery or subpoena. If the
22 commission denies a license or the renewal of a license or suspends
23 or revokes a license because of a licensee's HIV or ~~HCC~~ *HCV*
24 antibody status or HBV antigen status, it shall state only that the
25 action was taken for medical reasons. An applicant or licensee may
26 appeal the commission's denial, suspension, or revocation of a
27 license under this section. The commission shall notify each
28 person in writing of his or her right to a closed hearing for that
29 appeal. An applicant or licensee must make a request for a hearing
30 to the commission within 30 days of receiving notification from
31 the commission of the applicant's or licensee's right to a hearing.



1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

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