

2604--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 20, 2015

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Introduced by M. of A. MORELLE, WRIGHT, SIMOTAS, ENGLEBRIGHT, PEOPLES-STOKES, HEVESI, MOYA, TITUS, TITONE, PERRY, COOK, RIVERA, PAULIN, MOSLEY, STIRPE, BRINDISI, SANTABARBARA, SIMANOWITZ, GOLDFEDER, McDONALD, PICHARDO, MILLER, ZEBROWSKI, LINARES, BICHOTTE, DILAN, THIELE, JOYNER, WEPRIN -- Multi-Sponsored by -- M. of A. ABBATE, BARCLAY, BLAKE, BORELLI, BRAUNSTEIN, BROOK-KRASNY, BUCHWALD, CERETTO, CRESPO, CROUCH, CURRAN, CUSICK, CYMBROWITZ, DAVILA, GARBARINO, GIGLIO, GJONAJ, GRAF, HOOPER, JEAN-PIERRE, KATZ, KEARNS, KIM, KOLB, LAVINE, LAWRENCE, LUPARDO, MAGEE, MAYER, McDONOUGH, PALMESANO, PERSAUD, PRETLOW, QUART, RA, RAIA, RAMOS, ROBERTS, RODRIGUEZ, SEPULVEDA, SKARTADOS, TENNEY, WALKER, WALTER, WOZNIAK -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, the tax law, and the alcoholic beverage control law in relation to authorized combative sports

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

1     Section 1. Article 40 and sections 900 and 901 of the general business  
2     law, as renumbered by chapter 407 of the laws of 1973, are renumbered  
3     article 43 and sections 1200 and 1201, respectively, and a new article  
4     41 is added to read as follows:  
5                                     ARTICLE 41  
6                                     COMBATIVE SPORTS  
7     SECTION 1000. DEFINITIONS.  
8             1001. COMBATIVE SPORTS AUTHORIZED.  
9             1002. COMBATIVE SPORTS PROHIBITED.  
10            1003. STATE ATHLETIC COMMISSION.  
11            1004. JURISDICTION OF THE COMMISSION.  
12            1005. OFFICERS AND EMPLOYEES OF THE COMMISSION.  
13            1006. SANCTIONING ENTITIES.

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

LBD05199-02-5

1 1007. LICENSES; GENERAL PROVISIONS.  
2 1008. LICENSES; JUDGES.  
3 1009. LICENSES; ENTITIES.  
4 1010. LICENSES; PROFESSIONALS.  
5 1011. TEMPORARY WORKING PERMITS.  
6 1012. TEMPORARY TRAINING FACILITIES.  
7 1013. MEDICAL ADVISORY BOARD.  
8 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.  
9 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.  
10 1016. REQUIRED FILINGS.  
11 1017. PROFESSIONAL WRESTLING; PROMOTERS.  
12 1018. PROHIBITED CONDUCT.  
13 1019. PENALTIES.  
14 1020. SUBPOENAS BY COMMISSION; OATHS.  
15 1021. EXCEPTIONS.  
16 1022. DISPOSITION OF RECEIPTS.

17 S 1000. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "AMATEUR" MEANS ANY  
18 PARTICIPANT IN A COMBATIVE SPORT SUPERVISED BY AN AUTHORIZED AMATEUR  
19 SANCTIONING ENTITY WHO IS NOT RECEIVING OR COMPETING FOR, AND WHO HAS  
20 NEVER RECEIVED OR COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN,  
21 OR OTHER THING OF VALUE EXCEEDING THE ALLOWABLE AMOUNT ESTABLISHED BY  
22 THE AUTHORIZED AMATEUR SANCTIONING ENTITY.

23 2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE  
24 AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE  
25 COMMISSION.

26 3. "COMBATIVE SPORT" MEANS ANY UNARMED BOUT, CONTEST, COMPETITION,  
27 MATCH, OR EXHIBITION UNDERTAKEN TO ENTERTAIN AN AUDIENCE, WHEREIN THE  
28 PARTICIPANTS PRIMARILY GRAPPLE OR WRESTLE, OR DELIVER BLOWS OF ANY KIND  
29 TO, OR USE FORCE IN ANY WAY TO MANIPULATE, THE BODY OF ANOTHER PARTIC-  
30 IPANT, AND WHERE IN THE OUTCOME AND SCORE DEPEND ENTIRELY ON SUCH ACTIV-  
31 ITIES.

32 4. "COMMISSION" MEANS THE STATE ATHLETIC COMMISSION AS PROVIDED FOR IN  
33 SECTION ONE THOUSAND THREE OF THIS ARTICLE, OR AN AGENT OR EMPLOYEE OF  
34 THE STATE ATHLETIC COMMISSION ACTING ON ITS BEHALF.

35 5. "MIXED MARTIAL ARTS" MEANS A COMBATIVE SPORT WHEREIN THE RULES OF  
36 ENGAGEMENT DO NOT LIMIT THE PARTICIPANTS TO THE USE OF ONE RECOGNIZED  
37 TECHNIQUE OF A SINGLE, SYSTEMATIC, FIGHTING DISCIPLINE.

38 6. "PROFESSIONAL" MEANS ANY PARTICIPANT IN A COMBATIVE SPORT AUTHOR-  
39 IZED PURSUANT TO THIS ARTICLE, OTHER THAN AN AMATEUR, WHO IS RECEIVING  
40 OR COMPETING FOR ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING  
41 EXCEEDING SEVENTY-FIVE DOLLARS IN VALUE.

42 S 1001. COMBATIVE SPORTS AUTHORIZED. COMBATIVE SPORTS CONDUCTED UNDER  
43 THE SUPERVISION OF THE COMMISSION, OR UNDER THE SUPERVISION OF AN  
44 AUTHORIZED SANCTIONING ENTITY ARE HEREBY AUTHORIZED. AUTHORIZED COMBA-  
45 TIVE SPORTS INCLUDE, AMATEUR AND PROFESSIONAL BOXING, WRESTLING, SPAR-  
46 RING, KICK BOXING, SINGLE DISCIPLINE MARTIAL ARTS AND ANY COMBINATION  
47 THEREOF, INCLUDING MIXED MARTIAL ARTS, PURSUANT TO THE PROVISIONS OF  
48 THIS ARTICLE.

49 S 1002. COMBATIVE SPORTS PROHIBITED. 1. THE CONDUCT OF COMBATIVE  
50 SPORTS OUTSIDE THE SUPERVISION OF THE COMMISSION OR AN AUTHORIZED SANC-  
51 TIONING ENTITY IS PROHIBITED.

52 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER  
53 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AID  
54 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT  
55 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR  
56 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR

1 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,  
2 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-  
3 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,  
4 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR  
5 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A  
6 PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER  
7 AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE  
8 FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO  
9 OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR  
10 CONTINUATION.

11 3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE  
12 ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE  
13 IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN  
14 AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTIC-  
15 IPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE  
16 SPORT.

17 S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION,  
18 AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED  
19 TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN  
20 HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF  
21 STATE. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND  
22 GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS  
23 THEREOF, TO PRESERVE THE INTEGRITY OF AMATEUR COMBATIVE SPORTS BY  
24 AUTHORIZING APPROPRIATE AND TRUSTED SANCTIONING ENTITIES TO OVERSEE  
25 AMATEUR COMBATIVE SPORTS, AND TO PROTECT THE INTEGRITY OF PROFESSIONAL  
26 COMBATIVE SPORTS THROUGH THE MEANS OF LICENSING, OVERSIGHT AND ENFORCE-  
27 MENT; AND THE COMMISSION SHALL CONSIDER THESE PURPOSES FOREMOST WHEN  
28 EFFECTUATING THE PROVISIONS OF THIS ARTICLE. THE COMMISSION SHALL  
29 CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND  
30 WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE  
31 ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE  
32 COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN  
33 THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF  
34 TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN  
35 WHOSE POSITION THE VACANCY OCCURS.

36 2. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE SPORTS.  
37 THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVELING AND  
38 OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR OFFICIAL  
39 DUTIES. THE COMMISSION SHALL MAINTAIN IN THE CITY OF NEW YORK GENERAL  
40 OFFICES FOR THE TRANSACTION OF ITS BUSINESS. THE MEMBERS OF THE COMMIS-  
41 SION SHALL ADOPT A SEAL FOR THE COMMISSION, AND MAKE SUCH RULES FOR THE  
42 ADMINISTRATION OF THEIR OFFICE, NOT INCONSISTENT HERewith, AS THEY MAY  
43 DEEM EXPEDIENT; AND THEY MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE  
44 MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND  
45 THE CONCURRENCE OF A MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE  
46 NECESSARY TO RENDER A DETERMINATION BY THE COMMISSION.

47 S 1004. JURISDICTION OF THE COMMISSION. THE COMMISSION SHALL HAVE AND  
48 IS HEREBY VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURIS-  
49 DICTION OVER: 1. ALL AUTHORIZED COMBATIVE SPORTS;

50 2. ALL LICENSES OR PERMITS GRANTED BY THE COMMISSION TO ANY AND ALL  
51 PERSONS OR ENTITIES WHO PARTICIPATE IN AUTHORIZED COMBATIVE SPORTS;

52 3. ALL DETERMINATIONS REGARDING THE AUTHORIZATION OF AMATEUR AND  
53 PROFESSIONAL SANCTIONING ENTITIES;

54 4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAIN-  
55 TAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHOR-  
56 IZED PROFESSIONAL COMBATIVE SPORTS;

1 5. THE PROMOTION OF PROFESSIONAL WRESTLING EXHIBITIONS TO THE EXTENT  
2 PROVIDED FOR IN THIS ARTICLE; AND

3 6. ALL CONTRACTS RELATED TO THE CONDUCT OF AUTHORIZED PROFESSIONAL  
4 COMBATIVE SPORTS.

5 S 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION. THE SECRETARY OF  
6 STATE MAY APPOINT, AND AT HIS OR HER PLEASURE REMOVE, AN EXECUTIVE  
7 DIRECTOR, DEPUTIES, OFFICERS, INSPECTORS, PHYSICIANS AND ANY SUCH OTHER  
8 EMPLOYEES AS MAY BE NECESSARY TO ADMINISTER THE PROVISIONS OF THIS ARTI-  
9 CLE AND FIX THEIR SALARIES WITHIN THE AMOUNT APPROPRIATED THEREFOR.

10 S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGU-  
11 LATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND  
12 APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A  
13 PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE  
14 ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN  
15 THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION,  
16 LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY  
17 TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES,  
18 SPECIFICALLY AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBI-  
19 NATION OF THE FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND  
20 HISTORY OF THE ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

21 2. THE COMMISSION SHALL EVALUATE FACTORS INCLUDING BUT NOT LIMITED TO:

22 (A) THE ENTITY'S STATED MISSION AND PRIMARY PURPOSE;

23 (B) WHETHER THE ENTITY REQUIRES PARTICIPANTS IN COMBATIVE SPORTS TO  
24 USE HAND, FOOT AND GROIN PROTECTION;

25 (C) WHETHER THE ENTITY HAS AN ESTABLISHED SET OF RULES THAT REQUIRES  
26 THE IMMEDIATE TERMINATION OF ANY COMBATIVE SPORT WHEN ANY PARTICIPANT  
27 HAS ENDURED SEVERE PUNISHMENT OR IS IN DANGER OF SUFFERING SERIOUS PHYS-  
28 ICAL INJURY; AND

29 (D) WHETHER THE ENTITY HAS ESTABLISHED PROTOCOLS TO EFFECTUATE THE  
30 APPROPRIATE AND TIMELY MEDICAL TREATMENT OF INJURED PERSONS.

31 S 1007. LICENSES; GENERAL PROVISIONS. 1. EXCEPT AS OTHERWISE PROVIDED  
32 IN SECTION ONE THOUSAND ELEVEN OF THIS ARTICLE, WITH RESPECT TO ALL  
33 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THIS STATE, ALL CORPO-  
34 RATIONS, ENTITIES, PERSONS, REFEREES, JUDGES, MATCH-MAKERS, TIMEKEEPERS,  
35 PROFESSIONALS, AND THEIR MANAGERS, TRAINERS, AND SECONDS SHALL BE  
36 LICENSED BY THE COMMISSION. NO SUCH CORPORATION, ENTITY OR PERSON SHALL  
37 BE PERMITTED TO PARTICIPATE, EITHER DIRECTLY OR INDIRECTLY, IN ANY  
38 AUTHORIZED PROFESSIONAL COMBATIVE SPORT, OR THE HOLDING THEREOF, OR THE  
39 OPERATION OF ANY TRAINING FACILITY PROVIDING CONTACT SPARRING MAINTAINED  
40 EITHER EXCLUSIVELY OR IN PART FOR THE USE OF PROFESSIONAL BOXERS OR  
41 PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS, UNLESS SUCH CORPORATION OR  
42 PERSONS SHALL HAVE FIRST PROCURED A LICENSE FROM THE COMMISSION. THE  
43 COMMISSION SHALL ESTABLISH BY RULE AND REGULATION LICENSING STANDARDS  
44 FOR ALL LICENSEES.

45 2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY  
46 THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE  
47 SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER  
48 THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE  
49 PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY  
50 REQUIRE.

51 3. THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND RENEWAL  
52 TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED PURSUANT TO  
53 THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL TERMS AND FEES  
54 IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINE-  
55 TEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO, IMMEDIATELY  
56 PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED AT THEIR

PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT OF THIS ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE AFOREMENTIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE COMMISSION PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET.

4. ANY LICENSE, TEMPORARY WORK PERMIT OR OTHER AUTHORIZATION ISSUED UNDER THE PROVISIONS OF THIS ARTICLE MAY BE REVOKED OR SUSPENDED BY THE COMMISSION WHEN THE LICENSEE, PERMITTEE OR AUTHORIZED ENTITY HAS, IN THE JUDGMENT OF THE COMMISSION, DEMONSTRATED CONDUCT DETRIMENTAL TO THE INTERESTS OF AUTHORIZED COMBATIVE SPORTS GENERALLY OR TO THE PUBLIC INTEREST, OR WHEN THE COMMISSION DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH AND SAFETY OF THE LICENSEE.

(A) ANY LICENSEE WHO SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN A COMBATIVE SPORT MAY, UPON THE RECOMMENDATION OF THE ATTENDING COMMISSION PHYSICIAN, BE SUSPENDED BY THE COMMISSION, FOR A PERIOD DETERMINED BY THE COMMISSION, AND SHALL FORFEIT HIS OR HER LICENSE TO THE COMMISSION DURING SUCH PERIOD. SUCH LICENSE SHALL NOT BE RETURNED TO THE LICENSEE UNTIL HE OR SHE HAS MET ALL REQUIREMENTS, MEDICAL AND OTHERWISE, FOR REINSTATEMENT OF SUCH LICENSE. ALL SUCH SUSPENSIONS SHALL BE RECORDED IN HIS OR HER LICENSE BY A COMMISSION OFFICIAL.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY OTHER STATE SHALL REVOKE A LICENSEE'S LICENSE TO COMPETE IN COMBATIVE SPORTS IN THAT STATE, THEN THE COMMISSION MAY ACT TO REVOKE ANY LICENSE ISSUED TO SUCH LICENSEE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

S 1008. LICENSES; JUDGES. 1. ONLY A PERSON LICENSED BY THE COMMISSION, AS A COMBATIVE SPORTS JUDGE, MAY JUDGE AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. JUDGES FOR ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT UNDER THE JURISDICTION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

2. ANY PARTICIPANT IN A PROFESSIONAL COMBATIVE SPORT OR HIS OR HER MANAGER MAY PROTEST THE ASSIGNMENT OF A JUDGE TO A CONTEST AND THE PARTICIPANT OR MANAGER MAY BE HEARD BY THE COMMISSION OR ITS DESIGNEE IF SUCH PROTEST IS TIMELY. IF THE PROTEST IS UNTIMELY IT SHALL BE SUMMARILY REJECTED.

3. 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. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS AND REQUIREMENTS TO BE COMPLETED BY LICENSED JUDGES. EACH JUDGE MUST BE CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE COMMISSION AND SHALL PASS AN EXAMINATION APPROVED BY THE COMMISSION COVERING ASPECTS OF BOXING INCLUDING, BUT NOT LIMITED TO, THE RULES OF THE SPORT, AND THE LAW OF THE STATE RELATING TO THE COMMISSION.

4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE 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 CONFLICT OF INTERESTS AS WELL AS APPEARANCES OF SUCH CONFLICTS, INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS SHALL BE ACCEPTABLE TO THE COMMISSION.

1 S 1009. LICENSES; ENTITIES. 1. (A) ONLY ENTITIES LICENSED BY THE  
2 COMMISSION MAY CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN  
3 THE STATE. THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO  
4 CONDUCT OR HOLD AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SUBJECT TO THE  
5 PROVISIONS HEREOF, TO ANY PERSON OR CORPORATION DULY INCORPORATED, OR  
6 LIMITED LIABILITY COMPANY AUTHORIZED, UNDER THE LAWS OF THE STATE OF NEW  
7 YORK.

8 (B) A PROSPECTIVE LICENSEE MUST SUBMIT TO THE COMMISSION PROOF THAT IT  
9 CAN FURNISH SUITABLE PREMISES, AS DETERMINED BY THE COMMISSION, IN WHICH  
10 SUCH COMBATIVE SPORT IS TO BE HELD.

11 (C) UPON WRITTEN APPLICATION THE COMMISSION MAY GRANT TO ANY ENTITY  
12 HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A  
13 MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER  
14 LOCATION, THAN THE PREMISES OR LOCATION PREVIOUSLY APPROVED BY THE  
15 COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES  
16 AND REGULATIONS OF THE COMMISSION.

17 2. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH  
18 REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY  
19 OF PROFESSIONAL BOXERS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAIN-  
20 ING FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR  
21 IN PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. AT A  
22 MINIMUM, ANY SUCH REGULATION SHALL REQUIRE:

23 (I) FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE  
24 PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND  
25 CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMO-  
26 NARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR  
27 TRAINING PURPOSES;

28 (II) CLEAN AND SANITARY BATHROOMS, SHOWER ROOMS, AND LOCKER ROOMS;

29 (III) ADEQUATE VENTILATION AND LIGHTING OF ACCESSIBLE AREAS OF THE  
30 TRAINING FACILITY;

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

34 (V) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

35 (VI) INSPECTION AND APPROVAL OF SURFACES ON WHICH TRAINING FOR COMBA-  
36 TIVE SPORTS WILL BE HELD; AND

37 (VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE  
38 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-  
39 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY  
40 THE FACILITY OPERATOR.

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

46 S 1010. LICENSES; PROFESSIONALS. 1. ONLY PERSONS LICENSED BY THE  
47 COMMISSION SHALL COMPETE IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

48 2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO  
49 PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A  
50 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAM-  
51 INATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF  
52 SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY  
53 OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL  
54 BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLO-  
55 GIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT  
56 PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL

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'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS FOR PROFESSIONAL BOXERS SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE PERFORMED BY A PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION; THE COSTS OF ALL SUCH EXAMINATIONS FOR PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS SHALL BE ASSUMED BY THE APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER 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 PROFESSIONALS SHALL BE CONSIDERED CONFIDENTIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

S 1011. TEMPORARY WORKING PERMITS. THE COMMISSION MAY ISSUE TEMPORARY WORKING PERMITS TO PROFESSIONALS, THEIR MANAGERS, TRAINERS AND SECONDS. A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER OF SUCH PERMIT TO ENGAGE IN A SINGLE AUTHORIZED PROFESSIONAL COMBATIVE SPORT AT A SPECIFIED TIME AND PLACE. THE COMMISSION MAY REQUIRE THAT PROFESSIONALS APPLYING FOR TEMPORARY WORKING PERMITS UNDERGO A PHYSICAL EXAMINATION AND NEUROLOGICAL TEST OR PROCEDURE, INCLUDING MAGNETIC RESONANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE. TEMPORARY WORKING PERMITS SHALL EXPIRE UPON THE COMPLETION OF THE SINGLE AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ANY SUBSEQUENT EVALUATIONS OR INSPECTIONS REQUIRED BY THE COMMISSION. THE FEE FOR SUCH TEMPORARY WORKING PERMIT SHALL BE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

S 1012. TEMPORARY TRAINING FACILITIES. THE COMMISSION IN ITS JUDGMENT MAY EXEMPT FROM LICENSING UNDER THIS ARTICLE ANY TRAINING FACILITY PROVIDING CONTACT SPARRING ESTABLISHED AND MAINTAINED ON A TEMPORARY BASIS FOR THE PURPOSE OF PREPARING PROFESSIONALS FOR A SPECIFIC AUTHORIZED COMBATIVE SPORT TO BE CONDUCTED, HELD OR GIVEN WITHIN THE STATE OF NEW YORK.

S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMISSION, AND SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED BY THE GOVERNOR. THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF THE ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES

1 INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HERE-  
2 UNDER.

3 2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE  
4 BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS  
5 AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING,  
6 WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC  
7 COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN  
8 ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND  
9 SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND  
10 STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYS-  
11 ICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY  
12 BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED  
13 PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE  
14 PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER  
15 SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS,  
16 IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION  
17 WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVEN-  
18 TEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

19 (A) IS DESIGNATED AND EMPLOYED BY THE COMMISSION; AND

20 (B) RENDERING PROFESSIONAL SERVICES ON BEHALF OF THE COMMISSION TO  
21 PROFESSIONALS.

22 3. THE ADVISORY BOARD SHALL DEVELOP OR RECOMMEND APPROPRIATE MEDICAL  
23 EDUCATION PROGRAMS FOR ALL COMMISSION PERSONNEL INVOLVED IN THE CONDUCT  
24 OF AUTHORIZED COMBATIVE SPORTS SO THAT SUCH PERSONNEL CAN RECOGNIZE AND  
25 ACT UPON EVIDENCE OF POTENTIAL OR ACTUAL ADVERSE MEDICAL INDICATIONS IN  
26 A PARTICIPANT PRIOR TO, DURING OR AFTER THE COURSE OF A MATCH.

27 4. THE ADVISORY BOARD SHALL REVIEW THE CREDENTIALS AND PERFORMANCE OF  
28 EACH COMMISSION PHYSICIAN ON AN ANNUAL BASIS.

29 5. THE ADVISORY BOARD SHALL ADVISE THE COMMISSION ON ANY STUDY OF  
30 EQUIPMENT, PROCEDURES OR PERSONNEL WHICH WILL, IN THEIR OPINION, PROMOTE  
31 THE SAFETY OF PROFESSIONALS.

32 S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE  
33 COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHOR-  
34 IZED PROFESSIONAL COMBATIVE SPORTS THAT:

35 1. ESTABLISH PARAMETERS AND LIMITATIONS ON WEIGHTS AND CLASSES OF  
36 PROFESSIONALS;

37 2. ESTABLISH PARAMETERS AND LIMITATIONS ON THE NUMBER AND DURATION OF  
38 ROUNDS;

39 3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT,  
40 MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMER-  
41 GENCY MEDICAL PLAN;

42 4. ESTABLISH RESPONSIBILITIES OF ALL LICENSEES BEFORE, DURING AND  
43 AFTER AN EVENT;

44 5. DEFINE UNSPORTSMANLIKE PRACTICES;

45 6. ESTABLISH CONDITIONS FOR THE FORFEITURE OF ANY PRIZE, REMUNERATION  
46 OR PURSE, OR ANY PART THEREOF BASED ON THE CONDUCT OF PROFESSIONALS,  
47 THEIR MANAGERS AND SECONDS;

48 7. ESTABLISH PARAMETERS AND STANDARDS FOR REQUIRED AND ALLOWED EQUIP-  
49 MENT ITEMS UTILIZED BY PROFESSIONALS;

50 8. ESTABLISH PARAMETERS AND STANDARDS FOR RINGS, COMBAT SURFACES AND  
51 APPURTENANCES THERETO; AND

52 9. ESTABLISH SUCH OTHER RULES AND CONDITIONS AS ARE NECESSARY TO  
53 EFFECTUATE THE COMMISSION'S PURPOSE.

54 S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL  
55 BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING  
56 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED



1 AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM  
2 TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE  
3 CITY, TOWN OR VILLAGE WHERE SITUATED.

4 2. NO PERSON UNDER THE AGE OF EIGHTEEN YEARS SHALL PARTICIPATE IN ANY  
5 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, AND NO PERSON UNDER SIXTEEN  
6 YEARS OF AGE SHALL BE PERMITTED TO ATTEND THEREAT AS A SPECTATOR,  
7 PROVIDED, HOWEVER, THAT A PERSON UNDER THE AGE OF SIXTEEN MAY BE PERMIT-  
8 TED TO ATTEND AS A SPECTATOR IF ACCOMPANIED BY A PARENT OR GUARDIAN.

9 3. AT EACH AUTHORIZED PROFESSIONAL COMBATIVE SPORT, EXCEPT WHERE  
10 CONDUCTED SOLELY FOR TRAINING PURPOSES, THERE SHALL BE IN ATTENDANCE A  
11 DULY LICENSED REFEREE WHO SHALL DIRECT AND CONTROL THE SAME. THERE SHALL  
12 ALSO BE IN ATTENDANCE, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING  
13 PURPOSES, THREE DULY LICENSED JUDGES WHO SHALL AT THE TERMINATION OF  
14 EACH SUCH AUTHORIZED PROFESSIONAL COMBATIVE SPORT RENDER THEIR DECISION.  
15 THE WINNER SHALL BE DETERMINED IN ACCORDANCE WITH A SCORING SYSTEM  
16 PRESCRIBED BY THE COMMISSION.

17 4. THE COMMISSION SHALL DIRECT AN EMPLOYEE OF THE COMMISSION TO BE  
18 PRESENT AT EACH PLACE WHERE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS ARE  
19 TO BE CONDUCTED. SUCH EMPLOYEE OF THE COMMISSION SHALL ASCERTAIN THE  
20 EXACT CONDITIONS SURROUNDING SUCH AUTHORIZED PROFESSIONAL COMBATIVE  
21 SPORT AND MAKE A WRITTEN REPORT OF THE SAME IN THE MANNER AND FORM  
22 PRESCRIBED BY THE COMMISSION. WHERE AUTHORIZED PROFESSIONAL COMBATIVE  
23 SPORTS ARE APPROVED TO BE HELD IN A STATE OR CITY OWNED ARMORY, THE  
24 PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST BE COMPLIED WITH.

25 5. ANY RING OR COMBAT SURFACE MUST BE INSPECTED AND APPROVED BY THE  
26 COMMISSION PRIOR TO THE COMMENCEMENT OF ANY AUTHORIZED PROFESSIONAL  
27 COMBATIVE SPORT.

28 6. ALL PROFESSIONALS MUST BE EXAMINED BY A PHYSICIAN DESIGNATED BY THE  
29 COMMISSION BEFORE ENTERING THE RING OR COMBAT SURFACE AND EACH SUCH  
30 PHYSICIAN SHALL IMMEDIATELY FILE WITH THE COMMISSION A WRITTEN REPORT OF  
31 SUCH EXAMINATION. THE COST OF ANY SUCH EXAMINATION, AS PRESCRIBED BY A  
32 SCHEDULE OF FEES ESTABLISHED BY THE COMMISSION, SHALL BE PAID BY THE  
33 CORPORATION CONDUCTING THE AUTHORIZED PROFESSIONAL COMBATIVE SPORT TO  
34 THE COMMISSION. IT SHALL BE THE DUTY OF EVERY PERSON OR CORPORATION  
35 LICENSED TO CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, TO HAVE  
36 IN ATTENDANCE AT EVERY AUTHORIZED PROFESSIONAL COMBATIVE SPORT, AT LEAST  
37 ONE PHYSICIAN DESIGNATED BY THE COMMISSION AS THE RULES SHALL PROVIDE.  
38 THE COMMISSION MAY ESTABLISH A SCHEDULE OF FEES TO BE PAID BY THE LICEN-  
39 SEE TO COVER THE COST OF SUCH ATTENDANCE.

40 7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE  
41 SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED  
42 SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE  
43 EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY  
44 RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR  
45 HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE  
46 COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THER-  
47 EAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL  
48 AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT  
49 TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSI-  
50 CIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE  
51 RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE  
52 ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING  
53 COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAM-  
54 INATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESO-  
55 NANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.

1 8. SUCH PHYSICIAN MAY ENTER THE RING AT ANY TIME DURING AN AUTHORIZED  
2 PROFESSIONAL COMBATIVE SPORT AND MAY TERMINATE THE MATCH IF IN HIS OR  
3 HER OPINION THE SAME IS NECESSARY TO PREVENT SEVERE PUNISHMENT OR SERI-  
4 OUS PHYSICAL INJURY TO A PROFESSIONAL.

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

22 10. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION NINE OF THIS  
23 SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT AN AUTHORIZED PROFES-  
24 SIONAL COMBATIVE SPORT SHALL EXECUTE AND FILE WITH THE COMPTROLLER A  
25 BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE APPROVED AS  
26 TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDI-  
27 TIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONALS' AND PROFES-  
28 SIONAL WRESTLERS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE  
29 COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL  
30 ADVERTISING MATERIAL.

31 11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS  
32 OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF  
33 THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER  
34 FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE  
35 PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEAR-  
36 ING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBI-  
37 TIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE  
38 COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPI-  
39 TAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES  
40 SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL  
41 OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO  
42 THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY  
43 INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH  
44 SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER  
45 THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGI-  
46 CAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR  
47 THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM  
48 OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFI-  
49 FICABLE, CASUAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTIC-  
50 IPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE  
51 APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO  
52 SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARAN-  
53 TEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS  
54 SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGU-  
55 LATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO  
56 PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE

1 FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING  
2 ENTITY.

3 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY  
4 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL  
5 WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR  
6 RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN  
7 ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY  
8 SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING  
9 MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY  
10 THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR  
11 CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.  
12 ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB FAILING TO FULLY COMPLY  
13 WITH THIS SECTION SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED DOLLARS  
14 TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. ANY INDIVIDUAL,  
15 CORPORATION, ASSOCIATION OR CLUB IS PROHIBITED FROM OPERATING ANY SHOWS  
16 OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS SECTION AND  
17 TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINETEEN OF THE  
18 TAX LAW HAVE BEEN PAID.

19 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,  
20 EMPLOYEES OR OFFICERS OF THE ATHLETIC COMMISSION SHALL ACT AS AGENTS OF  
21 THE COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY  
22 ARTICLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE  
23 THE COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECH-  
24 NICAL ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF  
25 SUCH TAX.

26 S 1016. REQUIRED FILINGS. 1. THE ORGANIZATION THAT PROMOTES, SANCTIONS  
27 OR OTHERWISE PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT  
28 OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION  
29 A WRITTEN STATEMENT EXECUTED UNDER PENALTY OF PERJURY STATING (A) ALL  
30 CHARGES, EXPENSES, FEES, AND COSTS THAT WILL BE ASSESSED AGAINST ANY  
31 PROFESSIONAL PARTICIPATING IN THE EVENT; (B) ALL PAYMENTS, BENEFITS,  
32 COMPLIMENTARY BENEFITS AND FEES THE ORGANIZATION OR ENTITY WILL RECEIVE  
33 FOR ITS AFFILIATION WITH THE EVENT; (C) THE NAME OF THE PROMOTER; (D)  
34 SPONSOR OF THE EVENT; AND (E) ALL OTHER SOURCES, AND SUCH OTHER AND  
35 ADDITIONAL INFORMATION AS REQUIRED BY THE COMMISSION. SUCH WRITTEN  
36 STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMISS-  
37 SION.

38 2. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN  
39 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS  
40 FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT UNDER  
41 PENALTY OF PERJURY DETAILING ALL CHARGES, FEES, COSTS AND EXPENSES BY OR  
42 THROUGH THE PROMOTER ON THE PROFESSIONAL PERTAINING TO THE EVENT,  
43 INCLUDING ANY PORTION OF THE PROFESSIONAL'S PURSE THAT THE PROMOTER WILL  
44 RECEIVE AND TRAINING EXPENSES AND ALL PAYMENTS, GIFTS OR BENEFITS THE  
45 PROMOTER IS PROVIDING TO ANY SANCTIONING ORGANIZATION AFFILIATED WITH  
46 THE EVENT. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER  
47 ACCEPTABLE TO THE COMMISSION.

48 3. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN  
49 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS  
50 FOR A CONTEST MUST FILE WITH THE COMMISSION A COPY OF ANY AGREEMENT IN  
51 WRITING TO WHICH THE PROMOTER IS A PARTY WITH ANY PROFESSIONAL PARTIC-  
52 IPATING IN THE MATCH.

53 4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN  
54 AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED  
55 PROMOTING CORPORATIONS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE  
56 PARTIES IN SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE

RIGHTS TO DISTRIBUTE, TELEVISION OR OTHERWISE TRANSMIT ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE SUBJECT TO THE APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE FILED WITH THE COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER WITHIN FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT LEAST TEN BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES OF BOUTS, TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING DEADLINE FOR GOOD CAUSE SHOWN.

S 1017. PROFESSIONAL WRESTLING; PROMOTERS. 1. FOR THE PURPOSES OF THIS ARTICLE, "PROFESSIONAL WRESTLING" SHALL MEAN AN ACTIVITY IN WHICH PARTICIPANTS STRUGGLE HAND-IN-HAND PRIMARILY FOR THE PURPOSE OF PROVIDING ENTERTAINMENT TO SPECTATORS AND WHICH DOES NOT COMPRISE A BONA FIDE ATHLETIC CONTEST OR COMPETITION.

2. EVERY PERSON, PARTNERSHIP OR CORPORATION PROMOTING ONE OR MORE PROFESSIONAL WRESTLING EXHIBITIONS IN THIS STATE SHALL BE REQUIRED TO OBTAIN FROM THE COMMISSION AN ANNUAL LICENSE TO CONDUCT SUCH EXHIBITIONS SUBJECT TO TERMS AND CONDITIONS PROMULGATED BY THE COMMISSION PURSUANT TO RULE AND CONSISTENT WITH THE APPLICABLE PROVISIONS OF THIS ARTICLE. EACH APPLICANT SHALL PAY AN ANNUAL FEE ESTABLISHED BY THE COMMISSION PURSUANT TO RULE.

3. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION IN THE STATE SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE OF THE HOLDING OF THE EXHIBITION. EACH SUCH PROMOTER SHALL EXECUTE AND FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT NOT LESS THAN TWENTY THOUSAND DOLLARS TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONAL WRESTLER'S PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY THE COMMISSION, THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL ADVERTISING MATERIAL, PAYMENTS TO SPONSORING ORGANIZATIONS, AND THE APPLICABLE STATE AND LOCAL SALES AND COMPENSATING USE TAX.

4. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION SHALL PROVIDE FOR A LICENSED PHYSICIAN TO BE PRESENT AT EACH EXHIBITION, AND SUCH PHYSICIAN SHALL EXAMINE EACH WRESTLER PRIOR TO EACH PERFORMANCE, AND EACH SUCH PRE-PERFORMANCE EXAMINATION SHALL BE CONDUCTED IN ACCORDANCE WITH REGULATIONS PRESCRIBED BY THE COMMISSION.

5. EVERY LICENSED PROMOTER OF PROFESSIONAL WRESTLING WHO PROMOTES SIX OR MORE EXHIBITIONS IN THE STATE IN A CALENDAR YEAR MUST HAVE IN PLACE AN ANTI-DRUG PLAN AND FILE WITH THE COMMISSION A WRITTEN COPY OF THE PLAN. EACH SUCH PLAN SHALL ADDRESS THE USE OF A CONTROLLED SUBSTANCE DEFINED IN ARTICLE THIRTY-THREE OF THE PUBLIC HEALTH LAW, AND SUCH PLAN SHALL AT MINIMUM PROVIDE FOR THE FOLLOWING:

(A) DISSEMINATION OF EDUCATIONAL MATERIALS TO PROFESSIONAL WRESTLERS WHO PERFORM FOR ANY SUCH PROMOTER INCLUDING A LIST OF PROHIBITED DRUGS AND AVAILABLE REHABILITATION SERVICES; AND

(B) A REFERRAL PROCEDURE TO PERMIT ANY SUCH PROFESSIONAL WRESTLER TO OBTAIN REHABILITATION SERVICES.

S 1018. PROHIBITED CONDUCT. 1. NO CORPORATION OR PERSON SHALL HAVE, EITHER DIRECTLY OR INDIRECTLY, ANY FINANCIAL INTEREST IN A PROFESSIONAL BOXER COMPETING ON PREMISES OWNED OR LEASED BY THE CORPORATION OR PERSON, OR IN WHICH SUCH CORPORATION OR PERSON IS OTHERWISE INTERESTED EXCEPT PURSUANT TO THE SPECIFIC WRITTEN AUTHORIZATION OF THE COMMISSION.

2. NO CONTESTANT IN A BOXING OR SPARRING MATCH OR EXHIBITION SHALL BE PAID FOR SERVICES BEFORE THE CONTEST, AND SHOULD IT BE DETERMINED BY THE COMMISSION THAT SUCH CONTESTANT DID NOT GIVE AN HONEST EXHIBITION OF HIS OR HER SKILL, SUCH SERVICES SHALL NOT BE PAID FOR.

1 3. ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY  
2 PHYSICIAN, REFEREE, JUDGE, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER OR  
3 SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR  
4 COLLUSIVE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SHALL BE DEPRIVED OF  
5 HIS OR HER LICENSE BY THE COMMISSION AND ANY OTHER APPROPRIATE LEGAL  
6 REMEDIES.

7 4. NO LICENSED PROMOTING CORPORATION OR MATCHMAKER SHALL KNOWINGLY  
8 ENGAGE IN A COURSE OF CONDUCT IN WHICH FIGHTS ARE ARRANGED WHERE ONE  
9 PROFESSIONAL HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE  
10 OTHER PROFESSIONAL SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF  
11 PHYSICAL HARM TO THE PROFESSIONAL.

12 S 1019. PENALTIES. 1. A PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM  
13 A PROHIBITED COMBATIVE SPORT SHALL BE GUILTY OF A CLASS A MISDEMEANOR,  
14 AND SHALL BE GUILTY OF A CLASS E FELONY IF HE OR SHE HAS BEEN CONVICTED  
15 IN THE PREVIOUS FIVE YEARS OF VIOLATING THIS SUBDIVISION.

16 2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED  
17 COMBATIVE SPORT SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED  
18 FOR THE FIRST VIOLATION TEN THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN  
19 DERIVED THEREFROM WHICHEVER IS GREATER, OR FOR A SUBSEQUENT VIOLATION  
20 TWENTY-FIVE THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THERE-  
21 FROM WHICHEVER IS GREATER. THE ATTORNEY GENERAL IS HEREBY EMPOWERED TO  
22 COMMENCE JUDICIAL PROCEEDINGS TO RECOVER SUCH PENALTIES AND TO OBTAIN  
23 INJUNCTIVE RELIEF TO ENFORCE THE PROVISIONS OF THIS SECTION.

24 3. ANY PERSON OR CORPORATION WHO DIRECTLY OR INDIRECTLY CONDUCTS ANY  
25 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS WITHOUT FIRST HAVING PROCURED  
26 AN APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE, OR WHO DIRECTLY OR  
27 INDIRECTLY CONDUCTS ANY AUTHORIZED AMATEUR COMBATIVE SPORTS WITHOUT  
28 SANCTIONING BY AN AUTHORIZED SANCTIONING ENTITY SHALL BE GUILTY OF A  
29 MISDEMEANOR. ANY PERSON WHO PARTICIPATES IN AN AUTHORIZED PROFESSIONAL  
30 COMBATIVE SPORT AS A REFEREE, JUDGE, MATCH-MAKER, TIMEKEEPER, PROFES-  
31 SIONAL, MANAGER, TRAINER, OR SECOND WITHOUT FIRST HAVING PROCURED AN  
32 APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE SHALL BE GUILTY OF A  
33 MISDEMEANOR. ANY PERSON, PARTNERSHIP OR CORPORATION WHO PROMOTES A  
34 PROFESSIONAL WRESTLING MATCH OR EXHIBITION IN THE STATE WITHOUT FIRST  
35 HAVING PROCURED AN APPROPRIATE LICENSE IN ACCORDANCE WITH SECTION ONE  
36 THOUSAND SEVENTEEN OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR.

37 4. ANY CORPORATION, ENTITY, PERSON OR PERSONS, LICENSED UNDER THE  
38 PROVISIONS OF THIS ARTICLE, THAT SHALL KNOWINGLY VIOLATE ANY RULE OR  
39 ORDER OF THE COMMISSION OR ANY PROVISION OF THIS ARTICLE, IN ADDITION TO  
40 ANY OTHER PENALTY BY LAW PRESCRIBED, SHALL BE LIABLE TO A CIVIL PENALTY  
41 NOT TO EXCEED TEN THOUSAND DOLLARS FOR THE FIRST OFFENSE AND NOT TO  
42 EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR THE SECOND AND EACH SUBSEQUENT  
43 OFFENSE, TO BE IMPOSED BY THE COMMISSION, TO BE SUED FOR BY THE ATTOR-  
44 NEY-GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK IF  
45 DIRECTED BY THE COMMISSION. THE COMMISSION, FOR CAUSE SHOWN, MAY EXTEND  
46 THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY COMPROMISE, MAY ACCEPT  
47 LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED IN SETTLEMENT THEREOF.  
48 FOR THE PURPOSES OF THIS SECTION, EACH TRANSACTION OR STATUTORY  
49 VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE, EXCEPT THAT A SECOND OR  
50 SUBSEQUENT OFFENSE SHALL NOT BE DEEMED TO EXIST UNLESS A DECISION HAS  
51 BEEN RENDERED IN A PRIOR, SEPARATE AND INDEPENDENT PROCEEDING.

52 5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSU-  
53 ANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE,  
54 WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE  
55 COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS  
56 FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACIL-

ITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE THIRD SUCH INFRACTION OR FOR SUBSEQUENT INFRACTIONS, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO SEVEN HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY REVOKE THE TRAINING FACILITY'S LICENSE.

6. ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY CORPORATION, ENTITY, PERSON OR PERSONS LICENSED UNDER THE PROVISIONS OF THIS ARTICLE, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THEREOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

S 1020. SUBPOENAS BY COMMISSION; OATHS. THE COMMISSION SHALL HAVE AUTHORITY TO ISSUE, UNDER THE HAND OF ITS CHAIRPERSON, AND THE SEAL OF THE COMMISSION, SUBPOENAS FOR THE ATTENDANCE OF WITNESSES BEFORE THE COMMISSION. A SUBPOENA ISSUED UNDER THIS SECTION SHALL BE REGULATED BY THE CIVIL PRACTICE LAW AND RULES.

S 1021. EXCEPTIONS. THE PROVISIONS OF THIS ARTICLE EXCEPT AS PROVIDED IN SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE SHALL NOT BE CONSTRUED TO APPLY TO ANY SPARRING OR BOXING CONTEST OR EXHIBITION CONDUCTED UNDER THE SUPERVISION OR THE CONTROL OF THE NEW YORK STATE NATIONAL GUARD OR NAVAL MILITIA WHERE ALL OF THE CONTESTANTS ARE MEMBERS OF THE ACTIVE MILITIA; NOR TO ANY SUCH CONTEST OR EXHIBITION WHERE THE CONTESTANTS ARE ALL AMATEURS, SPONSORED BY AND UNDER THE SUPERVISION OF ANY UNIVERSITY, COLLEGE, SCHOOL OR OTHER INSTITUTION OF LEARNING, RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK; NOR TO ANY BUSINESS ENTITY INCORPORATED FOR THE SOLE PURPOSE OF PROVIDING INSTRUCTION AND EVALUATION IN A COMBATIVE SPORT TO CUSTOMERS FOR THE PURPOSES OF HEALTH AND FITNESS, PERSONAL DEVELOPMENT, SELF-DEFENSE OR PARTICIPATION IN AMATEUR EVENTS CONDUCTED BY AN AUTHORIZED SANCTIONING ENTITY; NOR TO ANY SUCH CONTEST OR EXHIBITIONS WHERE THE CONTESTANTS ARE ALL AMATEURS SPONSORED BY AND UNDER THE SUPERVISION OF THE AMERICAN OLYMPIC ASSOCIATION OR, IN THE CASE OF BOXING, THE U.S. AMATEUR BOXING FEDERATION OR ITS LOCAL AFFILIATES OR THE AMERICAN OLYMPIC ASSOCIATION; NOR EXCEPT AS TO THE EXTENT PROVIDED OTHERWISE IN THIS ARTICLE, TO ANY PROFESSIONAL WRESTLING CONTEST OR EXHIBITION AS DEFINED IN THIS ARTICLE. ANY INDIVIDUAL, ASSOCIATION, CORPORATION OR CLUB, EXCEPT ELEMENTARY OR HIGH SCHOOLS OR EQUIVALENT INSTITUTIONS OF LEARNING RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK, WHO OR WHICH CONDUCTS AN AMATEUR CONTEST PURSUANT TO THIS SECTION MUST REGISTER WITH THE U. S. AMATEUR BOXING FEDERATION OR ITS LOCAL AFFILIATES AND ABIDE BY ITS RULES AND REGULATIONS.

S 1022. DISPOSITION OF RECEIPTS. ALL RECEIPTS OF THE COMMISSION SHALL BE PAID INTO THE STATE TREASURY, PROVIDED, HOWEVER, THAT RECEIPTS FROM THE TAX IMPOSED BY ARTICLE NINETEEN OF THE TAX LAW SHALL BE DEPOSITED AS PROVIDED BY SECTION ONE HUNDRED SEVENTY-ONE-A OF THE TAX LAW.

S 2. 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] AUTHORIZED COMBATIVE SPORT 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.

1 S 3. Section 452 of the tax law, as amended by section 2 of part F of  
2 chapter 407 of the laws of 1999, is amended to read as follows:

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

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

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

15 2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, A TAX IS HERE-  
16 BY IMPOSED AND SHALL BE PAID UPON THE GROSS RECEIPTS OF EVERY PERSON  
17 HOLDING ANY AUTHORIZED COMBATIVE SPORT IN THIS STATE, OTHER THAN ANY  
18 PROFESSIONAL AMATEUR BOXING, SPARRING OR WRESTLING EXHIBITION OR MATCH,  
19 EXCLUSIVE OF ANY FEDERAL TAXES AS FOLLOWS;

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

21 (B) THREE PERCENT OF GROSS RECEIPTS FROM BROADCASTING RIGHTS INCLUDING  
22 DIGITAL STREAMING OVER THE INTERNET, EXCEPT THAT IN NO EVENT SHALL SUCH  
23 TAX IMPOSED ON GROSS RECEIPTS FROM BROADCASTING RIGHTS EXCEED FIFTY  
24 THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

25 S 4. The article heading of article 19 of the tax law, as added by  
26 chapter 833 of the laws of 1987, is amended to read as follows:

27 [BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE  
28 SPORTS TAX

29 S 5. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as  
30 amended by section 100 of part A of chapter 389 of the laws of 1997, is  
31 amended to read as follows:

32 (1) Any admission charge where such admission charge is in excess of  
33 ten cents to or for the use of any place of amusement in the state,  
34 except charges for admission to race tracks, [boxing, sparring or wres-  
35 tling matches or exhibitions] OR COMBATIVE SPORTS which charges are  
36 taxed under any other law of this state, or dramatic or musical arts  
37 performances, or live circus performances, or motion picture theaters,  
38 and except charges to a patron for admission to, or use of, facilities  
39 for sporting activities in which such patron is to be a participant,  
40 such as bowling alleys and swimming pools. For any person having the  
41 permanent use or possession of a box or seat or a lease or a license,  
42 other than a season ticket, for the use of a box or seat at a place of  
43 amusement, the tax shall be upon the amount for which a similar box or  
44 seat is sold for each performance or exhibition at which the box or seat  
45 is used or reserved by the holder, licensee or lessee, and shall be paid  
46 by the holder, licensee or lessee.

47 S 6. The section heading of section 1820 of the tax law, as amended  
48 by section 32 of subpart I of part V-1 of chapter 57 of the laws of  
49 2009, is amended to read as follows:

50 [Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

51 S 7. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic  
52 beverage control law, as added by chapter 254 of the laws of 2001, is  
53 amended to read as follows:

54 (b) The prohibition contained in paragraph (a) of this subdivision,  
55 however, shall not be applied to any [professional match or exhibition  
56 which consists of boxing, sparring, wrestling, or martial arts and which

1 is excepted from the definition of the term "combative sport" contained  
2 in subdivision one of section five-a of chapter nine hundred twelve of  
3 the laws of nineteen hundred twenty, as added by chapter fourteen of the  
4 laws of nineteen hundred ninety-seven] AUTHORIZED COMBATIVE SPORT.

5 S 8. The department of state, with the assistance of the state athlet-  
6 ic commission, medical advisory board, departments of health and finan-  
7 cial services, state insurance fund, division of budget and such other  
8 state entities as appropriate, shall carefully consider potential mech-  
9 anisms to provide financial resources for the payment of expenses  
10 related to medical and rehabilitative care for professionals licensed  
11 under article forty-one of the general business law who experience  
12 debilitating brain injuries associated with repetitive head injuries  
13 sustained through their participation in combative sports. The depart-  
14 ment of state may consult and contract with third parties for services  
15 in the course of this review. The department of state shall report its  
16 findings and recommendations to the governor, temporary president of the  
17 senate and speaker of the assembly within eighteen months of the effec-  
18 tive date of this section.

19 S 9. This act shall take effect on the first day of the first month  
20 next succeeding the one hundred eightieth day after it shall have become  
21 a law and shall apply to gross receipts from combative sports held on or  
22 after that date; provided, however, that the addition, amendment and/or  
23 repeal of any rule or regulation of the state athletic commission neces-  
24 sary for the implementation of this act on its effective date is author-  
25 ized to be made on or before such effective date.