

Assembly Bill No. 1186

CHAPTER 506

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.

[Approved by Governor October 3, 2013. Filed with
Secretary of State October 3, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1186, 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 requires protection of the public to be the highest priority for the commission. A violation of the act is a crime.

Under existing law, "martial arts" 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 refers to a professional or amateur contest where full contact is used or intended 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 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 specify 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 prohibit a person under 18 years of age from participating as a contestant in any professional contest or match or exhibition. The bill would authorize any person, irrespective of age, to participate as a contestant in an amateur contest, match, or exhibition with the approval of the commission subject to that licensure authorization. The bill would specify that the commission has jurisdiction over all forms and 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 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. By July 1, 2014, the bill would require the subcommittee to make recommendations to the commission regarding any legislative changes to be enacted that may be necessary to improve its regulation and oversight of pankration contests.

This bill would incorporate additional changes to Section 18646 of the Business and Professions Code made by this bill and SB 309 to take effect if both bills are chaptered and this bill is chaptered last.

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.

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

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

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

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

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

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

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

(b) “Kickboxing” 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.

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

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

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

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

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

(b) The commission may, however, authorize one or more nonprofit boxing, wrestling, or martial arts clubs or organizations, upon approval of its bylaws, to administer its rules for amateur boxing, wrestling, and full contact martial arts contests, and may, therefore, waive direct commission application of laws and rules, including licensure, subject to the commission’s affirmative finding that the standards and enforcement of similar rules by a club or organization meet or exceed the safety and fairness standards of the commission. The commission shall review the performance of any such club or organization annually.

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

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

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

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

SEC. 3.5. Section 18646 of the Business and Professions Code is amended to read:

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

(b) The commission may, however, authorize one or more nonprofit boxing, wrestling, or martial arts clubs, organizations, or sanctioning bodies, upon approval of its bylaws, to administer its rules for amateur boxing, wrestling, and full contact martial arts contests, and may, therefore, waive direct commission application of laws and rules, including licensure, subject to the commission's affirmative finding that the standards and enforcement of similar rules by a club or organization meet or exceed the safety and fairness standards of the commission. The commission shall review the performance of any such club, organization, or sanctioning body annually.

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

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

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

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

(g) The commission, at its discretion, may rescind previously approved authorization of a nonprofit boxing, wrestling, or martial arts club, organization, or sanctioning body to administer its rules for amateur boxing, wrestling, and full contact martial arts contests.

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

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

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

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

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

18770. (a) (1) The commission shall establish an advisory pankration subcommittee 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.

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

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

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

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

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

(c) By July 1, 2014, the subcommittee shall make recommendations to the commission regarding any legislative changes to be enacted that may be necessary to improve the commission's regulation and oversight of the contests described in subdivision (a) in order to adequately protect participants.

SEC. 6. Section 3.5 of this bill incorporates amendments to Section 18646 of the Business and Professions Code proposed by both this bill and SB 309. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, but this bill becomes operative first, (2) each bill amends Section 18646 of the Business and Professions Code, and (3) this bill is enacted after SB 309, in which case Section 18646 of the Business and Professions Code, as amended by Section 3 of this bill, shall remain operative only until the operative date of SB 309, at which time Section 3.5 of this bill shall become operative.

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

within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

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