S T A T E O F N E W Y O R K

5055

2013-2014 Regular Sessions

I N S E N A T E

May 7, 2013

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, in relation to establishing protocols for combative sports and authorizing mixed martial arts events in this state; and in relation to establishing the New York mixed martial arts injury compensation fund, inc.; to amend the tax law, in relation to the imposition of a tax on the gross receipts of any person holding any professional or amateur boxing, sparring or wrestling match or exhibition, or professional combative sports match or exhibition; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 4 of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, subdivisions 2 and 6 as amended by chapter 437 of the laws of 2002 and subdivisions 3, 4 and 5 as added by chapter 603 of the laws of 1981, are amended to read as follows:

2. The advisory board shall have power and it shall be the duty of the board to prepare and submit to the commission for approval regulations and standards for the physical examination of professional boxers AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS including, without limitation, pre-fight and/or post-fight examinations and periodic comprehensive examinations. The board shall continue to serve in an advisory capacity to the commission and from time to time prepare and submit to the commission for approval, such additional regulations and standards of examination as in their judgment will safeguard the physical welfare of professional boxers licensed by the commission. The advisory board shall recommend to the commission from time to time such qualified

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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physicians, for the purpose of conducting physical examinations of professional boxers AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS and other services as the rules of the commission shall provide; and shall recommend to the commission a schedule of fees to be paid to physicians for such examinations and other services as required by this act.

3. The advisory board shall develop appropriate medical education programs for all commission personnel involved in the conduct of boxing and sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS so that such personnel can recognize and act upon evidence of potential or actual adverse medical indications in a participant prior to or during the course of a match OR EXHIBITION.

4. The advisory board shall review the credentials and performance of each commission physician on an annual basis as a condition of reappointment of each such physician, including each such physician's comprehension of the medical literature on boxing OR PROFESSIONAL COMBATIVE SPORTS referred to in subdivision five of this section.

5. The advisory board shall recommend to the commission a compilation of medical publications on the medical aspects of boxing OR PROFESSIONAL COMBATIVE SPORTS which shall be maintained by the commission and be made available for review to all commission personnel involved in the conduct of any boxing or sparring match or exhibition OR PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

6. The advisory board shall also advise the commission on any study of equipment, procedures or personnel which will, in their opinion, promote the safety of boxing participants AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS.

S 2. Section 5-a of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, as added by chapter 14 of the laws of 1997, is amended to read as follows:

S 5-a. Combative sports. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "BOARD" MEANS MEDICAL ADVISORY BOARD AS ESTABLISHED IN SECTION FOUR OF THIS ACT.

(B) A "combative sport" shall mean any professional match or exhibition other than boxing, sparring, wrestling or martial arts wherein the contestants deliver, or are not forbidden by the applicable rules thereof from delivering kicks, punches or blows of any kind to the body of an opponent or opponents. For the purposes of this section, the term "martial arts" shall include any professional match or exhibition OF A SINGLE DISCIPLINE sanctioned by AN ORGANIZATION APPROVED BY THE COMMISSION, INCLUDING, BUT NOT LIMITED TO, any of the following organizations: U.S. Judo Association, U.S. Judo, Inc., U.S. Judo Federation, U.S. Tae Kwon Do Union, North American Sport Karate Association, U.S.A. Karate Foundation, U.S. Karate, Inc., World Karate Association, Professional Karate Association, Karate International, International Kenpo Association, or World Wide Kenpo Association. The commission [is authorized to] SHALL promulgate regulations which would establish a process to allow for the inclusion or removal of martial arts organizations from the above list. Such process shall include but not be limited to consideration of the following factors: [(a)] (1) is the organization's primary purpose to provide instruction in self defense techniques; [(b)] (2) does the organization require the use of hand, feet and groin protection during any competition or bout; and [(c)] (3) does the organization have an established set of rules that require the immediate termination of any competition or bout when any participant has received severe punishment or is in danger of suffering serious physical injury.

(C) "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN SECTION ONE OF THIS CHAPTER OR AN AGENT OF THE COMMISSION ACTING ON ITS BEHALF.

(D) "MIXED MARTIAL ARTS" MEANS ANY PROFESSIONAL COMBATIVE SPORTS COMPETITION WHEREIN THE RULES OF SUCH COMPETITION SUBJECT TO THE APPLICABLE LIMITATIONS AS SET FORTH BY THE COMMISSION AUTHORIZE PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS BETWEEN VARIOUS FIGHTING DISCIPLINES, INCLUDING THE UTILIZATION OF PERMITTED MARTIAL ARTS TECHNIQUES, INCLUDING STRIKING, KICKING AND GRAPPLING. NO NON-PROFESSIONAL OR AMATEUR BOUT, EXHIBITION OR PARTICIPANT SHALL BE AUTHORIZED BY THIS SECTION.

(E) "PROFESSIONAL COMBATIVE SPORTS PARTICIPANT" OR "PARTICIPANT" SHALL MEAN A COMBATIVE SPORTS FIGHTER WHO COMPETES FOR A MONEY PRIZE OR TEACHES OR PURSUES OR ASSISTS IN THE PRACTICE OF MIXED MARTIAL ARTS AS A MEANS OF OBTAINING A LIVELIHOOD OR PECUNIARY GAIN, AND ANY CONTEST CONFORMING TO THE RULES, REGULATIONS AND REQUIREMENTS OF THIS SECTION.

(F) "PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION" SHALL MEAN ANY MATCH OR EXHIBITION THAT MUST BE APPROVED BY THE COMMISSION WHERE PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS RECEIVE CONSIDERATION OF ANY VALUE OR AN ADMISSION IS CHARGED.

1-A. COMMISSION REVIEW. THE COMMISSION SHALL REVIEW EACH MARTIAL ARTS SANCTIONING ORGANIZATION, INCLUDING THOSE LISTED IN SUBDIVISION ONE OF THIS SECTION, AT LEAST BIENNIALLY, OR SOONER IF DETERMINED NECESSARY BASED UPON THE PERIODIC COMPLIANCE CHECKS OR COMPLAINTS TO THE COMMISSION, TO DETERMINE CONTINUATION OF THE COMMISSION'S APPROVAL. THE COMMISSION SHALL CONTINUE APPROVAL OR SHALL SUSPEND OR REVOKE APPROVAL BASED UPON COMPLIANCE OF THE ORGANIZATION WITH THE APPROVED SANCTIONING STANDARDS AND ITS ABILITY TO SUPERVISE MATCHES IN THE STATE. THE COMMISSION SHALL ACT UPON ANY APPLICATION FOR INCLUSION IN THE LIST IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION WITHIN SIXTY DAYS OF THE DATE SUCH APPLICATION IS MADE TO THE COMMISSION.

1-B. MIXED MARTIAL ARTS COMPETITION. (A) THE COMMISSION SHALL PROMULGATE RULES AND REGULATIONS TO ALLOW FOR MIXED MARTIAL ARTS COMPETITIONS TO BE CONDUCTED, HELD, OR GIVEN WITHIN THE STATE OF NEW YORK AND SHALL ALLOW FOR LICENSES TO BE APPROVED BY THE COMMISSION FOR SUCH MATCHES OR EXHIBITIONS. THE COMMISSION IS AUTHORIZED TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION. SUCH RULES AND REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ADOPTION OF UNIFIED RULES OF MIXED MARTIAL ARTS, A LICENSING PROCESS FOR MATCHES AND EXHIBITIONS, A FEE SCHEDULE FOR SUCH LICENSES, PROCEDURES TO ALLOW FOR THE PARTICIPATION, PROMOTION, AND ADVANCEMENT OF SUCH EVENTS, THE HEALTH AND SAFETY OF PARTICIPANTS, AND THE BEST INTERESTS OF MIXED MARTIAL ARTS AND THE ADOPTION OF RULES AND REGULATIONS FOR LICENSING AND REGULATION OF ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL COMBATIVE SPORTS OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(B) THE COMMISSION IS AUTHORIZED AND DIRECTED TO REQUIRE THAT ALL SITES WHEREIN PROFESSIONAL COMBATIVE SPORTS ARE CONDUCTED SHALL COMPLY WITH STATE AND APPLICABLE LOCAL SANITARY CODES APPROPRIATE TO SCHOOL ATHLETIC FACILITIES.

2. [No combative sport shall be conducted, held or given within the state of New York, and no licenses may be approved by the commission for such matches or exhibitions.

3. (a) A person who knowingly advances or profits from a combative sport activity shall be guilty of a class A misdemeanor, and shall be

guilty of a class E felony if he or she has been convicted in the previous five years of violating this subdivision.

(b) A person advances a combative sport activity when, acting other than as a spectator, he or she engages in conduct which materially aids any combative sport. Such conduct includes but is not limited to conduct directed toward the creation, establishment or performance of a combative sport, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to attend or participate therein, toward the actual conduct of the performance thereof, toward the arrangement of any of its financial or promotional phases, or toward any other phase of a combative sport. One advances a combative sport activity when, having substantial proprietary or other authoritative control over premises being used with his or her knowledge for purposes of a combative sport activity, he or she permits such to occur or continue or makes no effort to prevent its occurrence or continuation.

(c) A person profits from a combative sport activity when he or she accepts or receives money or other property with intent to participate in the proceeds of a combative sport activity, or pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in the proceeds of a combative sport activity.

(d) Any person who knowingly advances or profits from a combative sport activity shall also be subject to a civil penalty not to exceed for the first violation ten thousand dollars or twice the amount of gain derived therefrom whichever is greater, or for a subsequent violation twenty thousand dollars or twice the amount of gain derived therefrom whichever is greater. The attorney general is hereby empowered to commence judicial proceedings to recover such penalties and to obtain injunctive relief to enforce the provisions of this section.] PROFESSIONAL COMBATIVE SPORTS MATCHES AND EXHIBITIONS AUTHORIZED. NO COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION AND THE RULES AND REGULATIONS PROMULGATED BY THE COMMISSION PURSUANT THERETO. THE COMMISSION SHALL DIRECT A REPRESENTATIVE TO BE PRESENT AT EACH PLACE WHERE COMBATIVE SPORTS ARE TO BE HELD PURSUANT TO THE PROVISIONS OF THIS SECTION. SUCH REPRESENTATIVE SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH MATCH OR EXHIBITION AND MAKE A WRITTEN REPORT OF THE SAME IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. SUCH COMBATIVE SPORTS MATCHES OR EXHIBITIONS MAY BE HELD IN ANY BUILDING FOR WHICH THE COMMISSION IN ITS DISCRETION MAY ISSUE A LICENSE. WHERE SUCH MATCH OR EXHIBITION IS AUTHORIZED TO BE HELD IN A STATE OR CITY OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST BE COMPLIED WITH, BUT NO SUCH MATCH OR EXHIBITION SHALL BE HELD IN A BUILDING WHOLLY USED FOR RELIGIOUS SERVICES.

3. JURISDICTION OF COMMISSION. (A) THE COMMISSION SHALL HAVE AND HEREBY IS VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDICTION OVER ALL PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK AND OVER ALL LICENSES TO ANY AND ALL PERSONS WHO PARTICIPATE IN SUCH COMBATIVE SPORTS MATCHES OR EXHIBITIONS AND OVER ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL COMBATIVE SPORTS OR EXHIBITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

(B) THE COMMISSION IS AUTHORIZED AND DIRECTED TO REQUIRE THAT ALL SITES WHEREIN PROFESSIONAL COMBATIVE SPORTS ARE CONDUCTED SHALL COMPLY

WITH STATE AND APPLICABLE LOCAL SANITARY CODES APPROPRIATE TO SCHOOL ATHLETIC FACILITIES.

4. ENTITIES REQUIRED TO PROCURE LICENSES; PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS DEFINED. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION, ALL CORPORATIONS, PERSONS, LIMITED LIABILITY COMPANIES, REFEREES, JUDGES, CORPORATION TREASURERS, PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, THEIR MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS SHALL BE LICENSED BY THE COMMISSION, AND NO SUCH ENTITY SHALL BE PERMITTED TO PARTICIPATE, EITHER DIRECTLY OR INDIRECTLY, IN ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, OR THE HOLDING THEREOF, UNLESS SUCH ENTITY SHALL HAVE FIRST PROCURED A LICENSE FROM THE COMMISSION. THE COMMISSION SHALL ESTABLISH BY RULE AND REGULATION LICENSING STANDARDS FOR REFEREES, JUDGES, MANAGERS, PROMOTERS, TRAINERS AND CHIEF SECONDS. ANY MATCH OR EXHIBITION CONFORMING TO THE RULES, REGULATIONS AND REQUIREMENTS OF THIS SECTION SHALL BE DEEMED TO BE A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

5. LICENSE TO ENTITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS, SUBJECT TO THE PROVISIONS HEREOF, TO ANY PERSON, CORPORATION OR LIMITED LIABILITY COMPANY DULY INCORPORATED OR FORMED, HEREINAFTER REFERRED TO AS "ENTITY".

(B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE PREMISES IN WHICH SUCH MATCH OR EXHIBITION IS TO BE HELD.

(C) UPON WRITTEN APPLICATION AND THE PAYMENT OF A FEE OF FIVE HUNDRED DOLLARS WHICH MUST ACCOMPANY THE APPLICATION, THE COMMISSION MAY GRANT TO ANY ENTITY HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER LOCATION, THAN THE PREMISES OF LOCATION PREVIOUSLY APPROVED BY THE COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES AND REGULATIONS OF THE COMMISSION.

(D) ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY ENTITY LICENSED UNDER THE PROVISIONS OF THIS ACT, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER THE AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

6. TEMPORARY WORKING PERMITS FOR PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, MANAGERS, TRAINERS AND CHIEF SECONDS. THE COMMISSION MAY ISSUE TEMPORARY WORKING PERMITS TO PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, THEIR MANAGERS, TRAINERS AND CHIEF SECONDS. A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER OF SUCH PERMIT TO ENGAGE IN A SINGLE MATCH OR EXHIBITION AT A SPECIFIED TIME AND PLACE. A TEMPORARY WORKING PERMIT MAY BE ISSUED IF IN THE JUDGMENT OF THE COMMISSION THE PARTICIPATION OF THE HOLDER THEREOF IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS SECTION, THE BEST INTERESTS OF COMBATIVE SPORTS GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY. THE COMMISSION MAY REQUIRE THAT PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL EXAMINATION, NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE, INCLUDING COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE FEE FOR SUCH TEMPORARY WORKING PERMIT SHALL BE TWENTY DOLLARS.

7. LICENSE FEES; TERM OF LICENSES; RENEWALS. EACH APPLICANT FOR A PROMOTER LICENSE SHALL, BEFORE A LICENSE IS ISSUED BY THE COMMISSION, PAY TO THE COMMISSION, AN ANNUAL LICENSE FEE AS FOLLOWS: WHERE THE SEATING CAPACITY IS NOT MORE THAN TWO THOUSAND FIVE HUNDRED, FIVE

HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWO THOUSAND FIVE HUNDRED BUT NOT MORE THAN FIVE THOUSAND, ONE THOUSAND DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIVE THOUSAND BUT NOT MORE THAN FIFTEEN THOUSAND, ONE THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN FIFTEEN THOUSAND BUT NOT MORE THAN TWENTY-FIVE THOUSAND, TWO THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWENTY-FIVE THOUSAND, THREE THOUSAND FIVE HUNDRED DOLLARS; REFEREE, ONE HUNDRED DOLLARS; JUDGES, ONE HUNDRED DOLLARS; PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, FIFTY DOLLARS; MANAGERS, FIFTY DOLLARS; TRAINERS, FIFTY DOLLARS; AND CHIEF SECONDS, FORTY DOLLARS. EACH LICENSE OR RENEWAL THEREOF ISSUED PURSUANT TO THIS SUBDIVISION ON OR AFTER OCTOBER FIRST SHALL BE EFFECTIVE FOR A LICENSE YEAR EXPIRING ON THE THIRTIETH DAY OF SEPTEMBER FOLLOWING THE DATE OF ITS ISSUANCE. THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION SHALL BE THE LICENSE FEE DUE AND PAYABLE THEREFOR AND SHALL BE PAID IN ADVANCE AT THE TIME APPLICATION IS MADE THEREFOR, AND EACH SUCH LICENSE MAY BE RENEWED FOR PERIODS OF ONE YEAR UPON THE PAYMENT OF THE ANNUAL LICENSE FEE PRESCRIBED BY THIS SUBDIVISION. WITHIN THREE YEARS FROM THE DATE OF PAYMENT AND UPON THE AUDIT OF THE COMPTROLLER, THE COMMISSION MAY REFUND ANY FEE, UNFORFEITED POSTED GUARANTEE OR TAX PAID PURSUANT TO THIS SECTION, FOR WHICH NO LICENSE IS ISSUED OR NO SERVICE RENDERED OR REFUND THAT PORTION OF THE PAYMENT THAT IS IN EXCESS OF THE AMOUNT PRESCRIBED BY STATUTE.

8. APPLICATION FOR LICENSE; FINGERPRINTS. (A) EVERY APPLICATION FOR A LICENSE SHALL BE IN WRITING, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM AS TRUE UNDER THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY REQUIRE.

(B) WHEN AN APPLICATION IS MADE FOR A LICENSE UNDER THIS SECTION, THE COMMISSION MAY CAUSE THE FINGERPRINTS OF SUCH APPLICANT, OR IF SUCH APPLICANT BE A CORPORATION, OF THE OFFICERS OF SUCH CORPORATION, OR IF SUCH APPLICANT BE A LIMITED LIABILITY COMPANY, THE MANAGER OF SUCH LIMITED LIABILITY COMPANY TO BE TAKEN IN DUPLICATE. THE APPLICANT SHALL BE RESPONSIBLE FOR THE COST OF HAVING HIS FINGERPRINTS TAKEN. IF SUCH FINGERPRINTS ARE TAKEN, ONE COPY SHALL BE TRANSMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND ONE SHALL REMAIN ON FILE IN THE OFFICE OF THE COMMISSION. NO SUCH FINGERPRINT MAY BE INSPECTED BY ANY PERSON, OTHER THAN A PEACE OFFICER, EXCEPT ON ORDER OF A JUDGE OR JUSTICE OF A COURT OF RECORD. THE DIVISION IS HEREBY AUTHORIZED TO TRANSMIT CRIMINAL HISTORY INFORMATION TO THE COMMISSION FOR THE PURPOSES OF THIS PARAGRAPH. THE INFORMATION OBTAINED BY ANY SUCH FINGERPRINT EXAMINATION SHALL BE FOR THE GUIDANCE OF THE COMMISSION IN THE EXERCISE OF ITS DISCRETION IN GRANTING OR WITHHOLDING THE LICENSE. THE COMMISSION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF HIS OR HER CRIMINAL HISTORY RECORD, IF ANY, TOGETHER WITH A COPY OF ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT OF HIS OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW.

9. STANDARDS FOR THE ISSUANCE OF LICENSES. (A) IF IN THE JUDGMENT OF THE COMMISSION 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 SUCH

APPLICANT WILL BE CONSISTENT WITH THE BEST INTERESTS OF COMBATIVE SPORTS, THE PURPOSES OF THIS SECTION INCLUDING THE SAFETY OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, AND IN THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY, THE COMMISSION SHALL GRANT A LICENSE IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN THIS SUBDIVISION.

(B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE UNDER THIS SUBDIVISION SHALL UNDERGO A COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING, BUT NOT LIMITED TO, A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE COMMISSION. THE COST OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS SUBDIVISION SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION.

(C) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER THIS CHAPTER SHALL, AS A CONDITION OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS ABILITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL EXAMINATION OR CONDITION OF COMBATIVE SPORTS PARTICIPANTS SHALL BE CONSIDERED CONFIDENTIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS AUTHORIZED REPRESENTATIVE, TO THE LICENSED PARTICIPANT, MANAGER OR CHIEF SECOND UPON WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

10. FINANCIAL INTEREST IN PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS PROHIBITED. NO ENTITY SHALL HAVE, EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT COMPETING ON PREMISES OWNED OR LEASED BY THE ENTITY, OR IN WHICH SUCH ENTITY IS OTHERWISE INTERESTED EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

11. PAYMENTS NOT TO BE MADE BEFORE CONTESTS. NO PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE COMMISSION THAT SUCH PARTICIPANT DID NOT GIVE AN HONEST EXHIBITION OF HIS SKILL, SUCH SERVICE SHALL NOT BE PAID FOR.

12. SHAM OR COLLUSIVE EVENTS. (A) ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY PHYSICIAN, LIMITED LIABILITY COMPANY, REFEREE, JUDGE, PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER, TRAINER OR CHIEF SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR COLLUSIVE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, SHALL BE DEPRIVED OF HIS LICENSE BY THE COMMISSION.

(B) NO LICENSED ENTITY SHALL KNOWINGLY ENGAGE IN A COURSE OF CONDUCT IN WHICH PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS ARE ARRANGED WHERE ONE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT. IF SUCH

ACTION OCCURS, THE COMMISSION MAY EXERCISE ITS POWERS TO DISCIPLINE UNDER SUBDIVISIONS THIRTEEN AND FOURTEEN OF THIS SECTION, PROVIDED THAT NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE THE COMMISSION TO INTERVENE OR PROHIBIT A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION SOLELY ON THE BASIS OF THE DIFFERENCE BETWEEN RESPECTIVE PARTICIPANT'S MARTIAL ARTS DISCIPLINES.

13. IMPOSITION OF PENALTIES FOR VIOLATIONS. ANY ENTITY, LICENSED UNDER THE PROVISIONS OF THIS SECTION, THAT SHALL KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION OF THIS SECTION, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED, SHALL BE LIABLE TO A CIVIL PENALTY NOT EXCEEDING FIVE THOUSAND DOLLARS TO BE IMPOSED BY THE COMMISSION, TO BE SUED FOR BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE AMOUNT OF THE PENALTY COLLECTED BY THE COMMISSION OR RECOVERED IN ANY SUCH ACTION, OR PAID TO THE COMMISSION UPON A COMPROMISE AS HEREINAFTER PROVIDED, SHALL BE TRANSMITTED BY THE DEPARTMENT OF STATE INTO THE STATE TREASURY AND CREDITED TO THE GENERAL FUND. THE COMMISSION, FOR CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED IN SETTLEMENT THEREOF.

14. REVOCATION OR SUSPENSION OF LICENSES. (A) ANY LICENSE ISSUED UNDER THE PROVISIONS OF THIS SECTION MAY BE REVOKED OR SUSPENDED BY THE COMMISSION FOR THE REASON THEREIN STATED, THAT THE LICENSEE HAS, IN THE JUDGMENT OF THE COMMISSION, BEEN GUILTY OF AN ACT DETRIMENTAL TO THE INTERESTS OF COMBATIVE SPORTS GENERALLY OR TO THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

(B) WITHOUT OTHERWISE LIMITING THE DISCRETION OF THE COMMISSION AS PROVIDED IN THIS SECTION, THE COMMISSION MAY SUSPEND OR REVOKE A LICENSE OR REFUSE TO RENEW OR ISSUE A LICENSE, IF IT SHALL FIND THAT THE APPLICANT OR PARTICIPANT: (1) HAS BEEN CONVICTED OF A CRIME IN ANY JURISDICTION; (2) 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; (3) HAS BEEN GUILTY OF OR ATTEMPTED ANY FRAUD OR MISREPRESENTATION IN CONNECTION WITH COMBATIVE SPORTS; (4) HAS VIOLATED OR ATTEMPTED TO VIOLATE ANY LAW WITH RESPECT TO COMBATIVE SPORTS IN ANY JURISDICTION OR ANY RULE, REGULATION OR ORDER OF THE COMMISSION, OR SHALL HAVE VIOLATED ANY RULE OF COMBATIVE SPORTS WHICH SHALL HAVE BEEN APPROVED OR ADOPTED BY THE COMMISSION, OR HAS BEEN GUILTY OF OR ENGAGED IN SIMILAR, RELATED OR LIKE PRACTICES; OR (5) HAS NOT ACTED IN THE BEST INTEREST OF MIXED MARTIAL ARTS. ALL DETERMINATIONS TO ISSUE, RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW AS APPLICABLE.

(C) NO SUCH PARTICIPANT MAY, UNDER ANY CIRCUMSTANCES, COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION WITHIN NINETY DAYS OF HAVING SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN ANY SUCH MATCH OR EXHIBITION WITHOUT CLEARANCE BY THE BOARD, OR WITHIN NINETY DAYS OF BEING RENDERED UNCONSCIOUS IN ANY SUCH MATCH OR EXHIBITION WHERE THERE IS EVIDENCE OF HEAD TRAUMA AS DETERMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL UNDERGO SUCH EXAMINATIONS AS REQUIRED UNDER PARAGRAPH (B) OF SUBDIVISION TWENTY OF THIS SECTION. THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE CONSIDERED SUSPENDED FROM PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS BY THE COMMISSION AND SHALL FORFEIT HIS LICENSE TO THE COMMISSION DURING SUCH PERIOD AND SUCH LICENSE SHALL NOT BE RETURNED TO THE PARTICIPANT UNTIL THE PARTICIPANT HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT

OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN THE PARTICIPANT'S LICENSE BY A COMMISSION OFFICIAL.

(D) THE COMMISSION MAY AT ANY TIME SUSPEND, REVOKE OR DENY A PARTICIPANT'S LICENSE OR TEMPORARY WORKING PERMIT FOR MEDICAL REASONS AT THE RECOMMENDATION OF THE BOARD.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IN THAT STATE BASED ON A KNOWING AND INTENTIONAL ENGAGEMENT IN ANY PROHIBITED PRACTICES OF SUCH STATE, THE COMMISSION MAY ACT TO REVOKE ANY LICENSE TO COMPETE OR APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS SECTION.

(F) THE COMMISSION MAY SUSPEND ANY LICENSE IT HAS ISSUED BY A DATED NOTICE TO THAT EFFECT TO THE SUSPENDED LICENSEE, MAILED OR DELIVERED TO THE LICENSEE, AND SPECIFYING THE EFFECTIVE DATE AND TERM OF THE SUSPENSION, PROVIDED HOWEVER THAT THE COMMISSION REPRESENTATIVE IN CHARGE OF A CONTEST OR EXHIBITION MAY THEN AND THERE TEMPORARILY SUSPEND ANY LICENSE ISSUED BY THE COMMISSION WITHOUT SUCH NOTICE. IN THE EVENT OF A TEMPORARY SUSPENSION, THE COMMISSION SHALL MAIL OR DELIVER THE NOTICE TO THE SUSPENDED LICENSEE WITHIN THREE BUSINESS DAYS AFTER THE TEMPORARY SUSPENSION. IN EITHER CASE SUCH SUSPENSION MAY BE WITHOUT ANY ADVANCE HEARING. UPON THE RECEIPT OF SUCH NOTICE OF SUSPENSION, THE SUSPENDED LICENSEE MAY APPLY TO THE COMMISSION FOR A HEARING ON THE MATTER TO DETERMINE WHETHER SUCH SUSPENSION SHOULD BE RESCINDED. SUCH APPLICATION FOR A HEARING MUST BE IN WRITING AND MUST BE RECEIVED BY THE COMMISSION WITHIN THIRTY DAYS AFTER THE DATE OF NOTICE OF SUSPENSION. THE COMMISSION SHALL HAVE THE AUTHORITY TO REVOKE ANY LICENSE ISSUED BY IT. BEFORE ANY LICENSE IS SO REVOKED, THE LICENSEE WILL BE OFFERED THE OPPORTUNITY AT A HEARING HELD BY OR ON BEHALF OF THE COMMISSION TO SHOW CAUSE WHY THE LICENSE SHOULD NOT BE REVOKED. THE COMMISSION SHALL OFFER THE OPPORTUNITY FOR A HEARING TO AN AFFECTED PERSON BEFORE TAKING ANY FINAL ACTION NEGATIVELY AFFECTING SUCH PERSON'S INDIVIDUAL PRIVILEGES OR PROPERTY GRANTED BY A LICENSE DULY ISSUED BY THE COMMISSION OR A CONTRACT APPROVED BY AND FILED WITH THE COMMISSION. IN ALL SUCH HEARINGS, LICENSEES AND OTHER WITNESSES SHALL TESTIFY UNDER OATH OR AFFIRMATION, WHICH MAY BE ADMINISTERED BY ANY COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF THE COMMISSION ACTUALLY PRESENT. THE COMMISSION SHALL BE THE SOLE JUDGE OF THE RELEVANCY AND COMPETENCY OF TESTIMONY AND OTHER EVIDENCE, THE CREDIBILITY OF WITNESSES, AND THE SUFFICIENCY OF EVIDENCE. HEARINGS MAY BE CONDUCTED BY REPRESENTATIVES OF THE COMMISSION IN THE DISCRETION OF THE COMMISSION. IN SUCH CASES, THE COMMISSION REPRESENTATIVES CONDUCTING THE HEARING SHALL SUBMIT FINDINGS OF FACT AND RECOMMENDATIONS TO THE COMMISSION, WHICH SHALL NOT BE BINDING ON THE COMMISSION.

15. ADVERTISING MATTER TO STATE ADMISSION PRICE. IT SHALL BE THE DUTY OF EVERY ENTITY PROMOTING OR CONDUCTING A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION SUBJECT TO THE PROVISIONS OF THIS SECTION TO CAUSE TO BE INSERTED IN EACH SHOW CARD, BILL, POSTER, NEWSPAPER ADVERTISEMENT OF ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION GIVEN BY IT, THE PRICE OF ADMISSION THERETO. VIOLATION OF THE PROVISIONS OF THIS SUBDIVISION SHALL SUBJECT THE ENTITY TO A FINE OF ONE HUNDRED DOLLARS.

16. TICKETS TO INDICATE PURCHASE PRICE. ALL TICKETS OF ADMISSION TO ANY SUCH COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE CONTROLLED BY THE PROVISIONS OF ARTICLE TWENTY-FIVE OF THE ARTS AND CULTURAL AFFAIRS LAW. IT SHALL BE UNLAWFUL FOR ANY ENTITY TO ADMIT TO SUCH MATCH OR EXHIBITION A NUMBER OF PEOPLE GREATER THAN THE SEATING CAPACITY OF THE PLACE WHERE SUCH MATCH OR EXHIBITION IS HELD. VIOLATION OF THIS SUBDIVISION SHALL BE

A MISDEMEANOR AND SHALL BE PUNISHABLE AS SUCH AND IN ADDITION SHALL INCUR FORFEITURE OF LICENSE.

17. EQUIPMENT OF BUILDINGS FOR MATCHES OR EXHIBITIONS. ALL BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR HOLDING OR GIVING SUCH PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS SHALL BE PROPERLY VENTILATED AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE CITY, TOWN OR VILLAGE WHERE SITUATED.

18. AGE OF PARTICIPANTS AND SPECTATORS. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, AND NO PERSON UNDER SIXTEEN YEARS OF AGE SHALL BE PERMITTED TO ATTEND AS A SPECTATOR; PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN SHALL BE PERMITTED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

19. REGULATION OF CONDUCT OF MATCHES OR EXHIBITIONS. (A) EXCEPT FOR CHAMPIONSHIP MATCHES, WHICH SHALL NOT BE MORE THAN FIVE ROUNDS, NO COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE MORE THAN THREE ROUNDS IN LENGTH. NO PARTICIPANT SHALL BE ALLOWED TO PARTICIPATE IN MORE THAN THREE MATCHES OR EXHIBITIONS OR COMPETE FOR MORE THAN SIXTY MINUTES WITHIN SEVENTY-TWO CONSECUTIVE HOURS. NO PARTICIPANT SHALL BE ALLOWED TO COMPETE IN ANY SUCH MATCH OR EXHIBITION WITHOUT WEARING A MOUTHGUARD AND A PROTECTIVE GROIN CUP. AT EACH PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT AND CONTROL THE SAME. BEFORE STARTING SUCH CONTEST THE REFEREE SHALL ASCERTAIN FROM EACH PARTICIPANT THE NAME OF HIS MANAGER OR CHIEF SECOND, AND SHALL HOLD SUCH MANAGER OR CHIEF SECOND RESPONSIBLE FOR THE CONDUCT OF HIS ASSISTANT SECONDS DURING THE PROGRESS OF THE MATCH OR EXHIBITION. THE COMMISSION SHALL HAVE THE POWER IN ITS DISCRETION TO DECLARE FORFEITED ANY PRIZE, REMUNERATION OR PURSE, OR ANY PART THEREOF, BELONGING TO THE PARTICIPANTS OR ONE OF THEM, OR THE SHARE THEREOF OF ANY MANAGER OR CHIEF SECOND IF IN ITS JUDGMENT, SUCH PARTICIPANT OR PARTICIPANTS ARE NOT HONESTLY COMPETING OR THE PARTICIPANT OR MANAGER OR CHIEF SECOND OF A PARTICIPANT, AS THE CASE MAY BE, HAS COMMITTED AN ACT IN THE PREMISES IN VIOLATION OF ANY RULE, ORDER OR REGULATION OF THE COMMISSION. THE AMOUNT SO FORFEITED SHALL BE PAID WITHIN FORTY-EIGHT HOURS TO THE COMMISSION. THERE SHALL ALSO BE IN ATTENDANCE, THREE DULY LICENSED JUDGES WHO SHALL AT THE TERMINATION OF EACH SUCH COMBATIVE SPORTS MATCH OR EXHIBITION RENDER THEIR DECISION. THE WINNER OF SUCH MATCH OR EXHIBITION SHALL BE DETERMINED IN ACCORDANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION. PROVIDED, HOWEVER, THAT A PARTICIPANT MAY TERMINATE THE CONTEST BY SIGNALLING TO THE REFEREE THAT SUCH PARTICIPANT SUBMITS TO THE OPPONENT.

(B) THE COMMISSION MAY BY RULE, REGULATION OR ORDER, REQUIRE THE PRESENCE OF ANY MEDICAL EQUIPMENT AND PERSONNEL AT EACH PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AS IS NECESSARY OR BENEFICIAL FOR THE SAFETY AND PROTECTION OF THE CONTESTANTS; AND MAY ALSO REQUIRE THE PRESENCE OF AN AMBULANCE OR OTHER APPARATUS AT THE SITE OF ANY SUCH MATCH OR EXHIBITION OR THE PROMULGATION OF AN EMERGENCY MEDICAL PLAN IN LIEU THEREOF.

(C) THE COMMISSION SHALL PRESCRIBE BY RULE OR REGULATION THE RESPONSIBILITIES OF MANAGERS, TRAINERS AND CHIEF SECONDS PRIOR TO, DURING AND AFTER A COMBATIVE SPORTS MATCH OR EXHIBITION IN ORDER TO PROMOTE THE SAFETY OF THE PARTICIPANTS AT ALL TIMES.

(D) THE COMMISSION SHALL REQUIRE BY RULE OR REGULATION THAT ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER THIS SECTION PRESENT TO A DESIGNATED COMMISSION OFFICIAL, BEFORE EACH MATCH OR EXHI-

BITION IN WHICH HE FIGHTS IN THIS STATE, A LICENSE WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING INFORMATION: (1) THE PARTICIPANT'S NAME, PHOTOGRAPH, SOCIAL SECURITY NUMBER, DATE OF BIRTH, AND OTHER IDENTIFYING INFORMATION; (2) THE PARTICIPANT'S PRIOR MATCH OR EXHIBITION HISTORY INCLUDING THE DATES, LOCATION, AND DECISION OF SUCH MATCHES OR EXHIBITIONS; AND (3) THE PARTICIPANT'S MEDICAL HISTORY, RELATING TO ANY PHYSICAL CONDITION, MEDICAL TEST OR PROCEDURE WHICH RELATES TO HIS ABILITY TO FIGHT, AND A RECORD OF ALL MEDICAL SUSPENSIONS.

20. EXAMINATION BY PHYSICIAN; COST. (A) ALL PARTICIPANTS MUST BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL BE PAID BY THE ENTITY CONDUCTING THE MATCH OR EXHIBITION TO THE COMMISSION, WHICH SHALL THEN PAY THE FEE COVERING SUCH COST TO THE EXAMINING PHYSICIAN, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED OR PERMITTED UNDER THIS SECTION RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIVALENT PROCEDURE. ANY PARTICIPANT SO INJURED SHALL NOT APPEAR IN ANY MATCH OR EXHIBITION UNTIL RESULTS OF SUCH EXAMINATIONS ARE REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PARTICIPANT'S PERMANENT MEDICAL RECORDS AS MAINTAINED BY THE COMMISSION AND SHALL BE USED BY THE COMMISSION TO DETERMINE WHETHER A PARTICIPANT SHALL BE PERMITTED TO APPEAR IN ANY FUTURE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION. THE COSTS OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS PARAGRAPH SHALL BE ASSUMED BY THE ENTITY OR PROMOTER IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN APPROVED BY THE COMMISSION.

(C) THE COMMISSION MAY AT ANY TIME REQUIRE A LICENSED OR PERMITTED PARTICIPANT TO UNDERGO A PHYSICAL EXAMINATION, INCLUDING ANY NEUROLOGICAL OR NEUROPSYCHOLOGICAL TEST OR PROCEDURE. THE COST OF SUCH EXAM SHALL BE ASSUMED BY THE STATE.

21. PHYSICIAN TO BE IN ATTENDANCE; POWERS OF SUCH PHYSICIAN. (A) IT SHALL BE THE DUTY OF EVERY ENTITY LICENSED TO CONDUCT A COMBATIVE SPORTS MATCH OR EXHIBITION, TO HAVE IN ATTENDANCE AT EVERY MATCH OR EXHIBITION AT LEAST ONE PHYSICIAN DESIGNATED BY THE COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH ATTENDANCE. SUCH FEES SHALL BE PAID TO THE COMMISSION, WHICH SHALL THEN PAY SUCH FEES TO THE PHYSICIANS ENTITLED THERETO, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

(B) THE PHYSICIAN SHALL TERMINATE ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IF IN THE OPINION OF SUCH PHYSICIAN ANY PARTICIPANT HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PARTICIPANT AND HIS MANAGER OR CHIEF SECOND REMAIN IN THE RING OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE.

(C) SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AND MAY TERMINATE THE MATCH OR EXHIBITION IF IN HIS OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERIOUS PHYSICAL INJURY TO A PARTICIPANT.

22. BOND. BEFORE A LICENSE SHALL BE GRANTED TO AN ENTITY TO CONDUCT A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, THE APPLICANT SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR THE FAITHFUL PERFORMANCE BY SUCH ENTITY OF THE PROVISIONS OF THIS SECTION AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING AND APPROVAL OF SUCH BOND THE COMPTROLLER SHALL ISSUE TO SUCH APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE BY SUCH APPLICANT FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED BY THE ATTORNEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

23. BOND FOR PURSES, SALARIES AND OTHER EXPENSES. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION TWENTY-TWO OF THIS SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL.

24. DUTY TO PROVIDE INSURANCE FOR LICENSED PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. (A) ALL ENTITIES HAVING LICENSES AS PROMOTERS SHALL CONTINUOUSLY PROVIDE INSURANCE FOR THE PROTECTION OF LICENSED PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS, APPEARING IN PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS. SUCH INSURANCE COVERAGE SHALL PROVIDE FOR REIMBURSEMENT TO THE LICENSED ATHLETE FOR MEDICAL, SURGICAL AND HOSPITAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF ONE HUNDRED THOUSAND DOLLARS TO THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY INJURIES RECEIVED DURING THE COURSE OF A MATCH OR EXHIBITION IN WHICH SUCH LICENSED ATHLETE PARTICIPATED UNDER THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER. THE COMMISSION MAY FROM TIME TO TIME, IN ITS DISCRETION, INCREASE THE AMOUNT OF SUCH MINIMUM LIMITS.

(B) THE FAILURE TO PAY PREMIUMS ON SUCH INSURANCE AS IS REQUIRED BY PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE CAUSE FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING PROMOTER.

25. NOTICE OF CONTEST; COLLECTION OF TAX. (A) EVERY ENTITY HOLDING ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION FOR WHICH AN ADMISSION FEE IS CHARGED OR RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION TEN DAYS IN ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY SUCH MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME. AN ENTITY FAILING TO FULLY COMPLY WITH THIS SECTION SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS TO BE COLLECTED BY AND PAID

TO THE DEPARTMENT OF STATE. AN ENTITY IS PROHIBITED FROM OPERATING ANY MATCHES OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SUBDIVISION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINETEEN OF THE TAX LAW HAVE BEEN PAID.

(B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE, EMPLOYEES OR OFFICERS OF THE ATHLETIC COMMISSION SHALL ACT AS AGENTS OF THE COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH TAX.

26. REGULATION OF JUDGES. (A) JUDGES FOR ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

(B) ANY PROFESSIONAL COMBATIVE SPORT PARTICIPANT, MANAGER OR CHIEF SECOND MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION AND THE PROTESTING PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER OR CHIEF SECOND MAY BE HEARD BY THE COMMISSION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

(C) EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE LICENSE. EACH PERSON SEEKING TO BE A PROFESSIONAL COMBATIVE SPORTS JUDGE IN THE STATE SHALL BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL HAVE PASSED A WRITTEN EXAMINATION APPROVED BY THE COMMISSION COVERING ASPECTS OF PROFESSIONAL COMBATIVE SPORTS INCLUDING, BUT NOT LIMITED TO, THE RULES OF THE SPORT, THE LAW OF THE STATE RELATING TO THE COMMISSION, AND BASIC FIRST AID. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS TO KEEP LICENSEES CURRENT ON AREAS OF REQUIRED KNOWLEDGE.

(D) EACH PERSON SEEKING A LICENSE TO BE A PROFESSIONAL COMBATIVE SPORTS JUDGE IN THIS STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR POTENTIAL CONFLICTS OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS, INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, EACH COMBATIVE SPORTS JUDGE SHALL FILE WITH THE COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS SHALL BE ACCEPTABLE TO THE COMMISSION.

(E) ONLY A PERSON LICENSED BY THE COMMISSION MAY JUDGE A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION.

27. TRAINING FACILITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS. THE REGULATIONS OF THE COMMISSION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBJECTS TO PROTECT THE HEALTH AND SAFETY OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS:

(1) REQUIREMENTS FOR FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A

PERSON TRAINED AND CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMONARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR TRAINING PURPOSES;

(2) PROMINENT POSTING ADJACENT TO AN ACCESSIBLE TELEPHONE OF THE TELEPHONE NUMBER FOR EMERGENCY MEDICAL SERVICES AT THE NEAREST HOSPITAL;

(3) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, LOCKER ROOMS AND FOOD SERVING AND STORAGE AREAS;

(4) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE TRAINING FACILITY;

(5) ESTABLISHMENT OF A POLICY CONCERNING THE RESTRICTION OF SMOKING IN TRAINING AREAS, INCLUDING PROVISIONS FOR ITS ENFORCEMENT BY THE FACILITY OPERATOR;

(6) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

(7) INSPECTION AND APPROVAL OF RINGS AS REQUIRED BY SUBDIVISION THIRTY OF THIS SECTION; AND

(8) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUDING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY THE FACILITY OPERATOR.

(B) A PROSPECTIVE LICENSEE SHALL SUBMIT TO THE COMMISSION PROOF THAT IT CAN FURNISH SUITABLE FACILITIES IN WHICH THE TRAINING IS TO BE CONDUCTED, INCLUDING THE MAKING OF SUCH TRAINING FACILITIES AVAILABLE FOR INSPECTION BY THE COMMISSION AT ANY TIME DURING WHICH TRAINING IS IN PROGRESS.

28. TEMPORARY TRAINING FACILITIES. ANY TRAINING FACILITY PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY BASIS FOR THE PURPOSE OF PREPARING A PROFESSIONAL COMBATIVE SPORT PARTICIPANT FOR A SPECIFIC PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK SHALL BE EXEMPT FROM THIS ACT INSOFAR AS IT CONCERNS THE LICENSING OF SUCH FACILITIES IF, IN THE JUDGMENT OF THE COMMISSION, ESTABLISHMENT AND MAINTENANCE OF SUCH FACILITY WILL BE CONSISTENT WITH THE PURPOSES AND PROVISIONS OF THIS CHAPTER, THE BEST INTERESTS OF PROFESSIONAL COMBATIVE SPORTS GENERALLY, AND THE PUBLIC INTEREST, CONVENIENCE OR NECESSITY.

29. WEIGHTS; CLASSES AND RULES. THE WEIGHTS AND CLASSES OF COMBATIVE SPORT PARTICIPANTS AND THE RULES AND REGULATIONS OF PROFESSIONAL COMBATIVE SPORTS SHALL BE PRESCRIBED BY THE COMMISSION.

30. RINGS OR FIGHTING AREAS. NO PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION OR TRAINING ACTIVITY SHALL BE PERMITTED IN ANY RING OR FIGHTING AREA UNLESS SUCH RING OR FIGHTING AREA HAS BEEN INSPECTED AND APPROVED BY THE COMMISSION. THE COMMISSION SHALL PRESCRIBE STANDARD ACCEPTABLE SIZE AND QUALITY REQUIREMENTS FOR RINGS OR FIGHTING AREAS AND APPURTENANCES THERETO.

31. MISDEMEANOR. ANY ENTITY WHO INTENTIONALLY, DIRECTLY OR INDIRECTLY CONDUCTS, HOLDS OR GIVES A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION OR PARTICIPATES EITHER DIRECTLY OR INDIRECTLY IN ANY SUCH MATCH OR EXHIBITION AS A REFEREE, JUDGE, CORPORATION TREASURER, PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER, PROMOTER, TRAINER OR CHIEF SECOND, WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE OR PERMIT AS PRESCRIBED IN THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. Chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, is amended by adding a new section 5-b to read as follows:

S 5-B. NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND, INC. 1. THERE IS CREATED A NOT-FOR-PROFIT CORPORATION TO BE KNOWN AS THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND, INC. AND REFERRED TO

IN THIS SECTION AS "THE FUND". TO THE EXTENT THAT THE PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW DO NOT CONFLICT WITH THE PROVISIONS OF THIS ACT, OR THE PLAN OF OPERATION OF THE FUND HEREUNDER, THE NOT-FOR-PROFIT CORPORATION LAW SHALL APPLY TO THE FUND AND THE FUND SHALL BE A TYPE C CORPORATION PURSUANT TO THE NOT-FOR-PROFIT CORPORATION LAW. IF AN APPLICABLE PROVISION OF THIS ACT OR THE PLAN OF OPERATION OF THE FUND HEREUNDER RELATES TO A MATTER EMBRACED IN A PROVISION OF THE NOT-FOR-PROFIT CORPORATION LAW BUT IS NOT IN CONFLICT THEREWITH, BOTH PROVISIONS SHALL APPLY. THE FUND SHALL PERFORM ITS FUNCTIONS UNDER THE PLAN OF OPERATION ESTABLISHED AND APPROVED UNDER THIS SECTION AND SHALL EXERCISE ITS POWERS THROUGH THE STATE ATHLETIC COMMISSION WHO SHALL DEVELOP REGULATIONS AS TO THE MAKE-UP OF THE FUND'S BOARD OF DIRECTORS.

2. (A) THE BOARD OF DIRECTORS SHALL CONSIST OF SEVEN MEMBERS, SIX OF WHOM ARE TO BE SELECTED FROM THE GENERAL MEMBERSHIP OF THE FUND IN A MANNER AND FOR TERMS TO BE PRESCRIBED BY THE INITIAL FUND BOARD. FOR THE PURPOSES OF ESTABLISHING AND ORGANIZING THE FUND, AT LEAST ONE HUNDRED FIFTY DAYS PRIOR TO THE DATE THAT THIS SECTION SHALL TAKE EFFECT, THE BOARDS OF DIRECTORS OF THE MIXED MARTIAL ARTS ORGANIZATIONS, REPRESENTING AT LEAST FIFTY-ONE PERCENT OF THE MIXED MARTIAL ARTS MATCHES UTILIZING FACILITIES OF ANY MIXED MARTIAL ARTS VENUE IN THE STATE OF NEW YORK, SHALL DESIGNATE SIX MEMBERS WHO SHALL SERVE AS THE INITIAL BOARD OF DIRECTORS OF THE FUND. THE SEVENTH MEMBER SHALL BE ELECTED EVERY TWO YEARS ON THE SECOND TUESDAY OF JUNE, OR AS DESIGNATED BY THE FUND, PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION BY A VOTE OF MIXED MARTIAL ARTS CONTESTANTS DULY LICENSED PURSUANT TO SECTION FIVE-A OF THIS ACT. THE MEMBERS OF THE BOARD SHALL ELECT ANNUALLY FROM THE MEMBERS A CHAIRPERSON AND A VICE-CHAIRPERSON WHO SHALL ACT AS CHAIRPERSON IN THE ABSENCE OF THE CHAIRPERSON. EACH MEMBER OF THE BOARD OF DIRECTORS SHALL HAVE EQUAL VOTING RIGHTS WITH THE OTHERS.

(B) (1) THE ELECTION OF THE SEVENTH BOARD MEMBER SHALL BE CONDUCTED BY AN ELECTION ADMINISTRATOR SELECTED BY THE FUND NO LATER THAN NOVEMBER FIFTEENTH OF THE YEAR PRECEDING THE ELECTION. THE FUND SHALL INFORM THE STATE ATHLETIC COMMISSION OF ITS SELECTION THEREOF. THE FUND SHALL ENTER INTO A CONTRACT WITH THE ELECTION ADMINISTRATOR AT LEAST ONE HUNDRED TWENTY DAYS PRIOR TO THE DATE OF THE ELECTION. THE FUND SHALL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH THE CONTRACT WITH THE ELECTION ADMINISTRATOR.

(2) THE ELECTION ADMINISTRATOR MAY BE THE INDIVIDUAL, ORGANIZATION, OR CORPORATION UNDER CONTRACT WITH THE FUND TO PROVIDE MANAGEMENT SERVICES AS OF NOVEMBER FIFTEENTH OF THE YEAR PRECEDING THE ELECTION. THE ELECTION ADMINISTRATOR SHALL DEVISE AND PROVIDE NOMINATING PETITIONS TO CANDIDATES, SHALL VALIDATE SUCH PETITIONS UPON SUBMITTAL BY VERIFYING THE ELIGIBILITY OF THE MIXED MARTIAL ARTS CONTESTANTS TO SIGN SUCH PETITIONS, AND SHALL BE RESPONSIBLE FOR THE PRINTING, DISSEMINATION, VALIDATION, AND TABULATION OF BALLOTS FOR SUCH ELECTION. THE STATE ATHLETIC COMMISSION SHALL PROVIDE A LIST OF ALL DULY LICENSED MIXED MARTIAL ARTS CONTESTANTS IN THE STATE OF NEW YORK TO THE FUND FOR PURPOSES OF VALIDATING NOMINATING PETITIONS AND BALLOTS. THE ELECTION ADMINISTRATOR SHALL REPORT THE RESULTS OF THE ELECTION TO THE STATE ATHLETIC COMMISSION, WHICH SHALL THEN CERTIFY THE ELECTION OF THE SEVENTH BOARD MEMBER.

(3) ANY INDIVIDUAL SEEKING ELECTION PURSUANT TO THIS SUBDIVISION SHALL PROVIDE A NOMINATING PETITION CONTAINING THE SIGNATURES OF NO FEWER THAN TEN DULY LICENSED MIXED MARTIAL ARTS CONTESTANTS ELIGIBLE TO SIGN SUCH PETITION. TO BE ELIGIBLE TO SIGN SUCH PETITION, A MIXED MARTIAL ARTS CONTESTANT SHALL POSSESS A VALID LICENSE ISSUED BY THE STATE ATHLETIC

COMMISSION AS OF MARCH FIRST IN THE YEAR OF THE ELECTION. SUCH PETITIONS MAY BE SIGNED BY ELIGIBLE MIXED MARTIAL ARTS CONTESTANTS BEGINNING APRIL FIRST OF AN ELECTION YEAR AND SHALL BE RETURNED TO THE ELECTION ADMINISTRATOR FOR VALIDATION NO LATER THAN THE FIRST MONDAY OF MAY OF AN ELECTION YEAR. IF A MIXED MARTIAL ARTS CONTESTANT'S LICENSE EXPIRES BETWEEN MARCH SECOND AND THE FIRST MONDAY OF MAY AND HAS NOT BEEN RENEWED BY THE LATTER DATE, THE ELECTION ADMINISTRATOR SHALL INVALIDATE SUCH MIXED MARTIAL ARTS CONTESTANT'S SIGNATURE ON THE NOMINATING PETITION SO SUBMITTED.

(4) TO BE ELIGIBLE TO VOTE IN THE ELECTION, MIXED MARTIAL ARTS CONTESTANTS AND APPRENTICE MIXED MARTIAL ARTS CONTESTANTS MUST POSSESS A VALID MIXED MARTIAL ARTS CONTESTANT'S LICENSE AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE ELECTION. IF SUCH MIXED MARTIAL ARTS CONTESTANT'S LICENSE EXPIRES DURING THE THIRTY DAYS PRECEDING THE ELECTION AND SUCH LICENSE HAS NOT BEEN RENEWED AS OF THE DATE OF THE ELECTION, SUCH MIXED MARTIAL ARTS CONTESTANT SHALL NOT BE ELIGIBLE TO VOTE.

(5) IF, FOLLOWING AN ELECTION OF THE SEVENTH BOARD MEMBER, SUCH MEMBER IS UNABLE TO DISCHARGE HIS OR HER DUTIES AS A BOARD MEMBER OR IS OTHERWISE UNABLE TO COMPLETE HIS OR HER TERM, THE FUND'S CHAIRPERSON SHALL OFFER THE SEVENTH BOARD MEMBER'S POSITION TO THE CANDIDATE WHO RECEIVED THE HIGHEST TOTAL NUMBER OF VOTES FOLLOWING THAT RECEIVED BY THE ELECTED BOARD MEMBER DURING THE ELECTION. IF SUCH CANDIDATE DECLINES TO ACCEPT SUCH POSITION, THE CHAIRPERSON SHALL OFFER THE POSITION TO EACH REMAINING CANDIDATE IN DESCENDING ORDER OF THE TOTAL NUMBER OF VOTES RECEIVED BY EACH SUCH CANDIDATE DURING THE ELECTION UNTIL A CANDIDATE HAS ACCEPTED THE POSITION. IF NONE OF THE REMAINING CANDIDATES HAS ACCEPTED THE POSITION, THE CHAIRPERSON MAY APPOINT AN INTERIM MEMBER TO THE POSITION FOR SUCH TIME AS INTERVENES UNTIL A NEW SEVENTH BOARD MEMBER IS ELECTED.

3. MEMBERS OF THE BOARD OF DIRECTORS SHALL SERVE WITHOUT COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

4. MEMBERS OF THE BOARD OF DIRECTORS, EXCEPT AS OTHERWISE PROVIDED BY LAW, MAY ENGAGE IN PRIVATE EMPLOYMENT, OR IN A PROFESSION OR BUSINESS.

5. THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD OF DIRECTORS SHALL BE NECESSARY FOR THE TRANSACTION OF ANY BUSINESS OR THE EXERCISE OF ANY POWER OR FUNCTION OF THE FUND. THE FUND MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR ITS OFFICERS, AGENTS OR EMPLOYEES, SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER.

6. THE FUND SHALL SECURE HEALTH INSURANCE COVERAGE ON A BLANKET BASIS FOR THE BENEFIT OF ALL PROFESSIONAL MIXED MARTIAL ARTS CONTESTANTS WHO PARTICIPATE IN AND SUSTAIN PHYSICAL INJURY AS A RESULT OF PARTICIPATING IN A NEW YORK STATE SANCTIONED MIXED MARTIAL ARTS EVENT AND COVER LIABILITIES REGARDLESS OF ANY LENGTH OF TIME BETWEEN A SANCTIONED MATCH AND THE DISCOVERY OF INJURY.

7. IN ORDER TO PAY THE COSTS OF THE INSURANCE REQUIRED BY THIS SECTION AND TO CARRY OUT ITS OTHER POWERS AND DUTIES AND TO PAY FOR ANY OF ITS LIABILITIES THE FUND SHALL ASCERTAIN THE TOTAL FUNDING NECESSARY AND ESTABLISH THE SUMS THAT ARE TO BE PAID BY ALL MIXED MARTIAL ARTS ORGANIZATIONS LICENSED OR REQUIRED TO BE LICENSED UNDER SECTION FIVE-A OF THIS ACT TO OBTAIN THE TOTAL FUNDING AMOUNT REQUIRED ANNUALLY. IN ORDER TO PROVIDE THAT ANY SUM REQUIRED TO BE PAID BY AN ORGANIZATION BE EQUITABLE, THE FUND SHALL ESTABLISH PAYMENT SCHEDULES WHICH REFLECT SUCH FACTORS AS ARE APPROPRIATE, INCLUDING WHERE APPLICABLE, THE DURATION OF SUCH PARTICIPATION, THE AMOUNT OF ANY PURSE EARNINGS, THE NUMBER OF

MIXED MARTIAL ARTS CONTESTANTS INVOLVED, OR SUCH OTHER FACTORS AS THE FUND SHALL DETERMINE TO BE FAIR, EQUITABLE AND IN THE BEST INTERESTS OF MIXED MARTIAL ARTS. IN NO EVENT SHALL THE AMOUNT DEDUCTED FROM AN OWNER'S SHARE EXCEED FIVE PER CENTUM OF THE OVERALL TAKE. IN THE CASES OF MULTIPLE OWNERSHIPS THE FUND SHALL EQUITABLY ADJUST THE SUM REQUIRED.

8. (A) THE FUND SHALL SUBMIT TO THE STATE ATHLETIC COMMISSION A PLAN OF OPERATION AND ANY AMENDMENTS THERETO NECESSARY OR SUITABLE TO ASSURE THE FAIR, REASONABLE AND EQUITABLE ADMINISTRATION OF THE FUND. SUCH AMENDMENTS, IF ANY, RELATING TO THE ASSESSMENT OF THE COSTS OF INSURANCE FOR THE SUBSEQUENT YEAR, OTHER THAN DEFICIENCY ASSESSMENTS, SHALL BE SUBMITTED TO THE BOARD NO LATER THAN NOVEMBER FIFTEENTH OF EACH YEAR. THE PLAN OF OPERATION AND ANY AMENDMENTS THERETO SHALL BECOME EFFECTIVE UPON APPROVAL IN WRITING BY THE BOARD, AND SHALL BE PUBLISHED BY THE FUND UPON SUCH APPROVAL IN ONE OR MORE TRADE PUBLICATIONS LIKELY TO BE OBTAINED BY OWNERS.

(B) IF THE FUND FAILS TO SUBMIT A SUITABLE PLAN OF OPERATION WITHIN ONE HUNDRED EIGHTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OR IF AT ANY TIME THEREAFTER THE FUND FAILS TO SUBMIT SUITABLE AMENDMENTS TO THE PLAN, THE BOARD SHALL, AFTER NOTICE AND HEARING, ADOPT AND PROMULGATE SUCH REASONABLE RULES AS ARE NECESSARY OR ADVISABLE TO EFFECTUATE THE PROVISIONS OF THIS SECTION. SUCH RULES SHALL CONTINUE IN FORCE UNTIL MODIFIED BY THE BOARD OR SUPERSEDED BY A PLAN SUBMITTED BY THE FUND AND APPROVED BY THE BOARD.

(C) THE PLAN OF OPERATION SHALL CONSTITUTE THE BY-LAWS OF THE FUND AND SHALL, IN ADDITION TO REQUIREMENTS ENUMERATED ELSEWHERE IN THIS SECTION:

(1) ESTABLISH PROCEDURES FOR HANDLING THE ASSETS OF THE FUND.

(2) ESTABLISH REGULAR PLACES AND TIMES FOR MEETINGS OF THE BOARD OF DIRECTORS.

(3) ESTABLISH PROCEDURES FOR RECORDS TO BE KEPT OF ALL FINANCIAL TRANSACTIONS OF THE FUND, ITS AGENTS AND THE BOARD OF DIRECTORS.

(4) ESTABLISH A FORMULA FOR DETERMINING THE APPROPRIATE AMOUNT OF THE ASSESSMENTS UNDER THIS SECTION.

(5) ESTABLISH THE RULES AND PROCEDURES TO GOVERN THE CONDUCT OF AN ELECTION HELD PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION.

(6) CONTAIN SUCH ADDITIONAL PROVISIONS AS THE BOARD OR FUND MAY DEEM NECESSARY OR PROPER FOR THE EXECUTION OF THE POWERS AND DUTIES OF THE FUND.

9. THE FUND SHALL BE SUBJECT TO EXAMINATION AND REGULATION BY THE STATE COMPTROLLER. THE FUND SHALL SUBMIT TO THE BOARD NOT LATER THAN MAY FIRST OF EACH YEAR, A FINANCIAL REPORT FOR THE PRECEDING CALENDAR YEAR IN A FORM APPROVED BY THE BOARD AND A REPORT OF ITS ACTIVITIES DURING THE PRECEDING CALENDAR YEAR. SUCH REPORT SHALL BE DELIVERED TO THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE SENATE.

10. THE FUND SHALL BE EXEMPT FROM PAYMENT OF ALL FEES AND ALL TAXES LEVIED BY THIS STATE OR ANY OF ITS SUBDIVISIONS, EXCEPT TAXES LEVIED ON REAL PROPERTY.

11. THE FUND SHALL PURCHASE SUCH INSURANCE AS NECESSARY TO PROTECT ANY DIRECTOR, OFFICER, AGENT OR OTHER REPRESENTATIVE FROM LIABILITY.

12. THE FUND AND THE STATE ATHLETIC COMMISSION SHALL HAVE SUCH POWER AS IS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

13. IT SHALL BE PRESUMED ANY MIXED MARTIAL ARTIST WHO PARTICIPATES IN A NEW YORK STATE SANCTIONED EVENT AND RECEIVES ANY FORM OF NEUROLOGICAL DAMAGE DURING THE COURSE OF HIS OR HER LIFETIME, THAT THE DAMAGE WAS THE DIRECT CAUSATION OF THE SANCTIONED MATCH AND IS ENTITLED TO THE FULL

BENEFITS OF THE FUND OVER THE COURSE OF HIS OR HER LIFETIME FOR ALL NECESSARY MEDICAL TREATMENT AND REHABILITATION.

S 4. Section 6 of chapter 912 of the laws of 1920 relating to the regulation of boxing, sparring and wrestling, as amended by chapter 437 of the laws of 2002 and subdivision 1 as designated and subdivision 2 as added by chapter 673 of the laws of 2003, is amended to read as follows:

S 6. Jurisdiction of commission. 1. The commission shall have and hereby is vested with the sole direction, management, control and jurisdiction over all such boxing and sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS to be conducted, held or given within the state of New York and over all licenses to any and all persons who participate in such boxing or sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS and over any and all gyms, clubs, training camps and other organizations that maintain training facilities providing contact sparring for persons who prepare for participation in such boxing or sparring matches or exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS, and over the promotion of professional wrestling exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS to the extent provided for in sections 5, 9, 19, 20, 28-a, 28-b and 33 of this act, except as otherwise provided in this act.

2. The commission is authorized and directed to require that all sites wherein boxing, sparring and wrestling matches and exhibitions OR PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS are conducted shall comply with state and applicable local sanitary codes appropriate to school athletic facilities.

S 5. Subdivision 1 of section 451 of the tax law, as amended by section 1 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

1. "Gross receipts from ticket sales" shall mean the total gross receipts of every person from the sale of tickets to any professional or amateur boxing, sparring or wrestling match or exhibition OR ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION held in this state, and without any deduction whatsoever for commissions, brokerage, distribution fees, advertising or any other expenses, charges and recoupments in respect thereto.

S 6. Section 452 of the tax law, as amended by section 2 of part F of chapter 407 of the laws of 1999, is amended to read as follows:

S 452. Imposition of tax. 1. On and after October first, nineteen hundred ninety-nine, a tax is hereby imposed and shall be paid upon the gross receipts of every person holding any professional or amateur boxing, sparring or wrestling match or exhibition in this state. Such tax shall be imposed on such gross receipts, exclusive of any federal taxes, as follows:

(a) three percent of gross receipts from ticket sales, except that in no event shall the tax imposed by this [subdivision] PARAGRAPH exceed fifty thousand dollars for any match or exhibition;

(b) three percent of gross receipts from broadcasting rights, except that in no event shall the tax imposed by this [subdivision] PARAGRAPH exceed fifty thousand dollars for any match or exhibition.

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HEREBY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON HOLDING ANY PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION IN THIS STATE. SUCH TAX SHALL BE IMPOSED ON SUCH GROSS RECEIPTS, EXCLUSIVE OF ANY FEDERAL TAXES, AS FOLLOWS:

(A) EIGHT AND ONE-HALF PERCENT OF GROSS RECEIPTS FROM TICKET SALES; AND

(B) THREE PERCENT OF GROSS RECEIPTS FROM BROADCASTING RIGHTS, EXCEPT THAT IN NO EVENT SHALL THE TAX IMPOSED BY THIS PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

S 7. This act shall take effect on the ninetieth day after it shall have become a law; provided that section three of this act shall take effect on the one hundred eightieth day after it shall have become a law; provided, further, that this act shall expire and be deemed repealed 3 years after it shall take effect; provided, however, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.