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I N A S S E M B L Y

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Introduced by M. of A. MORELLE, WRIGHT, HEASTIE, SIMOTAS, ENGLEBRIGHT, PEOPLES-STOKES, HEVESI, MOYA, TITUS, TITONE, PERRY, COOK, RIVERA, PAULIN -- Multi-Sponsored by -- M. of A. BARCLAY, BORELLI, BRAUNSTEIN, BRINDISI, BROOK-KRASNY, CAMARA, CERETTO, CRESPO, CROUCH, CURRAN, CUSICK, CYMBROWITZ, GJONAJ, GOLDFEDER, GRAF, JACOBS, KATZ, KEARNS, KELLNER, KIM, LAVINE, LUPARDO, McDONOUGH, MILLER, MOSLEY, PRETLOW, QUART, RA, RAIA, ROBERTS, RODRIGUEZ, SEPULVEDA, SIMANOWITZ, SKARTADOS, STIRPE, WALTER, WEPRIN, ZEBROWSKI -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

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; 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 to amend the alcoholic beverage control law, in relation to allowing matches or exhibitions on the premises of certain licensees

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

1 Section 1. Subdivisions 2, 3, 4, 5 and 6 of section 4 of chapter 912
2 of the laws of 1920 relating to the regulation of boxing, sparring and
3 wrestling, subdivisions 2 and 6 as amended by chapter 437 of the laws of
4 2002 and subdivisions 3, 4 and 5 as added by chapter 603 of the laws of
5 1981, are amended to read as follows:
6 2. The advisory board shall have power and it shall be the duty of the
7 board to prepare and submit to the commission for approval regulations
8 and standards for the physical examination of professional boxers AND
9 PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS including, without limita-
10 tion, pre-fight and/or post-fight examinations and periodic comprehen-
11 sive examinations. The board shall continue to serve in an advisory
12 capacity to the commission and from time to time prepare and submit to
13 the commission for approval, such additional regulations and standards
14 of examination as in their judgment will safeguard the physical welfare

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

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1 of professional boxers licensed by the commission. The advisory board
2 shall recommend to the commission from time to time such qualified
3 physicians, for the purpose of conducting physical examinations of
4 professional boxers AND PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS and
5 other services as the rules of the commission shall provide; and shall
6 recommend to the commission a schedule of fees to be paid to physicians
7 for such examinations and other services as required by this act.

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

14 4. The advisory board shall review the credentials and performance of
15 each commission physician on an annual basis as a condition of reap-
16 pointment of each such physician, including each such physician's
17 comprehension of the medical literature on boxing OR PROFESSIONAL COMBA-
18 TIVE SPORTS referred to in subdivision five of this section.

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

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

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

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

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

35 (B) A "combative sport" shall mean any professional match or exhibi-
36 tion other than boxing, sparring, wrestling or martial arts wherein the
37 contestants deliver, or are not forbidden by the applicable rules there-
38 of from delivering kicks, punches or blows of any kind to the body of an
39 opponent or opponents. For the purposes of this section, the term
40 "martial arts" shall include any professional match or exhibition OF A
41 SINGLE DISCIPLINE sanctioned by AN ORGANIZATION APPROVED BY THE COMMIS-
42 SION, INCLUDING, BUT NOT LIMITED TO, any of the following organizations:
43 U.S. Judo Association, U.S. Judo, Inc., U.S. Judo Federation, U.S. Tae
44 Kwon Do Union, North American Sport Karate Association, U.S.A. Karate
45 Foundation, U.S. Karate, Inc., World Karate Association, Professional
46 Karate Association, Karate International, International Kenpo Associ-
47 ation, or World Wide Kenpo Association. The commission [is authorized
48 to] SHALL promulgate regulations which would establish a process to
49 allow for the inclusion or removal of martial arts organizations from
50 the above list. Such process shall include but not be limited to consid-
51 eration of the following factors: [(a)] (1) is the organization's
52 primary purpose to provide instruction in self defense techniques; [(b)]
53 (2) does the organization require the use of hand, feet and groin
54 protection during any competition or bout; and [(c)] (3) does the organ-
55 ization have an established set of rules that require the immediate

1 termination of any competition or bout when any participant has received
2 severe punishment or is in danger of suffering serious physical injury.

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

6 (D) "MIXED MARTIAL ARTS" MEANS ANY PROFESSIONAL COMBATIVE SPORTS
7 COMPETITION WHEREIN THE RULES OF SUCH COMPETITION SUBJECT TO THE APPLI-
8 CABLE LIMITATIONS AS SET FORTH BY THE COMMISSION AUTHORIZE PROFESSIONAL
9 COMBATIVE SPORTS MATCHES OR EXHIBITIONS BETWEEN VARIOUS FIGHTING DISCI-
10 PLINES, INCLUDING THE UTILIZATION OF PERMITTED MARTIAL ARTS TECHNIQUES,
11 INCLUDING STRIKING, KICKING AND GRAPPLING. NO NON-PROFESSIONAL OR
12 AMATEUR BOUT, EXHIBITION OR PARTICIPANT SHALL BE AUTHORIZED BY THIS
13 SECTION.

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

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

23 1-A. COMMISSION REVIEW. THE COMMISSION SHALL REVIEW EACH MARTIAL ARTS
24 SANCTIONING ORGANIZATION, INCLUDING THOSE LISTED IN SUBDIVISION ONE OF
25 THIS SECTION, AT LEAST BIENNIALLY, OR SOONER IF DETERMINED NECESSARY
26 BASED UPON THE PERIODIC COMPLIANCE CHECKS OR COMPLAINTS TO THE COMMIS-
27 SION, TO DETERMINE CONTINUATION OF THE COMMISSION'S APPROVAL. THE
28 COMMISSION SHALL CONTINUE APPROVAL OR SHALL SUSPEND OR REVOKE APPROVAL
29 BASED UPON COMPLIANCE OF THE ORGANIZATION WITH THE APPROVED SANCTIONING
30 STANDARDS AND ITS ABILITY TO SUPERVISE MATCHES IN THE STATE. THE
31 COMMISSION SHALL ACT UPON ANY APPLICATION FOR INCLUSION IN THE LIST IN
32 PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION WITHIN SIXTY DAYS OF
33 THE DATE SUCH APPLICATION IS MADE TO THE COMMISSION.

34 1-B. MIXED MARTIAL ARTS COMPETITION. THE COMMISSION SHALL PROMULGATE
35 RULES AND REGULATIONS TO ALLOW FOR MIXED MARTIAL ARTS COMPETITIONS TO BE
36 CONDUCTED, HELD, OR GIVEN WITHIN THE STATE OF NEW YORK AND SHALL ALLOW
37 FOR LICENSES TO BE APPROVED BY THE COMMISSION FOR SUCH MATCHES OR EXHI-
38 BITIONS. THE COMMISSION IS AUTHORIZED TO PROMULGATE RULES AND REGU-
39 LATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBDIVISION. SUCH RULES AND
40 REGULATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ADOPTION OF
41 UNIFIED RULES OF MIXED MARTIAL ARTS, A LICENSING PROCESS FOR MATCHES AND
42 EXHIBITIONS, A FEE SCHEDULE FOR SUCH LICENSES, PROCEDURES TO ALLOW FOR
43 THE PARTICIPATION, PROMOTION, AND ADVANCEMENT OF SUCH EVENTS, THE HEALTH
44 AND SAFETY OF PARTICIPANTS, AND THE BEST INTERESTS OF MIXED MARTIAL ARTS
45 AND THE ADOPTION OF RULES AND REGULATIONS FOR LICENSING AND REGULATION
46 OF ANY AND ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT
47 MAINTAIN TRAINING FACILITIES PROVIDING CONTACT SPARRING FOR PERSONS WHO
48 PREPARE FOR PARTICIPATION IN SUCH PROFESSIONAL COMBATIVE SPORTS OR EXHI-
49 BITIONS, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.

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

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

1 3. (a) A person who knowingly advances or profits from a combative
2 sport activity shall be guilty of a class A misdemeanor, and shall be
3 guilty of a class E felony if he or she has been convicted in the previ-
4 ous five years of violating this subdivision.

5 (b) A person advances a combative sport activity when, acting other
6 than as a spectator, he or she engages in conduct which materially aids
7 any combative sport. Such conduct includes but is not limited to conduct
8 directed toward the creation, establishment or performance of a comba-
9 tive sport, toward the acquisition or maintenance of premises, parapher-
10 nalia, equipment or apparatus therefor, toward the solicitation or
11 inducement of persons to attend or participate therein, toward the actu-
12 al conduct of the performance thereof, toward the arrangement of any of
13 its financial or promotional phases, or toward any other phase of a
14 combative sport. One advances a combative sport activity when, having
15 substantial proprietary or other authoritative control over premises
16 being used with his or her knowledge for purposes of a combative sport
17 activity, he or she permits such to occur or continue or makes no effort
18 to prevent its occurrence or continuation.

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

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

47 3. JURISDICTION OF COMMISSION. (A) THE COMMISSION SHALL HAVE AND HERE-
48 BY IS VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDIC-
49 TION OVER ALL PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS TO BE
50 CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK AND OVER ALL
51 LICENSES TO ANY AND ALL PERSONS WHO PARTICIPATE IN SUCH COMBATIVE SPORTS
52 MATCHES OR EXHIBITIONS AND OVER ANY AND ALL GYMS, CLUBS, TRAINING CAMPS
53 AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES PROVIDING
54 CONTACT SPARRING FOR PERSONS WHO PREPARE FOR PARTICIPATION IN SUCH
55 PROFESSIONAL COMBATIVE SPORTS OR EXHIBITIONS, EXCEPT AS OTHERWISE
56 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,

1 PAY TO THE COMMISSION, AN ANNUAL LICENSE FEE AS FOLLOWS: WHERE THE
2 SEATING CAPACITY IS NOT MORE THAN TWO THOUSAND FIVE HUNDRED, FIVE
3 HUNDRED DOLLARS; WHERE THE SEATING CAPACITY IS MORE THAN TWO THOUSAND
4 FIVE HUNDRED BUT NOT MORE THAN FIVE THOUSAND, ONE THOUSAND DOLLARS;
5 WHERE THE SEATING CAPACITY IS MORE THAN FIVE THOUSAND BUT NOT MORE THAN
6 FIFTEEN THOUSAND, ONE THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING
7 CAPACITY IS MORE THAN FIFTEEN THOUSAND BUT NOT MORE THAN TWENTY-FIVE
8 THOUSAND, TWO THOUSAND FIVE HUNDRED DOLLARS; WHERE THE SEATING CAPACITY
9 IS MORE THAN TWENTY-FIVE THOUSAND, THREE THOUSAND FIVE HUNDRED DOLLARS;
10 REFEREE, ONE HUNDRED DOLLARS; JUDGES, ONE HUNDRED DOLLARS; PROFESSIONAL
11 COMBATIVE SPORTS PARTICIPANTS, FIFTY DOLLARS; MANAGERS, FIFTY DOLLARS;
12 TRAINERS, FIFTY DOLLARS; AND CHIEF SECONDS, FORTY DOLLARS. EACH LICENSE
13 OR RENEWAL THEREOF ISSUED PURSUANT TO THIS SUBDIVISION ON OR AFTER OCTO-
14 BER FIRST SHALL BE EFFECTIVE FOR A LICENSE YEAR EXPIRING ON THE THIRTI-
15 ETH DAY OF SEPTEMBER FOLLOWING THE DATE OF ITS ISSUANCE. THE ANNUAL
16 LICENSE FEE PRESCRIBED BY THIS SUBDIVISION SHALL BE THE LICENSE FEE DUE
17 AND PAYABLE THEREFOR AND SHALL BE PAID IN ADVANCE AT THE TIME APPLICA-
18 TION IS MADE THEREFOR, AND EACH SUCH LICENSE MAY BE RENEWED FOR PERIODS
19 OF ONE YEAR UPON THE PAYMENT OF THE ANNUAL LICENSE FEE PRESCRIBED BY
20 THIS SUBDIVISION. WITHIN THREE YEARS FROM THE DATE OF PAYMENT AND UPON
21 THE AUDIT OF THE COMPTROLLER, THE COMMISSION MAY REFUND ANY FEE, UNFOR-
22 FEITED POSTED GUARANTEE OR TAX PAID PURSUANT TO THIS SECTION, FOR WHICH
23 NO LICENSE IS ISSUED OR NO SERVICE RENDERED OR REFUND THAT PORTION OF
24 THE PAYMENT THAT IS IN EXCESS OF THE AMOUNT PRESCRIBED BY STATUTE.

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

30 (B) WHEN AN APPLICATION IS MADE FOR A LICENSE UNDER THIS SECTION, THE
31 COMMISSION MAY CAUSE THE FINGERPRINTS OF SUCH APPLICANT, OR IF SUCH
32 APPLICANT BE A CORPORATION, OF THE OFFICERS OF SUCH CORPORATION, OR IF
33 SUCH APPLICANT BE A LIMITED LIABILITY COMPANY, THE MANAGER OF SUCH
34 LIMITED LIABILITY COMPANY TO BE TAKEN IN DUPLICATE. THE APPLICANT SHALL
35 BE RESPONSIBLE FOR THE COST OF HAVING HIS FINGERPRINTS TAKEN. IF SUCH
36 FINGERPRINTS ARE TAKEN, ONE COPY SHALL BE TRANSMITTED TO THE DIVISION OF
37 CRIMINAL JUSTICE SERVICES IN ACCORDANCE WITH THE RULES AND REGULATIONS
38 OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND ONE SHALL REMAIN ON
39 FILE IN THE OFFICE OF THE COMMISSION. NO SUCH FINGERPRINT MAY BE
40 INSPECTED BY ANY PERSON, OTHER THAN A PEACE OFFICER, EXCEPT ON ORDER OF
41 A JUDGE OR JUSTICE OF A COURT OF RECORD. THE DIVISION IS HEREBY AUTHOR-
42 IZED TO TRANSMIT CRIMINAL HISTORY INFORMATION TO THE COMMISSION FOR THE
43 PURPOSES OF THIS PARAGRAPH. THE INFORMATION OBTAINED BY ANY SUCH FING-
44 ERPRINT EXAMINATION SHALL BE FOR THE GUIDANCE OF THE COMMISSION IN THE
45 EXERCISE OF ITS DISCRETION IN GRANTING OR WITHHOLDING THE LICENSE. THE
46 COMMISSION SHALL PROVIDE SUCH APPLICANT WITH A COPY OF HIS OR HER CRIMI-
47 NAL HISTORY RECORD, IF ANY, TOGETHER WITH A COPY OF ARTICLE
48 TWENTY-THREE-A OF THE CORRECTION LAW, AND INFORM SUCH APPLICANT OF HIS
49 OR HER RIGHT TO SEEK CORRECTION OF ANY INCORRECT INFORMATION CONTAINED
50 IN SUCH RECORD PURSUANT TO REGULATIONS AND PROCEDURES ESTABLISHED BY THE
51 DIVISION OF CRIMINAL JUSTICE SERVICES. ALL DETERMINATIONS TO ISSUE,
52 RENEW, SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH
53 SUBDIVISION SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE
54 LAW AND ARTICLE TWENTY-THREE-A OF THE CORRECTION LAW.

55 9. STANDARDS FOR THE ISSUANCE OF LICENSES. (A) IF IN THE JUDGMENT OF
56 THE COMMISSION THE FINANCIAL RESPONSIBILITY, EXPERIENCE, CHARACTER AND

1 GENERAL FITNESS OF AN APPLICANT, INCLUDING IN THE CASE OF CORPORATIONS
2 ITS OFFICERS AND STOCKHOLDERS, ARE SUCH THAT THE PARTICIPATION OF SUCH
3 APPLICANT WILL BE CONSISTENT WITH THE BEST INTERESTS OF COMBATIVE
4 SPORTS, THE PURPOSES OF THIS SECTION INCLUDING THE SAFETY OF PROFES-
5 SIONAL COMBATIVE SPORTS PARTICIPANTS, AND IN THE PUBLIC INTEREST,
6 CONVENIENCE OR NECESSITY, THE COMMISSION SHALL GRANT A LICENSE IN
7 ACCORDANCE WITH THE PROVISIONS CONTAINED IN THIS SUBDIVISION.

8 (B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT APPLYING FOR A
9 LICENSE OR RENEWAL OF A LICENSE UNDER THIS SUBDIVISION SHALL UNDERGO A
10 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL AND
11 NEUROPSYCHOLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMIS-
12 SION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF
13 BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRI-
14 ATE, THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE REQUIRED TO
15 UNDERGO FURTHER NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A
16 NEUROLOGIST INCLUDING, BUT NOT LIMITED TO, A COMPUTED TOMOGRAPHY OR
17 MEDICALLY EQUIVALENT PROCEDURE. THE COMMISSION SHALL NOT ISSUE A LICENSE
18 TO A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT UNTIL SUCH EXAMINATIONS
19 ARE COMPLETED AND REVIEWED BY THE COMMISSION. THE RESULTS OF ALL SUCH
20 EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART OF THE PROFESSIONAL
21 COMBATIVE SPORTS PARTICIPANT'S PERMANENT MEDICAL RECORD AS MAINTAINED BY
22 THE COMMISSION. THE COST OF ALL SUCH EXAMINATIONS CALLED FOR IN THIS
23 SUBDIVISION SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE
24 PERFORMED BY A PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION.

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

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

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

47 12. SHAM OR COLLUSIVE EVENTS. (A) ANY PERSON, INCLUDING ANY CORPO-
48 RATION AND THE OFFICERS THEREOF, ANY PHYSICIAN, LIMITED LIABILITY COMPA-
49 NY, REFEREE, JUDGE, PROFESSIONAL COMBATIVE SPORTS PARTICIPANT, MANAGER,
50 TRAINER OR CHIEF SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE
51 IN ANY SHAM OR COLLUSIVE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBI-
52 TION, SHALL BE DEPRIVED OF HIS LICENSE BY THE COMMISSION.

53 (B) NO LICENSED ENTITY SHALL KNOWINGLY ENGAGE IN A COURSE OF CONDUCT
54 IN WHICH PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS ARE
55 ARRANGED WHERE ONE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT HAS SKILLS
56 OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFESSIONAL COMBA-

TIVE 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

1 SUCH LICENSE SHALL NOT BE RETURNED TO THE PARTICIPANT UNTIL THE PARTIC-
2 IPANT HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT
3 OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN THE PARTIC-
4 IPANT'S LICENSE BY A COMMISSION OFFICIAL.

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

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

15 (F) THE COMMISSION MAY SUSPEND ANY LICENSE IT HAS ISSUED BY A DATED
16 NOTICE TO THAT EFFECT TO THE SUSPENDED LICENSEE, MAILED OR DELIVERED TO
17 THE LICENSEE, AND SPECIFYING THE EFFECTIVE DATE AND TERM OF THE SUSPEN-
18 SION, PROVIDED HOWEVER THAT THE COMMISSION REPRESENTATIVE IN CHARGE OF A
19 CONTEST OR EXHIBITION MAY THEN AND THERE TEMPORARILY SUSPEND ANY LICENSE
20 ISSUED BY THE COMMISSION WITHOUT SUCH NOTICE. IN THE EVENT OF A TEMPO-
21 RARY SUSPENSION, THE COMMISSION SHALL MAIL OR DELIVER THE NOTICE TO THE
22 SUSPENDED LICENSEE WITHIN THREE BUSINESS DAYS AFTER THE TEMPORARY
23 SUSPENSION. IN EITHER CASE SUCH SUSPENSION MAY BE WITHOUT ANY ADVANCE
24 HEARING. UPON THE RECEIPT OF SUCH NOTICE OF SUSPENSION, THE SUSPENDED
25 LICENSEE MAY APPLY TO THE COMMISSION FOR A HEARING ON THE MATTER TO
26 DETERMINE WHETHER SUCH SUSPENSION SHOULD BE RESCINDED. SUCH APPLICATION
27 FOR A HEARING MUST BE IN WRITING AND MUST BE RECEIVED BY THE COMMISSION
28 WITHIN THIRTY DAYS AFTER THE DATE OF NOTICE OF SUSPENSION. THE COMMIS-
29 SION SHALL HAVE THE AUTHORITY TO REVOKE ANY LICENSE ISSUED BY IT. BEFORE
30 ANY LICENSE IS SO REVOKED, THE LICENSEE WILL BE OFFERED THE OPPORTUNITY
31 AT A HEARING HELD BY OR ON BEHALF OF THE COMMISSION TO SHOW CAUSE WHY
32 THE LICENSE SHOULD NOT BE REVOKED. THE COMMISSION SHALL OFFER THE OPPOR-
33 TUNITY FOR A HEARING TO AN AFFECTED PERSON BEFORE TAKING ANY FINAL
34 ACTION NEGATIVELY AFFECTING SUCH PERSON'S INDIVIDUAL PRIVILEGES OR PROP-
35 erty GRANTED BY A LICENSE DULY ISSUED BY THE COMMISSION OR A CONTRACT
36 APPROVED BY AND FILED WITH THE COMMISSION. IN ALL SUCH HEARINGS, LICEN-
37 SEES AND OTHER WITNESSES SHALL TESTIFY UNDER OATH OR AFFIRMATION, WHICH
38 MAY BE ADMINISTERED BY ANY COMMISSIONER OR AUTHORIZED REPRESENTATIVE OF
39 THE COMMISSION ACTUALLY PRESENT. THE COMMISSION SHALL BE THE SOLE JUDGE
40 OF THE RELEVANCY AND COMPETENCY OF TESTIMONY AND OTHER EVIDENCE, THE
41 CREDIBILITY OF WITNESSES, AND THE SUFFICIENCY OF EVIDENCE. HEARINGS MAY
42 BE CONDUCTED BY REPRESENTATIVES OF THE COMMISSION IN THE DISCRETION OF
43 THE COMMISSION. IN SUCH CASES, THE COMMISSION REPRESENTATIVES CONDUCTING
44 THE HEARING SHALL SUBMIT FINDINGS OF FACT AND RECOMMENDATIONS TO THE
45 COMMISSION, WHICH SHALL NOT BE BINDING ON THE COMMISSION.

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

53 16. TICKETS TO INDICATE PURCHASE PRICE. ALL TICKETS OF ADMISSION TO
54 ANY SUCH COMBATIVE SPORTS MATCH OR EXHIBITION SHALL BE CONTROLLED BY THE
55 PROVISIONS OF ARTICLE TWENTY-FIVE OF THE ARTS AND CULTURAL AFFAIRS LAW.
56 IT SHALL BE UNLAWFUL FOR ANY ENTITY TO ADMIT TO SUCH MATCH OR EXHIBITION

1 A NUMBER OF PEOPLE GREATER THAN THE SEATING CAPACITY OF THE PLACE WHERE
2 SUCH MATCH OR EXHIBITION IS HELD. VIOLATION OF THIS SUBDIVISION SHALL BE
3 A MISDEMEANOR AND SHALL BE PUNISHABLE AS SUCH AND IN ADDITION SHALL
4 INCUR FORFEITURE OF LICENSE.

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

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

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

45 (B) THE COMMISSION MAY BY RULE, REGULATION OR ORDER, REQUIRE THE PRES-
46 ENCE OF ANY MEDICAL EQUIPMENT AND PERSONNEL AT EACH PROFESSIONAL COMBA-
47 TIVE SPORTS MATCH OR EXHIBITION AS IS NECESSARY OR BENEFICIAL FOR THE
48 SAFETY AND PROTECTION OF THE CONTESTANTS; AND MAY ALSO REQUIRE THE PRES-
49 ENCE OF AN AMBULANCE OR OTHER APPARATUS AT THE SITE OF ANY SUCH MATCH OR
50 EXHIBITION OR THE PROMULGATION OF AN EMERGENCY MEDICAL PLAN IN LIEU
51 THEREOF.

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

1 (D) THE COMMISSION SHALL REQUIRE BY RULE OR REGULATION THAT ANY
2 PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER THIS SECTION
3 PRESENT TO A DESIGNATED COMMISSION OFFICIAL, BEFORE EACH MATCH OR EXHI-
4 BITION IN WHICH HE FIGHTS IN THIS STATE, A LICENSE WHICH SHALL INCLUDE
5 BUT NOT BE LIMITED TO THE FOLLOWING INFORMATION: (1) THE PARTICIPANT'S
6 NAME, PHOTOGRAPH, SOCIAL SECURITY NUMBER, DATE OF BIRTH, AND OTHER IDEN-
7 TIFYING INFORMATION; (2) THE PARTICIPANT'S PRIOR MATCH OR EXHIBITION
8 HISTORY INCLUDING THE DATES, LOCATION, AND DECISION OF SUCH MATCHES OR
9 EXHIBITIONS; AND (3) THE PARTICIPANT'S MEDICAL HISTORY, RELATING TO ANY
10 PHYSICAL CONDITION, MEDICAL TEST OR PROCEDURE WHICH RELATES TO HIS ABIL-
11 ITY TO FIGHT, AND A RECORD OF ALL MEDICAL SUSPENSIONS.

12 20. EXAMINATION BY PHYSICIAN; COST. (A) ALL PARTICIPANTS MUST BE EXAM-
13 INED BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE
14 RING AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION
15 A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION,
16 AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL
17 BE PAID BY THE ENTITY CONDUCTING THE MATCH OR EXHIBITION TO THE COMMIS-
18 SION, WHICH SHALL THEN PAY THE FEE COVERING SUCH COST TO THE EXAMINING
19 PHYSICIAN, IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

20 (B) ANY PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED OR PERMIT-
21 TED UNDER THIS SECTION RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS
22 DETERMINED BY THE ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY
23 THE ATTENDING COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO
24 NEUROLOGICAL AND NEUROPSYCHOLOGICAL EXAMINATIONS BY A NEUROLOGIST
25 INCLUDING BUT NOT LIMITED TO A COMPUTED TOMOGRAPHY OR MEDICALLY EQUIV-
26 ALENT PROCEDURE. ANY PARTICIPANT SO INJURED SHALL NOT APPEAR IN ANY
27 MATCH OR EXHIBITION UNTIL RESULTS OF SUCH EXAMINATIONS ARE REVIEWED BY
28 THE COMMISSION. THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED
29 SHALL BECOME A PART OF THE PARTICIPANT'S PERMANENT MEDICAL RECORDS AS
30 MAINTAINED BY THE COMMISSION AND SHALL BE USED BY THE COMMISSION TO
31 DETERMINE WHETHER A PARTICIPANT SHALL BE PERMITTED TO APPEAR IN ANY
32 FUTURE PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION. THE COSTS OF
33 ALL SUCH EXAMINATIONS CALLED FOR IN THIS PARAGRAPH SHALL BE ASSUMED BY
34 THE ENTITY OR PROMOTER IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN
35 APPROVED BY THE COMMISSION.

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

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

48 (B) THE PHYSICIAN SHALL TERMINATE ANY PROFESSIONAL COMBATIVE SPORTS
49 MATCH OR EXHIBITION IF IN THE OPINION OF SUCH PHYSICIAN ANY PARTICIPANT
50 HAS RECEIVED SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJU-
51 RY. IN THE EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL
52 IMMEDIATELY RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER
53 TREATMENT OR HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE
54 MATTER TO THE COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY,
55 SUBSEQUENTLY THEREAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE
56 INJURED PARTICIPANT AND HIS MANAGER OR CHIEF SECOND REMAIN IN THE RING

1 OR ON THE PREMISES OR REPORT TO A HOSPITAL AFTER THE CONTEST FOR SUCH
2 PERIOD OF TIME AS SUCH PHYSICIAN DEEMS ADVISABLE.

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

7 22. BOND. BEFORE A LICENSE SHALL BE GRANTED TO AN ENTITY TO CONDUCT A
8 PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION, THE APPLICANT SHALL
9 EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT TO BE DETER-
10 MINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY OF
11 SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR THE FAITHFUL
12 PERFORMANCE BY SUCH ENTITY OF THE PROVISIONS OF THIS SECTION AND THE
13 RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING AND
14 APPROVAL OF SUCH BOND THE COMPTROLLER SHALL ISSUE TO SUCH APPLICANT A
15 CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE BY SUCH APPLI-
16 CANT FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICATION FOR
17 LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIFICATE
18 SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE COMMISSION
19 MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT MORE THAN ONE
20 THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED BY THE ATTOR-
21 NEY GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IN THE
22 SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY AMOUNT SO
23 RECOVERED SHALL BE PAID INTO THE TREASURY.

24 23. BOND FOR PURSES, SALARIES AND OTHER EXPENSES. IN ADDITION TO THE
25 BOND REQUIRED BY SUBDIVISION TWENTY-TWO OF THIS SECTION, EACH APPLICANT
26 FOR A LICENSE TO CONDUCT PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHI-
27 BITIONS SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT
28 TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS TO FORM AND SUFFI-
29 CIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUAR-
30 ANTEEING THE PAYMENT OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS'
31 PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, AND THE
32 LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL.

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

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

50 25. NOTICE OF CONTEST; COLLECTION OF TAX. (A) EVERY ENTITY HOLDING ANY
51 PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION FOR WHICH AN ADMISSION
52 FEE IS CHARGED OR RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION TEN
53 DAYS IN ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION
54 TO ANY SUCH MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY
55 AUTHORIZED BY THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND
56 SHALL BEAR CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION

1 OF SAME. AN ENTITY FAILING TO FULLY COMPLY WITH THIS SECTION SHALL BE
2 SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS TO BE COLLECTED BY AND PAID
3 TO THE DEPARTMENT OF STATE. AN ENTITY IS PROHIBITED FROM OPERATING ANY
4 MATCHES OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SUBDIVI-
5 SION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINETEEN
6 OF THE TAX LAW HAVE BEEN PAID.

7 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,
8 EMPLOYEES OR OFFICERS OF THE ATHLETIC COMMISSION SHALL ACT AS AGENTS OF
9 THE COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY
10 ARTICLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE
11 THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECH-
12 NICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF
13 SUCH TAX.

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

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

24 (C) EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION
25 SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION
26 AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE
27 LICENSE. EACH PERSON SEEKING TO BE A PROFESSIONAL COMBATIVE SPORTS JUDGE
28 IN THE STATE SHALL BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM
29 AS APPROVED BY THE COMMISSION AND SHALL HAVE PASSED A WRITTEN EXAMINA-
30 TION APPROVED BY THE COMMISSION COVERING ASPECTS OF PROFESSIONAL COMBA-
31 TIVE SPORTS INCLUDING, BUT NOT LIMITED TO, THE RULES OF THE SPORT, THE
32 LAW OF THE STATE RELATING TO THE COMMISSION, AND BASIC FIRST AID. THE
33 COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS TO KEEP LICEN-
34 SEES CURRENT ON AREAS OF REQUIRED KNOWLEDGE.

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

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

49 27. TRAINING FACILITIES. (A) THE COMMISSION MAY, IN ITS DISCRETION AND
50 IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE
51 HEALTH AND SAFETY OF PROFESSIONAL COMBATIVE SPORT PARTICIPANTS IN TRAIN-
52 ING, ISSUE A LICENSE TO OPERATE A TRAINING FACILITY PROVIDING CONTACT
53 SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFES-
54 SIONAL COMBATIVE SPORT PARTICIPANTS. THE REGULATIONS OF THE COMMISSION
55 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING SUBJECTS TO PROTECT
56 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. 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:

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

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

21 S 4. Subdivision 1 of section 451 of the tax law, as amended by
22 section 1 of part F of chapter 407 of the laws of 1999, is amended to
23 read as follows:

24 1. "Gross receipts from ticket sales" shall mean the total gross
25 receipts of every person from the sale of tickets to any professional or
26 amateur boxing, sparring or wrestling match or exhibition OR ANY PROFES-
27 SIONAL COMBATIVE SPORTS MATCH OR EXHIBITION held in this state, and
28 without any deduction whatsoever for commissions, brokerage, distrib-
29 ution fees, advertising or any other expenses, charges and recoupments
30 in respect thereto.

31 S 5. Section 452 of the tax law, as amended by section 2 of part F of
32 chapter 407 of the laws of 1999, is amended to read as follows:

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

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

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

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

50 (I) EIGHT AND ONE-HALF PERCENT OF GROSS RECEIPTS FROM TICKET SALES;
51 AND

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

1 S 6. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic
2 beverage control law, as added by chapter 254 of the laws of 2001, is
3 amended to read as follows:

4 (b) The prohibition contained in paragraph (a) of this subdivision,
5 however, shall not be applied to any professional match or exhibition
6 which consists of boxing, PROFESSIONAL COMBATIVE SPORTS, sparring, wres-
7 tling, or martial arts [and which is] THAT ARE excepted from the defi-
8 nition of the term "combative sport" contained in subdivision one of
9 section five-a of chapter nine hundred twelve of the laws of nineteen
10 hundred twenty, as added by chapter fourteen of the laws of nineteen
11 hundred ninety-seven.

12 S 7. This act shall take effect on the ninetieth day after it shall
13 have become a law; provided, however, that effective immediately, the
14 addition, amendment and/or repeal of any rule or regulation necessary
15 for the implementation of this act on its effective date is authorized
16 and directed to be made and completed on or before such effective date.