

Date of Hearing: September 12, 2013

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND  
INTERNET MEDIA

Ian C. Calderon, Chair

AB 1186 (Bonilla) – As Amended: September 6, 2013

SUBJECT: State Athletic Commission.

SUMMARY: Clarifies that the California State Athletic Commission (Commission) is authorized to regulate all forms of full contact martial arts contests involving participants 18 years of age or younger, including all forms and combinations of forms of full contact martial arts contests deemed by the Commission to be similar, and that an amateur contest includes a contest where full contact is used, even if unintentionally. Specifically, this bill:

- 1) Remove “partial contact” from the definition of a contest or match.
- 2) Clarify that "full contact" means the use of full 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.
- 3) Clarify that an amateur contest or match includes a contest or match where full contact is used, even if unintentionally.
- 4) Specify that 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.
- 5) Clarify that the Commission shall have jurisdiction over all forms and combination of forms of full contact martial arts contests involving participants 18 years of age or younger.
- 6) Require the Commission to 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. Require the subcommittee to make recommendations to the Commission regarding any administrative actions or statutory changes to be enacted that may be necessary to improve its regulation and oversight of contests in order to adequately protect participants. Provide that the pankration subcommittee shall consist of three members of the Commission who meet and examine the following, including, but not limited to:
  - a) The legality and safety of contests.
  - b) Whether or not legislation should be enacted to impose age-based requirements or restrictions, which may include a prohibition on participants engaging in contests.
  - c) Appropriate safety precautions for persons under 18 years of age engaging in contests.

- 7) State that this is an urgency measure necessary to take effect immediately for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution.
- 8) Add double-jointing language consistent with SB 309 (Lieu) of the current legislative session to avoid chaptering-out issues.

EXISTING LAW:

- 1) The Boxing Act, or State Athletic Commission Act (State Act), provides for the licensing and regulation of boxers, kickboxers, martial arts athletes and events held in California by the Commission within the Department of Consumer Affairs (DCA) and makes the Commission inoperative and repealed on January 1, 2014. [Business and Professions (B&P) Code Section 18602.]
- 2) Provides that protection of the public shall be the highest priority for the Commission in exercising its licensing, regulatory, and disciplinary functions, and whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (B&P Code Section 18602.1.)
- 3) Provides that “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 or partial contact is used or intended that may result or is intended to result in physical harm to the opponent. Provides that in any exhibition or sparring match, the opponents are not required to use their best efforts. (B&P Code Section 18625.)
- 4) Provides for the following definitions: (B&P Code Section 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 (MMA), 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 full unrestrained physical force in a martial arts contest.
  - d) “Light contact” means the use of controlled martial arts techniques whereby contact to the body is permitted in a restrained manner, 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.
- 5) Provides that the Commission has the sole direction, management, control of, and 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. Provides

that no event shall take place without the prior approval of the Commission and no person shall engage in the promotion of, or participate in, a boxing or martial arts contest, match, or exhibition without a license. (B&P Code Section 18640.)

- 6) Provides that the Commission may authorize a nonprofit boxing, wrestling, or martial arts club or organization, upon approval of its bylaws, to administer its rules for amateur boxing, wrestling, and full contact martial arts contests. Requires the Commission to review the performance of any such club or organization annually. Requires the Commission to review compliance with requirements for amateur contests to be preceded by a physical examination of every contestant, that a physician is in attendance at the contest and that the organization has a medical insurance program covering all contestants. Requires an organization to provide written financial reports of receipts and disbursements within 90 days of an amateur event. Authorizes the Commission to have representatives present as are necessary to obtain compliance with the requirements for amateur events. Authorizes the Commission to require any additional notices and reports from an organization it deems necessary. (B&P Code Section 18646.)
- 7) Provides that no person under the age of 18 years shall participate as a contestant in any contest or match or exhibition, except that any person 16 years or over may be licensed as an amateur and may participate in an amateur contest or match. (B&P Code Section 18702.)
- 8) Creates an advisory committee on medical and safety standards, which consists of six licensed physicians and surgeons appointed by the Commission for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests. (B&P Code Section 18645.)
- 9) Authorizes the Commission to appoint a martial arts advisory committee, composed of individuals, residing in California, who have prior to their appointment, been promoters, fighters, trainers, managers, or officials in publicly held kickboxing or full-contact martial arts events. (B&P Code Section 18769.)

Existing Federal Law: The Muhammad Ali Boxing Reform Act (Federal Boxing Act) prohibits events from taking place in a state without a regulatory commission unless the fight is regulated by either another state's commission or on sovereign tribal land. (Title 15 U.S.C. Section 6303.)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) Author's Statement of Support: According to the author, this bill is necessary to ensure the health and safety of young children participating in certain amateur Mixed Martial Arts (MMA) events, known as pankration. According to the author, event organizers have used loopholes in state law to escape Commission regulations, which puts kids at risk for serious injury. Pankration organizers have testified at numerous Commission meetings and in communications to the Commission that their sport includes only light or partial contact, thus does not fall under the jurisdiction of the Commission, which has oversight responsibilities for full contact sports. Pankration event organizers in California have also argued that the Commission does not license athletes under the age of 16, and since the youth participating

in their events are under 16, the Commission does not have jurisdiction to regulate pankration events. According to the author, clarifying the definition of full contact to ensure proper oversight of youth events in California will provide for important safety precautions at youth pankration events, including physical examinations for participants, physician attendance at all events, and a medical insurance program for all contests.

- 2) Background - California State Athletic Commission: The Commission is responsible for protecting the health and safety of its licensees; boxers, kickboxers and martial arts athletes. Established by initiative in 1924, stemming from concerns for athletes' injuries and deaths, the Commission provides direction, management, control of and jurisdiction over professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of full contact martial arts contests, including MMA and matches or exhibitions conducted, held or given in California. The Commission oversees licensing, prohibited substance testing, and event regulation. Functionally, the Commission consists of four components; licensing, enforcement, regulating events and administering the Pension Fund.

The Commission is responsible for implementation and enforcement of the Boxing Act and the State Athletic Commission Act. The Commission establishes requirements for licensure, issues and renews licenses, approves and regulates events, assigns ringside officials, investigates complaints received, and enforces applicable laws by issuing fines and suspending or revoking licenses. In 2012, the Commission supervised close to 200 events. The Commission has so far supervised over 40 events in 2013. The Commission licenses a number of individuals related to the participation in, oversight for and management of events in California.

The current Commission mission statement, as stated in its Strategic Plan, is as follows: **The California State Athletic Commission is dedicated to the health, safety and welfare of participants in regulated competitive sporting events, through ethical and professional service.**

- 3) Commission Has Delegated Authority for Oversight of Amateur MMA and Boxing: Current law allows the Commission to delegate its authority to oversee amateur sports to a qualified nonprofit organization if the Commission determines that the nonprofit "meets or exceeds the safety and fairness standards of the Commission." The Commission has the "sole direction, management, control of, and 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". Thus, under current law, the Commission's delegated authority for amateur regulation would also have oversight of the same sports as the Commission.

The Commission has exercised this authority and delegated its regulatory oversight responsibilities of amateur boxing and MMA to two different nonprofit organizations; USA Boxing, Inc. and the California Amateur Mixed Martial Arts Organization (CAMO), each of which has encountered difficulty.

For instance, there have been several issues with USA Boxing that raise some concern regarding the oversight of amateur boxing. In 2009, the Commission suspended USA

Boxing's authorization to regulate amateur boxing for three weeks in response to media reports of improprieties including underage alcohol consumption and gambling at USA Boxing sanctioned events and concern for the health and safety of amateur athletes. That delegation was reinstated after the Commission staff negotiated stricter requirements regarding safety, background checks, uniformity, reporting and record keeping, and included promises for USA Boxing to be more responsive to the Commission. The Commission voted to place USA Boxing on probation until June 2010. Earlier this year, the Commission informed USA Boxing that it would be randomly sending Commission inspectors to USA Boxing sanctioned events to ensure safety at those events.

When CAMO was first created and received authority from the Commission to oversee amateur MMA, there was no consensus on safety standards for amateur MMA and CAMO founders reported that it was unnecessary and even dangerous for the fighters to wear headgear. It does not appear that the Commission ever adopted regulations to clearly outline the difference between professional regulations and amateur regulations prior to delegating its authority. Additionally, the Commission struggled with a definition of what constitutes "full contact" and should therefore be regulated. While CAMO presented substantial regulations and clear standards for the components necessary to oversee amateur MMA, there is some concern that the Commission was not yet in a position in its own process and according to its own procedures to assist in the creation of the CAMO program. The Commission also worked with a small group of stakeholders to create a new model for regulation which may have omitted the input of many passionate athletes and organizers. CAMO established a fee structure for licensing that exceeds any of the fees collected by the Commission. Many groups determined to be under CAMO's regulatory authority still balk at the fee structure, citing that high fees are cost prohibitive to conduct events. Bureau of State Audits also reported that the Commission may have opportunities to generate revenue by regulating amateur MMA rather than delegating its authority to CAMO.

- 4) Sport of Pankration (Also Known As MMA for Kids) Safety Concerns: According to the United States Fight League, (USFL) Web site, pankration is the oldest Martial art on record and was the most prestigious event of the Ancient Olympics which combined elements of boxing and wrestling. "The rules were brutal and simple, all but eye gouging and biting was allowed while the referees enforced their rules with a large stick.

"Modern pankration is a martial art that encompasses grappling, limited contact and full contact competitions. Rules emphasize technique and sportsmanship at all levels. The amateur program presents a safe sport suitable for competitors of all ages from all styles of martial arts. The USFL provides the safest and most progressive route to prepare for International Amateur Competition or a professional fighting career."

In March 2009, the Commission first expressed concern about youth pankration events in California, specifically that head strikes were taking place and the events were not regulated. Commission staff and Department of Consumer Affairs (DCA) legal counsel attended pankration events and reviewed videos and organization rules to determine if the activity constituted full contact combat sports and should be regulated. Organizers are alleged to have modified rules numerous times to evade regulation until the Commission received a formal legal opinion in 2010, which found that pankration is a form of full contact MMA, subject to the Commission's oversight.

Throughout 2009 and 2010, the USFL, which was known then as the Amateur Pankration League/USA Pankration, came before the Commission and the Senate Business and Professions Committee contesting the determination that their sport is full contact, under the Commission's jurisdiction, and since the group put on amateur shows, would be regulated by California Amateur Martial Arts Organization (CAMO) on the Commission's behalf. The group continues to testify at Commission hearings that they are not full contact, despite the video clips recently highlighted on *Nightline and Dateline*, as well as those used by the Commission's Legal Counsel to make the original determination. However, the USFL President has described his events as "kids MMA" or "MMA events for kids" when promoting the competitions, creating a significant lack of clarity. A recent subcommittee meeting of the Commission received testimony that there is a lack of consistency among the trainers and youth pankration promoters in terms of requirements for medical evaluations prior to competitions. Pankration stakeholders also recently testified that they believe that only practices which result in injuries, as logged and tracked so as to create statistics about such injuries, should be excluded from events and the organization's rules. USFL recently testified that it supports the regulation of youth pankration, but that the events should only be governed by the USFL rules, rather than general rules for full contact MMA as those outlined by CAMO.

- 5) Regulatory Responses to Concerns: At its annual meeting last month, the Association of Boxing Commissions (ABC) Medical Safety Committee issued the following guidelines for amateur combat events:
- a) Amateur events should be regulated by State Athletic Commissions or participating jurisdictions, since amateur combat sports participants have fewer skill sets, but run the same or greater risk of injury as do professional combat sports competitors.
  - b) Minimum medical requirements for participation in any amateur event with modified rules (such as no elbow striking to the head on the ground in MMA) should include: i) annual history and physical examination; ii) baseline CBC, blood chemistries, lipid profile, clotting times; iii) communicable disease testing (HIV1/2, Hepatitis BsAg, Hepatitis C Ab) every six months; iv) annual ophthalmologic examination; v) baseline neurologic testing.
  - c) The reviewing Commission/jurisdiction physician may require further testing depending on the results of those submitted prior to licensure/fight clearance.
  - d) Suspensions of amateurs post-fight should be submitted to the appropriate national Web site (Fight-Fax, ABCMixedMartialArts.com).

The Commission appointed a Youth Pankration Subcommittee, which delivered the following recommendations and findings at the August 5, 2013, Commission meeting, after their investigation into the sport:

- a) Young athletes, particularly under age 11, mixed-gender bouts, and children's fights in cages, have caused attention and concern for the safety of the children - particularly from the Legislature and the media.
  - b) Youth pankration is a full contact activity as defined in Business and Professions Code Section 18640 and legal opinions interpreting that statute. Thus, it is within the jurisdiction of the Commission to regulate.
  - c) CAMO is the current delegatee of the Commission to regulate pankration events.
  - d) USFL officials intentionally created separate rules, including a separate scoring system, for the purpose of avoiding "full contact" regulation under the Commission and CAMO.
  - e) USFL appears to be an organization of committed persons, families and children who have the best interests of the kids as their motivation and have heretofore done a good job creating a culture of support, maturity and relative safety for youth pankration events.
  - f) The high cost of competing in CAMO amateur events is a major factor in the effort to create a sport and sanctioning organization for youth pankration separate and exempt from regulation under the Commission and CAMO.
  - g) Youth pankration needs to be regulated to protect and assure the proper support and safety of the children and parents involved.
  - h) Statutory updates and clarifications would help define the Commission's responsibility and authority over youth pankration.
- 6) Prior and Related Legislation:
- a) SB 309 (Lieu), extends the operation of the Commission until 2016. Makes various changes to the laws governing the Commission's operations and the Commission's oversight of professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of full contact martial arts contests, including MMA and matches or exhibitions conducted, held or given in California. SB 309 is currently pending on the Senate Floor for concurrence in Assembly amendments.
  - b) AB 2100 (Alejo) of the 2011-12 Legislative Session, would have required that the Commission, in consultation with the Association of Boxing Commissions (ABC), establish and enforce a professional code of conduct, as specified, and that persons seeking payment as promoters must make specified disclosures to the CSAC prior to being compensated. AB 2100 was held on the Assembly Appropriations Committee Suspense File.
  - c) SB 543 (Price), Chapter 448, Statutes of 2011, extended the Commission sunset date for 2 years, from January 1, 2012 to January 1, 2014.
  - d) SB 294 (Negrete McLeod), Chapter 695, Statutes of 2010, extended the Commission sunset date for one year, from January 1, 2011 to January 1, 2012.

- e) SB 963 (Ridley-Thomas), Chapter 385, Statutes of 2008, extended the Commission sunset date from July 1, 2009 to January 1, 2011.
- f) SB 247 (Perata), Chapter 465, Statutes of 2006, re-established the Commission on January 1, 2007, as an independent board through July 1, 2009.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Dana Mitchell / A.,E.,S.,T. & I.M. / (916) 319-3450