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AMENDED IN SENATE AUGUST 12, 2013

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AMENDED IN ASSEMBLY MAY 6, 2013

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1186

**Introduced by Assembly Member Bonilla
(Coauthor: Assembly Member Jones)**

February 22, 2013

An act to amend Sections 18625, 18627, *18646*, and 18702 of, and to add Section 18770 to, the Business and Professions Code, relating to business, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1186, as amended, Bonilla. State Athletic Commission.

Under existing law, the State Athletic Commission Act, the State Athletic Commission has jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of forms of full contact martial arts contests, including mixed martial arts, and matches or exhibitions conducted, held, or given within this state. Existing law prohibits an event from taking place without the prior approval of the commission. Existing law prohibits a person from engaging in the promotion of, or from participating in, a boxing or martial arts contest, match, or exhibition without a license,

except as specified. Existing law ~~states that~~ *requires* protection of the public ~~shall~~ *to* be the highest priority for the commission. *A violation of the act is a crime.*

Existing

Under existing law defines, “martial arts” to include means any combination of full contact martial arts including mixed martial arts and defines “full contact” as the use of full unrestrained physical force in a martial arts contest. Under existing law, a “contest” is where full or partial contact is used or intended that may result or is intended to result in physical harm to the opponent. Under existing law, opponents are not required to use their best efforts in any exhibition or sparring match.

This bill would delete that provision relating to best efforts and would specify that a contest includes refers to a professional or amateur contest where full contact is used or intended to that may result in physical harm to the opponent. The bill would provide that an amateur contest includes a contest where full contact is used, even if unintentionally. The bill would define the term “full contact” to mean the use of full unrestrained physical force in a martial arts contest that may result or is intended to result in physical harm to the opponent. Because the bill would change the definition of a crime, the bill would impose a state-mandated local program.

Under existing law, the commission may authorize a nonprofit boxing, wrestling, or martial arts club or organization, upon approval of its bylaws, to administer the commission’s rules for amateur boxing, wrestling, and full contact martial arts contests and thus waive direct application of the commission’s laws if the commission makes a specified finding.

This bill would provide that the commission may authorize one or more nonprofit boxing, wrestling, or martial arts clubs or organizations to administer its rules for amateur boxing, wrestling, and full contact martial arts contests subject to those same limitations.

Existing law authorizes the commission to license professional and amateur martial arts fighters. Existing law prohibits a person under 18 years of age from participating as a contestant in any contest or match or exhibition, except that any person 16 years of age or over may be licensed as an amateur and may participate in an amateur contest or match.

This bill would ~~instead~~ prohibit a person under 18 years of age from participating as a contestant in any professional contest or match or

~~exhibition and~~ exhibition. *The bill would authorize any person, irrespective of age, to participate as a contestant in an amateur contest, match, or exhibition subject with the approval of the commission to that licensure authorization. The bill would specify that the commission has jurisdiction over all forms and ~~conditions~~ combinations of forms of full contact martial arts contests involving participants 18 years of age or younger.*

Existing law authorizes the commission to appoint an advisory committee to advise the commission on martial arts. Existing law requires the advisory committee to be composed of members with prior specified experience with kickboxing or full-contact martial arts events.

This bill would require the commission to establish ~~a~~ *an advisory* pankration subcommittee, consisting of 3 commission members, to investigate the rules and conduct of contests involving or claiming to involve pankration by persons under 18 years of age, or any style deemed by the subcommittee to be sufficiently similar thereto. The bill would require the subcommittee to meet and examine specified matters, including, but not limited to, participant safety in pankration contests and whether legislation should be enacted to impose age-based restrictions on those contest participants. ~~The~~ *By July 1, 2014, the* bill would require the subcommittee to make recommendations to the commission regarding any ~~administrative actions or statutory~~ *legislative* changes to be enacted that may be necessary to improve its regulation and oversight of pankration contests.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 18625 of the Business and Professions
- 2 Code is amended to read:

1 18625. (a) As described in the specific provisions of the act,
2 whether referring to a professional or amateur contest or match,
3 the terms “contest” and “match” are synonymous, may be used
4 interchangeably, include boxing, kickboxing, and martial arts
5 exhibitions, and mean a fight, prizefight, boxing contest, pugilistic
6 contest, kickboxing contest, martial arts contest, or sparring match,
7 between two or more persons, where full contact is used or intended
8 that may result or is intended to result in physical harm to the
9 opponent.

10 (b) (1) An amateur contest or match includes a contest or match
11 where full contact is used, even if unintentionally.

12 (2) An amateur contest or match does not include light contact
13 karate, tae kwon do, judo, or any other light contact martial arts
14 as approved by the commission and recognized by the International
15 Olympic Committee as an Olympic sport.

16 SEC. 2. Section 18627 of the Business and Professions Code
17 is amended to read:

18 18627. (a) “Martial arts” means any form of karate, kung fu,
19 tae kwon do, kickboxing or any combination of full contact martial
20 arts, including mixed martial arts, or self-defense conducted on a
21 full contact basis where a weapon is not used.

22 (b) “Kickboxing” means any form of boxing in which blows
23 are delivered with the hand and any part of the leg below the hip,
24 including the foot.

25 (c) “Full contact” means the use of ~~full unrestrained~~ physical
26 force in a martial arts contest that may result or is intended to result
27 in physical harm to the opponent, including any contact that does
28 not meet the definition of light contact or noncontact.

29 (d) “Light contact” means the use of controlled martial arts
30 techniques whereby no contact to the face is permitted and no
31 contact is permitted which may result or is intended to result in
32 physical harm to the opponent.

33 (e) “Noncontact” means that no contact occurs between either
34 contestant.

35 SEC. 3. Section 18646 of the Business and Professions Code
36 is amended to read:

37 18646. (a) This chapter applies to all amateur boxing,
38 wrestling, and full contact martial arts contests.

39 (b) The commission may, however, authorize ~~a one or more~~
40 nonprofit boxing, wrestling, or martial arts ~~club or organization,~~

1 *clubs or organizations*, upon approval of its bylaws, to administer
2 its rules for amateur boxing, wrestling, and full contact martial
3 arts contests, and may, therefore, waive direct commission
4 application of laws and rules, including licensure, subject to the
5 commission's affirmative finding that the standards and
6 enforcement of similar rules by ~~that~~ a club or organization meet
7 or exceed the safety and fairness standards of the commission. The
8 commission shall review the performance of any such club or
9 organization annually.

10 (c) Every contest subject to this section shall be preceded by a
11 physical examination, specified by the commission, of every
12 contestant. A physician *and surgeon* shall be in attendance at the
13 contest. There shall be a medical insurance program satisfactory
14 to the commission provided by ~~the~~ an amateur club or organization
15 in effect covering all contestants. The commission shall review
16 compliance with these requirements.

17 (d) Any club or organization which conducts, holds, or gives
18 amateur contests pursuant to this section, which collects money
19 for the event, shall furnish a written financial report of receipts
20 and disbursements within 90 days of the event.

21 (e) The commission has the right to have present without charge
22 or restriction such representatives as are necessary to obtain
23 compliance with this section.

24 (f) The commission may require any additional notices and
25 reports it deems necessary to enforce the provisions of this section.

26 ~~SEC. 3.~~

27 *SEC. 4.* Section 18702 of the Business and Professions Code
28 is amended to read:

29 18702. (a) No person under 18 years of age shall participate
30 as a contestant in any professional contest or match or exhibition.

31 (b) Any person, irrespective of age, may participate *as a*
32 *contestant* in an amateur contest, match, or exhibition *with the*
33 *approval of the commission* subject to Section 18642.

34 (c) Consistent with Section 18640, the commission shall have
35 jurisdiction over all forms and combinations of forms of full contact
36 martial arts contests involving participants 18 years of age or
37 younger.

38 ~~SEC. 4.~~

39 *SEC. 5.* Section 18770 is added to the Business and Professions
40 Code, to read:

1 18770. (a) (1) The commission shall establish ~~a~~ *an advisory*
2 pankration subcommittee to investigate the rules and conduct of
3 contests involving or claiming to involve pankration by persons
4 under 18 years of age, or any style deemed by the subcommittee
5 to be sufficiently similar thereto.

6 (2) The pankration subcommittee shall consist of three members
7 of the commission.

8 (b) The subcommittee shall meet and examine the following
9 matters, including, but not limited to:

10 (1) In general, the legality and safety of the contests described
11 in subdivision (a).

12 (2) Whether or not legislation should be enacted to impose
13 age-based requirements or restrictions, which may include a
14 prohibition on participants engaging in the contests described in
15 subdivision (a).

16 (3) Appropriate safety precautions for persons under 18 years
17 of age engaging in the contests described in subdivision (a).

18 (c) ~~The~~ *By July 1, 2014, the* subcommittee shall make
19 recommendations to the commission regarding any ~~administrative~~
20 ~~actions or statutory~~ *legislative* changes to be enacted that may be
21 necessary to improve ~~its~~ *the commission's* regulation and oversight
22 of the contests described in subdivision (a) in order to adequately
23 protect participants.

24 *SEC. 6. No reimbursement is required by this act pursuant to*
25 *Section 6 of Article XIII B of the California Constitution because*
26 *the only costs that may be incurred by a local agency or school*
27 *district will be incurred because this act creates a new crime or*
28 *infraction, eliminates a crime or infraction, or changes the penalty*
29 *for a crime or infraction, within the meaning of Section 17556 of*
30 *the Government Code, or changes the definition of a crime within*
31 *the meaning of Section 6 of Article XIII B of the California*
32 *Constitution.*

33 ~~SEC. 5.~~

34 *SEC. 7.* This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

1 In order to make needed changes to the State Athletic
2 Commission Act as soon as possible, it is necessary that this act
3 take effect immediately.

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