

2604--C

2015-2016 Regular Sessions

I N A S S E M B L Y

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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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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; and to repeal chapter 912 of the laws of 1920, relating to the regulation of boxing, sparring, and wrestling

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

1 Section 1. Chapter 912 of the laws of 1920 relating to the regulation
2 of boxing, sparring, and wrestling is REPEALED.

3 S 2. Article 40 and sections 900 and 901 of the general business law,
4 as renumbered by chapter 407 of the laws of 1973, are renumbered article
5 43 and sections 1200 and 1201, respectively, and a new article 41 is
6 added to read as follows:

7 ARTICLE 41
8 COMBATIVE SPORTS

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

LBD05199-07-5

1 SECTION 1000. DEFINITIONS.

2 1001. COMBATIVE SPORTS AUTHORIZED.

3 1002. COMBATIVE SPORTS PROHIBITED.

4 1003. STATE ATHLETIC COMMISSION.

5 1004. JURISDICTION OF THE COMMISSION.

6 1005. OFFICERS AND EMPLOYEES OF THE COMMISSION.

7 1006. SANCTIONING ENTITIES.

8 1007. LICENSES; GENERAL PROVISIONS.

9 1008. LICENSES; JUDGES.

10 1009. LICENSES; ENTITIES.

11 1010. LICENSES; PROFESSIONALS.

12 1011. TEMPORARY WORKING PERMITS.

13 1012. TEMPORARY TRAINING FACILITIES.

14 1013. MEDICAL ADVISORY BOARD.

15 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

16 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

17 1016. REQUIRED FILINGS.

18 1017. PROFESSIONAL WRESTLING; PROMOTERS.

19 1018. PROHIBITED CONDUCT.

20 1019. PENALTIES.

21 1020. SUBPOENAS BY COMMISSION; OATHS.

22 1021. EXCEPTIONS.

23 1022. DISPOSITION OF RECEIPTS.

24 S 1000. DEFINITIONS. AS USED IN THIS ARTICLE: 1. "AMATEUR" MEANS ANY
25 PARTICIPANT IN A COMBATIVE SPORT AUTHORIZED PURSUANT TO THIS ARTICLE WHO
26 IS NOT RECEIVING OR COMPETING FOR, AND WHO HAS NEVER RECEIVED OR
27 COMPETED FOR, ANY PURSE, MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING OF
28 VALUE EXCEEDING SEVENTY-FIVE DOLLARS OR THE ALLOWABLE AMOUNT ESTABLISHED
29 BY THE AUTHORIZED AMATEUR SANCTIONING ENTITY OVERSEEING THE COMPETITION.

30 2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE
31 AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE
32 COMMISSION.

33 3. "COMBATIVE SPORT" MEANS ANY UNARMED BOUT, CONTEST, COMPETITION,
34 MATCH, OR EXHIBITION UNDERTAKEN TO ENTERTAIN AN AUDIENCE, WHEREIN THE
35 PARTICIPANTS PRIMARILY GRAPPLE OR WRESTLE, OR DELIVER BLOWS OF ANY KIND
36 TO, OR USE FORCE IN ANY WAY TO MANIPULATE, THE BODY OF ANOTHER PARTIC-
37 IPANT, AND WHEREIN THE OUTCOME AND SCORE DEPEND ENTIRELY ON SUCH ACTIV-
38 ITIES.

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

42 5. "MIXED MARTIAL ARTS" MEANS A COMBATIVE SPORT WHEREIN THE RULES OF
43 ENGAGEMENT DO NOT LIMIT THE PARTICIPANTS TO A SINGLE, SYSTEMATIC, FIGHT-
44 ING DISCIPLINE.

45 6. "PROFESSIONAL" MEANS ANY PARTICIPANT IN A COMBATIVE SPORT AUTHOR-
46 IZED PURSUANT TO THIS ARTICLE, OTHER THAN AN AMATEUR, WHO IS RECEIVING
47 OR COMPETING FOR, OR WHO HAS EVER RECEIVED OR COMPETED FOR, ANY PURSE,
48 MONEY, PRIZE, PECUNIARY GAIN, OR OTHER THING EXCEEDING SEVENTY-FIVE
49 DOLLARS IN VALUE.

50 S 1001. COMBATIVE SPORTS AUTHORIZED. COMBATIVE SPORTS CONDUCTED UNDER
51 THE SUPERVISION OF THE COMMISSION, UNDER THE SUPERVISION OF AN AUTHOR-
52 IZED SANCTIONING ENTITY, OR AS PROVIDED FOR IN SECTION ONE THOUSAND
53 TWENTY-ONE OF THIS ARTICLE, ARE HEREBY AUTHORIZED. AUTHORIZED COMBATIVE
54 SPORTS INCLUDE, AMATEUR AND PROFESSIONAL BOXING, WRESTLING, SPARRING,
55 KICK BOXING, SINGLE DISCIPLINE MARTIAL ARTS AND MIXED MARTIAL ARTS,
56 PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

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

4 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER
5 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AIDS
6 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT
7 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR
8 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR
9 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,
10 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-
11 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,
12 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR
13 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A
14 PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER
15 AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE
16 FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO
17 OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR
18 CONTINUATION.

19 3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE
20 ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE
21 IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN
22 AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTIC-
23 IPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE
24 SPORT.

25 S 1003. STATE ATHLETIC COMMISSION. 1. THE STATE ATHLETIC COMMISSION,
26 AS NAMED BY CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
27 TWENTY, AS AMENDED BY CHAPTER SIX HUNDRED THREE OF THE LAWS OF NINETEEN
28 HUNDRED EIGHTY-ONE, IS CONTINUED AS A DIVISION OF THE DEPARTMENT OF
29 STATE. THE COMMISSION SHALL ACT IN THE BEST INTERESTS OF COMBATIVE
30 SPORTS. THE COMMISSION IS ENACTED TO PROTECT THE HEALTH, SAFETY AND
31 GENERAL WELFARE OF ALL PARTICIPANTS IN COMBATIVE SPORTS AND SPECTATORS
32 THEREOF, TO PRESERVE THE INTEGRITY OF COMBATIVE SPORTS THROUGH THE MEANS
33 OF LICENSING, OVERSIGHT, ENFORCEMENT AND THE AUTHORIZATION OF SANCTION-
34 ING ENTITIES, AND TO FACILITATE THE DEVELOPMENT AND RESPONSIBLE CONDUCT
35 OF COMBATIVE SPORTS THROUGHOUT THE ENTIRE STATE. THE COMMISSION SHALL
36 CONSIST OF FIVE MEMBERS WHO SHALL BE APPOINTED BY THE GOVERNOR BY AND
37 WITH THE ADVICE AND CONSENT OF THE SENATE. THE GOVERNOR SHALL DESIGNATE
38 ONE OF THE MEMBERS AS CHAIRPERSON OF THE COMMISSION. THE MEMBERS OF THE
39 COMMISSION SHALL BE APPOINTED FOR TERMS OF THREE YEARS. ANY VACANCY IN
40 THE MEMBERSHIP OF THE COMMISSION CAUSED OTHERWISE THAN BY EXPIRATION OF
41 TERM SHALL BE FILLED ONLY FOR THE BALANCE OF THE TERM OF THE MEMBER IN
42 WHOSE POSITION THE VACANCY OCCURS.

43 2. THE COMMISSIONERS SHALL BE PAID THEIR ACTUAL AND NECESSARY TRAVEL-
44 ING AND OTHER EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR
45 OFFICIAL DUTIES. THE MEMBERS OF THE COMMISSION SHALL ADOPT A SEAL FOR
46 THE COMMISSION, AND MAKE SUCH RULES FOR THE ADMINISTRATION OF THEIR
47 OFFICE, NOT INCONSISTENT HERewith, AS THEY MAY DEEM EXPEDIENT; AND THEY
48 MAY AMEND OR ABROGATE SUCH RULES. THREE OF THE MEMBERS OF THE COMMISSION
49 SHALL CONSTITUTE A QUORUM TO DO BUSINESS; AND THE CONCURRENCE OF A
50 MAJORITY OF THE COMMISSIONERS PRESENT SHALL BE NECESSARY TO RENDER A
51 DETERMINATION BY THE COMMISSION. THE COMMISSION IS VESTED WITH THE
52 AUTHORITY TO ADOPT SUCH RULES AND REGULATIONS AS NECESSARY TO EFFECTUATE
53 THE PROVISIONS OF THIS ARTICLE.

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

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

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

4. ALL GYMS, CLUBS, TRAINING CAMPS AND OTHER ORGANIZATIONS THAT MAINTAIN TRAINING FACILITIES TO PREPARE PERSONS FOR PARTICIPATION IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS;

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

6. ALL CONTRACTS DIRECTLY RELATED TO THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS IN THE STATE OF NEW YORK.

7. ALL DISCLOSURES TO THE COMMISSION SHALL BE DEEMED CONFIDENTIAL.

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

S 1006. SANCTIONING ENTITIES. 1. THE COMMISSION SHALL PROMULGATE REGULATIONS ESTABLISHING A PROCESS BY WHICH ENTITIES MAY BE RECOGNIZED AND APPROVED BY THE COMMISSION AS AUTHORIZED SANCTIONING ENTITIES FOR A PERIOD OF TIME TO BE ESTABLISHED BY THE COMMISSION, DURING WHICH THE ENTITY WILL BE ALLOWED TO OVERSEE AND CONDUCT COMBATIVE SPORTS WITHIN THE STATE OF NEW YORK. THE COMMISSION MAY, IN ITS REASONABLE DISCRETION, LIMIT THE SCOPE OF ANY RECOGNITION AND APPROVAL OF A SANCTIONING ENTITY TO THE OVERSIGHT AND CONDUCT OF ONE OR MORE SPECIFIC COMBAT DISCIPLINES, AMATEUR OR PROFESSIONAL COMBATIVE SPORTS, OR TO ANY COMBINATION OF THE FOREGOING BASED ON THE QUALIFICATIONS, INTEGRITY AND HISTORY OF THE ENTITY SEEKING AUTHORIZATION AS A SANCTIONING ENTITY.

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

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

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

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

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

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

2. EVERY APPLICATION FOR A LICENSE SHALL BE IN A FORM PRESCRIBED BY THE COMMISSION, SHALL BE ADDRESSED TO THE COMMISSION, SHALL BE SUBSCRIBED BY THE APPLICANT, AND AFFIRMED BY HIM OR HER AS TRUE UNDER THE PENALTIES OF PERJURY, AND SHALL SET FORTH SUCH FACTS AS THE

1 PROVISIONS HEREOF AND THE RULES AND REGULATIONS OF THE COMMISSION MAY
2 REQUIRE.

3 3. (A) THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND
4 RENEWAL TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED
5 PURSUANT TO THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL
6 TERMS AND FEES IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE
7 LAWS OF NINETEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO,
8 IMMEDIATELY PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED
9 AT THEIR PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT
10 OF THIS ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE
11 AFOREMENTIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE
12 COMMISSION PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF
13 THE DIRECTOR OF THE BUDGET.

14 (B) WITH RESPECT TO THE FEES ESTABLISHED BY THE COMMISSION PURSUANT TO
15 PARAGRAPH (A) OF THIS SUBDIVISION, WHEN SUCH FEES ARE PAYABLE IN
16 RELATION TO AUTHORIZED COMBATIVE SPORTS CONSTITUTING MIXED MARTIAL ARTS,
17 THE FOLLOWING SHALL APPLY:

18 (I) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS NOT
19 MORE THAN TWO THOUSAND FIVE HUNDRED, THE PROMOTER SHALL PAY NOT MORE
20 THAN FIVE HUNDRED DOLLARS;

21 (II) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
22 GREATER THAN TWO THOUSAND FIVE HUNDRED, BUT NOT MORE THAN FIVE THOUSAND,
23 THE PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND DOLLARS;

24 (III) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
25 GREATER THAN FIVE THOUSAND, BUT NOT MORE THAN FIFTEEN THOUSAND, THE
26 PROMOTER SHALL PAY NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS;

27 (IV) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
28 GREATER THAN FIFTEEN THOUSAND, BUT NOT MORE THAN TWENTY-FIVE THOUSAND,
29 THE PROMOTER SHALL PAY NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS;

30 (V) BY PROMOTERS, FOR CONTESTS HELD WHERE THE SEATING CAPACITY IS
31 GREATER THAN TWENTY-FIVE THOUSAND, THE PROMOTER SHALL PAY NOT MORE THAN
32 THREE THOUSAND DOLLARS;

33 (VI) FOR REFEREES AND JUDGES, NOT MORE THAN ONE HUNDRED DOLLARS;

34 (VII) FOR PROFESSIONAL PARTICIPANTS, MANAGERS AND TRAINERS NOT MORE
35 THAN FIFTY DOLLARS; AND

36 (VIII) FOR CHIEF SECONDS, NOT MORE THAN FORTY DOLLARS.

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

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

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

1 S 1008. LICENSES; JUDGES. 1. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS
2 ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE, ONLY A
3 PERSON LICENSED BY THE COMMISSION, AS A COMBATIVE SPORTS JUDGE, MAY
4 JUDGE AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. JUDG-
5 ES FOR ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT UNDER THE JURISDIC-
6 TION OF THE COMMISSION SHALL BE SELECTED BY THE COMMISSION FROM A LIST
7 OF QUALIFIED LICENSED JUDGES MAINTAINED BY THE COMMISSION.

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

13 3. EACH PERSON SEEKING TO BE LICENSED AS A JUDGE BY THE COMMISSION
14 SHALL BE REQUIRED TO SUBMIT TO OR PROVIDE PROOF OF AN EYE EXAMINATION
15 AND ANNUALLY THEREAFTER ON THE ANNIVERSARY OF THE ISSUANCE OF THE
16 LICENSE. THE COMMISSION SHALL ESTABLISH CONTINUING EDUCATION PROGRAMS
17 AND REQUIREMENTS TO BE COMPLETED BY LICENSED JUDGES. EACH JUDGE MUST BE
18 CERTIFIED AS HAVING COMPLETED A TRAINING PROGRAM AS APPROVED BY THE
19 COMMISSION AND SHALL PASS AN EXAMINATION APPROVED BY THE COMMISSION.

20 4. EACH PERSON SEEKING A LICENSE TO JUDGE AUTHORIZED PROFESSIONAL
21 COMBATIVE SPORTS IN THE STATE SHALL BE REQUIRED TO FILL OUT A FINANCIAL
22 QUESTIONNAIRE CERTIFYING UNDER PENALTY OF PERJURY FULL DISCLOSURE OF THE
23 JUDGE'S FINANCIAL SITUATION ON A QUESTIONNAIRE TO BE PROMULGATED BY THE
24 COMMISSION. SUCH QUESTIONNAIRE SHALL BE IN A FORM AND MANNER APPROVED
25 BY THE COMMISSION AND SHALL PROVIDE INFORMATION AS TO AREAS OF ACTUAL OR
26 POTENTIAL CONFLICT OF INTEREST AS WELL AS APPEARANCES OF SUCH CONFLICTS,
27 INCLUDING FINANCIAL RESPONSIBILITY. WITHIN FORTY-EIGHT HOURS OF ANY
28 MATCH, EACH JUDGE OF A PROFESSIONAL COMBATIVE SPORT SHALL FILE WITH THE
29 COMMISSION A FINANCIAL DISCLOSURE STATEMENT IN SUCH FORM AND MANNER AS
30 SHALL BE ACCEPTABLE TO THE COMMISSION.

31 S 1009. LICENSES; ENTITIES. 1. (A) EXCEPT AS OTHERWISE PROVIDED IN
32 SECTIONS ONE THOUSAND SIX AND ONE THOUSAND SEVENTEEN OF THIS ARTICLE,
33 ONLY ENTITIES LICENSED BY THE COMMISSION MAY CONDUCT AN AUTHORIZED
34 PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. THE COMMISSION MAY, IN
35 ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD AUTHORIZED PROFES-
36 SIONAL COMBATIVE SPORTS, SUBJECT TO THE PROVISIONS HEREOF, TO ANY PERSON
37 OR CORPORATION DULY INCORPORATED, OR LIMITED LIABILITY COMPANY AUTHOR-
38 IZED, UNDER THE LAWS OF THE STATE OF NEW YORK.

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

42 (C) UPON WRITTEN APPLICATION THE COMMISSION MAY GRANT TO ANY ENTITY
43 HOLDING A LICENSE ISSUED HEREUNDER, THE PRIVILEGE OF HOLDING SUCH A
44 MATCH OR EXHIBITION ON A SPECIFIED DATE IN OTHER PREMISES, OR IN ANOTHER
45 LOCATION, THAN THE PREMISES OR LOCATION PREVIOUSLY APPROVED BY THE
46 COMMISSION, SUBJECT HOWEVER TO APPROVAL OF THE COMMISSION AND THE RULES
47 AND REGULATIONS OF THE COMMISSION.

48 2. (A) THE COMMISSION MAY, IN ITS DISCRETION AND IN ACCORDANCE WITH
49 REGULATIONS ADOPTED BY THE COMMISSION TO PROTECT THE HEALTH AND SAFETY
50 OF PROFESSIONALS IN TRAINING, ISSUE A LICENSE TO OPERATE A TRAINING
51 FACILITY PROVIDING CONTACT SPARRING MAINTAINED EITHER EXCLUSIVELY OR IN
52 PART FOR THE USE OF PROFESSIONAL COMBATIVE SPORTS PARTICIPANTS. AT A
53 MINIMUM, ANY SUCH REGULATION SHALL REQUIRE:

54 (I) FIRST AID MATERIALS TO BE STORED IN AN ACCESSIBLE LOCATION ON THE
55 PREMISES AND FOR THE PRESENCE ON THE PREMISES OF A PERSON TRAINED AND
56 CERTIFIED IN THE USE OF SUCH MATERIALS AND PROCEDURES FOR CARDIO-PULMO-

1 NARY RESUSCITATION AT ALL TIMES DURING WHICH THE FACILITY IS OPEN FOR
2 TRAINING PURPOSES;

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

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

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

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

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

12 (VII) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE
13 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-
14 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY
15 THE FACILITY OPERATOR.

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

21 S 1010. LICENSES; PROFESSIONALS. 1. EXCEPT AS OTHERWISE PROVIDED IN
22 SECTIONS ONE THOUSAND SIX, ONE THOUSAND ELEVEN AND ONE THOUSAND SEVEN-
23 TEEN OF THIS ARTICLE, ONLY PERSONS LICENSED BY THE COMMISSION SHALL
24 COMPETE IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

25 2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO
26 PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A
27 COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAM-
28 INATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF
29 SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY
30 OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL
31 BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLO-
32 GIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT
33 PROCEDURES. THE COMMISSION SHALL NOT ISSUE A LICENSE TO A PROFESSIONAL
34 UNTIL SUCH EXAMINATIONS ARE COMPLETED AND REVIEWED BY THE COMMISSION.
35 THE RESULTS OF ALL SUCH EXAMINATIONS HEREIN REQUIRED SHALL BECOME A PART
36 OF THE PROFESSIONAL'S PERMANENT MEDICAL RECORD AS MAINTAINED BY THE
37 COMMISSION. THE COSTS OF ALL SUCH EXAMINATIONS FOR PROFESSIONAL BOXERS
38 SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE PERFORMED BY A
39 PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION; THE COSTS OF ALL
40 SUCH EXAMINATIONS FOR PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS SHALL
41 BE ASSUMED BY THE APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL
42 MIXED MARTIAL ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

43 3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION
44 OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING
45 TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABIL-
46 ITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS
47 OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL
48 EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDEN-
49 TIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS
50 AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON
51 WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A
52 COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

53 S 1011. TEMPORARY WORKING PERMITS. THE COMMISSION MAY ISSUE TEMPORARY
54 WORKING PERMITS TO PROFESSIONALS, THEIR MANAGERS, TRAINERS AND SECONDS.
55 A TEMPORARY WORKING PERMIT SHALL AUTHORIZE THE EMPLOYMENT OF THE HOLDER
56 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 NINE 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 INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS AND STANDARDS FOR THE PHYSICAL EXAMINATION OF PROFESSIONALS INCLUDING, WITHOUT LIMITATION, PRE-FIGHT AND POST-FIGHT EXAMINATIONS AND PERIODIC COMPREHENSIVE EXAMINATIONS. THE BOARD SHALL CONTINUE TO SERVE IN AN ADVISORY CAPACITY TO THE COMMISSION AND FROM TIME TO TIME PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL, SUCH ADDITIONAL REGULATIONS AND STANDARDS OF EXAMINATION AS IN THEIR JUDGMENT WILL SAFEGUARD THE PHYSICAL WELFARE OF PROFESSIONALS LICENSED BY THE COMMISSION. THE ADVISORY BOARD SHALL RECOMMEND TO THE COMMISSION FROM TIME TO TIME SUCH QUALIFIED PHYSICIANS, WHO MAY BE DESIGNATED AND EMPLOYED BY THE COMMISSION FOR THE PURPOSE OF CONDUCTING PHYSICAL EXAMINATIONS OF PROFESSIONALS AND OTHER SERVICES AS THE RULES OF THE COMMISSION SHALL PROVIDE. SUCH PHYSICIANS, IF SO EMPLOYED, SHALL RECEIVE COMPENSATION AS FIXED BY THE COMMISSION WITHIN AMOUNTS APPROPRIATED THEREFOR. THE PROVISIONS OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW SHALL APPLY TO ANY PHYSICIAN WHO:

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

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

3. THE ADVISORY BOARD SHALL DEVELOP OR RECOMMEND APPROPRIATE MEDICAL EDUCATION PROGRAMS FOR ALL COMMISSION PERSONNEL INVOLVED IN THE CONDUCT

1 OF AUTHORIZED COMBATIVE SPORTS SO THAT SUCH PERSONNEL CAN RECOGNIZE AND
2 ACT UPON EVIDENCE OF POTENTIAL OR ACTUAL ADVERSE MEDICAL INDICATIONS IN
3 A PARTICIPANT PRIOR TO, DURING OR AFTER THE COURSE OF A MATCH.

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

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

9 S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE
10 COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHOR-
11 IZED PROFESSIONAL COMBATIVE SPORTS THAT:

12 1. ESTABLISH PARAMETERS AND LIMITATIONS ON WEIGHTS AND CLASSES OF
13 PROFESSIONALS;

14 2. ESTABLISH PARAMETERS AND LIMITATIONS ON THE NUMBER AND DURATION OF
15 ROUNDS;

16 3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT,
17 MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMER-
18 GENCY MEDICAL PLAN;

19 4. ESTABLISH RESPONSIBILITIES OF ALL LICENSEES BEFORE, DURING AND
20 AFTER AN EVENT;

21 5. DEFINE UNSPORTSMANLIKE PRACTICES;

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

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

27 8. ESTABLISH PARAMETERS AND STANDARDS FOR RINGS, COMBAT SURFACES AND
28 APPURTENANCES THERETO; AND

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

31 S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL
32 BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING
33 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED
34 AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM
35 TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE
36 CITY, TOWN OR VILLAGE WHERE SITUATED.

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

42 3. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
43 THOUSAND SEVENTEEN OF THIS ARTICLE, AT EACH AUTHORIZED PROFESSIONAL
44 COMBATIVE SPORT, EXCEPT WHERE CONDUCTED SOLELY FOR TRAINING PURPOSES,
45 THERE SHALL BE IN ATTENDANCE A DULY LICENSED REFEREE WHO SHALL DIRECT
46 AND CONTROL THE SAME. THERE SHALL ALSO BE IN ATTENDANCE, EXCEPT WHERE
47 CONDUCTED SOLELY FOR TRAINING PURPOSES, THREE DULY LICENSED JUDGES WHO
48 SHALL AT THE TERMINATION OF EACH SUCH AUTHORIZED PROFESSIONAL COMBATIVE
49 SPORT RENDER THEIR DECISION. THE WINNER SHALL BE DETERMINED IN ACCORD-
50 ANCE WITH A SCORING SYSTEM PRESCRIBED BY THE COMMISSION.

51 4. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
52 THOUSAND SEVENTEEN OF THIS ARTICLE, THE COMMISSION SHALL DIRECT AN
53 EMPLOYEE OF THE COMMISSION TO BE PRESENT AT EACH PLACE WHERE AUTHORIZED
54 PROFESSIONAL COMBATIVE SPORTS ARE TO BE CONDUCTED. SUCH EMPLOYEE OF THE
55 COMMISSION SHALL ASCERTAIN THE EXACT CONDITIONS SURROUNDING SUCH AUTHOR-
56 IZED PROFESSIONAL COMBATIVE SPORT AND MAKE A WRITTEN REPORT OF THE SAME

1 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSION. WHERE AUTHORIZED
2 PROFESSIONAL COMBATIVE SPORTS ARE APPROVED TO BE HELD IN A STATE OR CITY
3 OWNED ARMORY, THE PROVISION OF THE MILITARY LAW IN RESPECT THERETO MUST
4 BE COMPLIED WITH.

5 5. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
6 THOUSAND SEVENTEEN OF THIS ARTICLE, ANY RING OR COMBAT SURFACE MUST BE
7 INSPECTED AND APPROVED BY THE COMMISSION PRIOR TO THE COMMENCEMENT OF
8 ANY AUTHORIZED PROFESSIONAL COMBATIVE SPORT.

9 6. EXCEPT AS OTHERWISE PROVIDED IN SECTIONS ONE THOUSAND SIX AND ONE
10 THOUSAND SEVENTEEN OF THIS ARTICLE, ALL PROFESSIONALS MUST BE EXAMINED
11 BY A PHYSICIAN DESIGNATED BY THE COMMISSION BEFORE ENTERING THE RING OR
12 COMBAT SURFACE AND EACH SUCH PHYSICIAN SHALL IMMEDIATELY FILE WITH THE
13 COMMISSION A WRITTEN REPORT OF SUCH EXAMINATION. THE COST OF ANY SUCH
14 EXAMINATION, AS PRESCRIBED BY A SCHEDULE OF FEES ESTABLISHED BY THE
15 COMMISSION, SHALL BE PAID BY THE CORPORATION CONDUCTING THE AUTHORIZED
16 PROFESSIONAL COMBATIVE SPORT TO THE COMMISSION. IT SHALL BE THE DUTY OF
17 EVERY PERSON OR CORPORATION LICENSED TO CONDUCT AN AUTHORIZED PROFES-
18 SIONAL COMBATIVE SPORT, TO HAVE IN ATTENDANCE AT EVERY AUTHORIZED
19 PROFESSIONAL COMBATIVE SPORT, AT LEAST ONE PHYSICIAN DESIGNATED BY THE
20 COMMISSION AS THE RULES SHALL PROVIDE. THE COMMISSION MAY ESTABLISH A
21 SCHEDULE OF FEES TO BE PAID BY THE LICENSEE TO COVER THE COST OF SUCH
22 ATTENDANCE.

23 7. THE PHYSICIAN SHALL TERMINATE ANY AUTHORIZED PROFESSIONAL COMBATIVE
24 SPORT IF IN THE OPINION OF SUCH PHYSICIAN ANY PROFESSIONAL HAS RECEIVED
25 SEVERE PUNISHMENT OR IS IN DANGER OF SERIOUS PHYSICAL INJURY. IN THE
26 EVENT OF ANY SERIOUS PHYSICAL INJURY, SUCH PHYSICIAN SHALL IMMEDIATELY
27 RENDER ANY EMERGENCY TREATMENT NECESSARY, RECOMMEND FURTHER TREATMENT OR
28 HOSPITALIZATION IF REQUIRED, AND FULLY REPORT THE ENTIRE MATTER TO THE
29 COMMISSION WITHIN TWENTY-FOUR HOURS AND IF NECESSARY, SUBSEQUENTLY THER-
30 EAFTER. SUCH PHYSICIAN MAY ALSO REQUIRE THAT THE INJURED PROFESSIONAL
31 AND HIS OR HER MANAGER REMAIN IN THE RING OR ON THE PREMISES OR REPORT
32 TO A HOSPITAL AFTER THE CONTEST FOR SUCH PERIOD OF TIME AS SUCH PHYSI-
33 CIAN DEEMS ADVISABLE. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE
34 RENDERED UNCONSCIOUS OR SUFFERING HEAD TRAUMA AS DETERMINED BY THE
35 ATTENDING PHYSICIAN SHALL BE IMMEDIATELY EXAMINED BY THE ATTENDING
36 COMMISSION PHYSICIAN AND SHALL BE REQUIRED TO UNDERGO NEUROLOGICAL EXAM-
37 INATIONS BY A NEUROLOGIST INCLUDING BUT NOT LIMITED TO MAGNETIC RESO-
38 NANCE IMAGING OR MEDICALLY EQUIVALENT PROCEDURE.

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

43 9. BEFORE A LICENSE SHALL BE GRANTED TO A PERSON OR CORPORATION TO
44 CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT, THE APPLICANT SHALL
45 EXECUTE AND FILE WITH THE SECRETARY OF STATE A BOND IN AN AMOUNT TO BE
46 DETERMINED BY THE COMMISSION, TO BE APPROVED AS TO FORM AND SUFFICIENCY
47 OF SURETIES THEREON BY THE SECRETARY OF STATE, CONDITIONED FOR THE
48 FAITHFUL PERFORMANCE BY SAID CORPORATION OF THE PROVISIONS OF THIS ARTI-
49 CLE AND THE RULES AND REGULATIONS OF THE COMMISSION, AND UPON THE FILING
50 AND APPROVAL OF SAID BOND THE SECRETARY OF STATE SHALL ISSUE TO SAID
51 APPLICANT A CERTIFICATE OF SUCH FILING AND APPROVAL, WHICH SHALL BE, BY
52 SAID APPLICANT, FILED IN THE OFFICE OF THE COMMISSION WITH ITS APPLICA-
53 TION FOR LICENSE, AND NO SUCH LICENSE SHALL BE ISSUED UNTIL SUCH CERTIF-
54 ICATE SHALL BE FILED. IN CASE OF DEFAULT IN SUCH PERFORMANCE, THE
55 COMMISSION MAY IMPOSE UPON THE DELINQUENT A PENALTY IN THE SUM OF NOT
56 MORE THAN ONE THOUSAND DOLLARS FOR EACH OFFENSE, WHICH MAY BE RECOVERED

1 BY THE ATTORNEY-GENERAL IN THE NAME OF THE PEOPLE OF THE STATE OF NEW
2 YORK IN THE SAME MANNER AS OTHER PENALTIES ARE RECOVERED BY LAW; ANY
3 AMOUNT SO RECOVERED SHALL BE PAID INTO THE TREASURY.

4 10. IN ADDITION TO THE BOND REQUIRED BY SUBDIVISION NINE OF THIS
5 SECTION, EACH APPLICANT FOR A LICENSE TO CONDUCT AN AUTHORIZED PROFES-
6 SIONAL COMBATIVE SPORT SHALL EXECUTE AND FILE WITH THE SECRETARY OF
7 STATE A BOND IN AN AMOUNT TO BE DETERMINED BY THE COMMISSION TO BE
8 APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THEREON BY THE SECRETARY
9 OF STATE, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF PROFESSIONALS'
10 AND PROFESSIONAL WRESTLERS' PURSES, SALARIES OF CLUB EMPLOYEES LICENSED
11 BY THE COMMISSION, AND THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND
12 ALL ADVERTISING MATERIAL.

13 11. ALL PERSONS, PARTIES OR CORPORATIONS HAVING LICENSES AS PROMOTERS
14 OR WHO ARE LICENSED IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTEEN OF
15 THIS ARTICLE SHALL CONTINUOUSLY PROVIDE ACCIDENT INSURANCE OR SUCH OTHER
16 FORM OF FINANCIAL GUARANTEE DEEMED ACCEPTABLE BY THE COMMISSION, FOR THE
17 PROTECTION OF LICENSED PROFESSIONALS AND PROFESSIONAL WRESTLERS, APPEAR-
18 ING IN AUTHORIZED PROFESSIONAL COMBATIVE SPORTS OR WRESTLING EXHIBI-
19 TIONS. SUCH ACCIDENT INSURANCE OR FINANCIAL GUARANTEE SHALL PROVIDE
20 COVERAGE TO THE LICENSED PROFESSIONAL FOR: MEDICAL, SURGICAL AND HOSPI-
21 TAL CARE, WITH A MINIMUM LIMIT OF FIFTY THOUSAND DOLLARS FOR INJURIES
22 SUSTAINED WHILE PARTICIPATING IN ANY PROGRAM OPERATED UNDER THE CONTROL
23 OF SUCH LICENSED PROMOTER AND FOR A PAYMENT OF FIFTY THOUSAND DOLLARS TO
24 THE ESTATE OF ANY DECEASED ATHLETE WHERE SUCH DEATH IS OCCASIONED BY
25 INJURIES RECEIVED IN THIS STATE DURING THE COURSE OF A PROGRAM IN WHICH
26 SUCH LICENSED PROFESSIONAL OR PROFESSIONAL WRESTLER PARTICIPATED UNDER
27 THE PROMOTION OR CONTROL OF ANY LICENSED PROMOTER; AND, MEDICAL, SURGI-
28 CAL AND HOSPITAL CARE WITH A MINIMUM LIMIT OF ONE MILLION DOLLARS FOR
29 THE TREATMENT OF A LIFE-THREATENING BRAIN INJURY SUSTAINED IN A PROGRAM
30 OPERATED UNDER THE CONTROL OF SUCH LICENSED PROMOTER, WHERE AN IDENTIFI-
31 CABLE, CAUSAL LINK EXISTS BETWEEN THE PROFESSIONAL LICENSEE'S PARTIC-
32 IPATION IN SUCH PROGRAM AND THE LIFE-THREATENING BRAIN INJURY. WHERE
33 APPLICABLE, PROFESSIONAL LICENSEES SHALL BE AFFORDED THE OPTION TO
34 SUPPLEMENT THE PREMIUMS FOR THE ACCIDENT INSURANCE OR FINANCIAL GUARAN-
35 TEE TO INCREASE THE COVERAGE BEYOND THE MINIMUM LIMITS REQUIRED BY THIS
36 SUBDIVISION. THE COMMISSION MAY FROM TIME TO TIME, PROMULGATE REGU-
37 LATIONS TO ADJUST THE AMOUNT OF SUCH MINIMUM LIMITS. THE FAILURE TO
38 PROVIDE SUCH INSURANCE AS IS REQUIRED BY THIS SUBDIVISION SHALL BE CAUSE
39 FOR THE SUSPENSION OR THE REVOCATION OF THE LICENSE OF SUCH DEFAULTING
40 ENTITY.

41 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY
42 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL
43 WRESTLING MATCH OR EXHIBITION, FOR WHICH AN ADMISSION FEE IS CHARGED OR
44 RECEIVED, SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN
45 ADVANCE OF THE HOLDING OF SUCH CONTEST. ALL TICKETS OF ADMISSION TO ANY
46 SUCH PROFESSIONAL OR AMATEUR COMBATIVE SPORT OR PROFESSIONAL WRESTLING
47 MATCH OR EXHIBITION SHALL BE PROCURED FROM A PRINTER DULY AUTHORIZED BY
48 THE STATE ATHLETIC COMMISSION TO PRINT SUCH TICKETS AND SHALL BEAR
49 CLEARLY UPON THE FACE THEREOF THE PURCHASE PRICE AND LOCATION OF SAME.

50 (B) PURSUANT TO DIRECTION BY THE COMMISSIONER OF TAXATION AND FINANCE,
51 EMPLOYEES OR OFFICERS OF THE COMMISSION SHALL ACT AS AGENTS OF THE
52 COMMISSIONER OF TAXATION AND FINANCE TO COLLECT THE TAX IMPOSED BY ARTI-
53 CLE NINETEEN OF THE TAX LAW. THE ATHLETIC COMMISSION SHALL PROVIDE THE
54 COMMISSIONER OF TAXATION AND FINANCE WITH SUCH INFORMATION AND TECHNICAL
55 ASSISTANCE AS MAY BE NECESSARY FOR THE PROPER ADMINISTRATION OF SUCH
56 TAX.

1 S 1016. REQUIRED FILINGS. 1. THE ORGANIZATION THAT PROMOTES, SANCTIONS
2 OR OTHERWISE PARTICIPATES IN THE PROPOSITION, SELECTION, OR ARRANGEMENT
3 OF ONE OR MORE PROFESSIONALS FOR A CONTEST MUST FILE WITH THE COMMISSION
4 A WRITTEN STATEMENT EXECUTED UNDER PENALTY OF PERJURY STATING (A) ALL
5 CHARGES, EXPENSES, FEES, AND COSTS THAT WILL BE ASSESSED AGAINST ANY
6 PROFESSIONAL PARTICIPATING IN THE EVENT; (B) ALL PAYMENTS, BENEFITS,
7 COMPLIMENTARY BENEFITS AND FEES THE ORGANIZATION OR ENTITY WILL RECEIVE
8 FOR ITS AFFILIATION WITH THE EVENT; (C) THE NAME OF THE PROMOTER; (D)
9 SPONSOR OF THE EVENT; AND (E) ALL OTHER SOURCES, AND SUCH OTHER AND
10 ADDITIONAL INFORMATION AS REQUIRED BY THE COMMISSION. SUCH WRITTEN
11 STATEMENT SHALL BE FILED IN A FORM AND MANNER ACCEPTABLE TO THE COMMISS-
12 SION.

13 2. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN
14 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS
15 FOR A CONTEST MUST FILE WITH THE COMMISSION A WRITTEN STATEMENT UNDER
16 PENALTY OF PERJURY DETAILING ALL CHARGES, FEES, COSTS AND EXPENSES BY OR
17 THROUGH THE PROMOTER ON THE PROFESSIONAL PERTAINING TO THE EVENT,
18 INCLUDING ANY PORTION OF THE PROFESSIONAL'S PURSE THAT THE PROMOTER WILL
19 RECEIVE AND TRAINING EXPENSES AND ALL PAYMENTS, GIFTS OR BENEFITS THE
20 PROMOTER IS PROVIDING TO ANY SANCTIONING ORGANIZATION AFFILIATED WITH
21 THE EVENT. SUCH WRITTEN STATEMENT SHALL BE FILED IN A FORM AND MANNER
22 ACCEPTABLE TO THE COMMISSION.

23 3. THE PROMOTER, ORGANIZER, PRODUCER OR ANOTHER THAT PARTICIPATES IN
24 THE PROPOSITION, SELECTION, OR ARRANGEMENT OF ONE OR MORE PROFESSIONALS
25 FOR A CONTEST MUST FILE WITH THE COMMISSION A COPY OF ANY AGREEMENT IN
26 WRITING TO WHICH THE PROMOTER IS A PARTY WITH ANY PROFESSIONAL PARTIC-
27 IPATING IN THE MATCH.

28 4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN
29 AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED
30 PROMOTERS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE PARTIES IN
31 SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE RIGHTS TO
32 DISTRIBUTE, TELEVISION OR OTHERWISE TRANSMIT ANY AUTHORIZED PROFESSIONAL
33 COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE SUBJECT TO THE
34 APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE FILED WITH THE
35 COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER WITHIN
36 FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT LEAST TEN
37 BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES OF BOUTS,
38 TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING DEADLINE FOR
39 GOOD CAUSE SHOWN.

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

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

52 3. A LICENSED PROMOTER OF A PROFESSIONAL WRESTLING EXHIBITION IN THE
53 STATE SHALL NOTIFY THE ATHLETIC COMMISSION AT LEAST TEN DAYS IN ADVANCE
54 OF THE HOLDING OF THE EXHIBITION. EACH SUCH PROMOTER SHALL EXECUTE AND
55 FILE WITH THE COMPTROLLER A BOND IN AN AMOUNT NOT LESS THAN TWENTY THOU-
56 SAND DOLLARS TO BE APPROVED AS TO FORM AND SUFFICIENCY OF SURETIES THER-

1 EON BY THE COMPTROLLER, CONDITIONED FOR AND GUARANTEEING THE PAYMENT OF
2 PROFESSIONAL WRESTLER'S PURSES, SALARIES OF CLUB EMPLOYEES LICENSED BY
3 THE COMMISSION, THE LEGITIMATE EXPENSES OF PRINTING TICKETS AND ALL
4 ADVERTISING MATERIAL, PAYMENTS TO SPONSORING ORGANIZATIONS, AND THE
5 APPLICABLE STATE AND LOCAL SALES AND COMPENSATING USE TAX.

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

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

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

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

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

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

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

37 4. NO LICENSED PROMOTER OR MATCHMAKER SHALL KNOWINGLY ENGAGE IN A
38 COURSE OF CONDUCT IN WHICH FIGHTS ARE ARRANGED WHERE ONE PROFESSIONAL
39 HAS SKILLS OR EXPERIENCE SIGNIFICANTLY IN EXCESS OF THE OTHER PROFES-
40 SIONAL SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF PHYSICAL HARM TO
41 THE PROFESSIONAL.

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

46 2. ANY PERSON WHO KNOWINGLY ADVANCES OR PROFITS FROM A PROHIBITED
47 COMBATIVE SPORT SHALL ALSO BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED
48 FOR THE FIRST VIOLATION TEN THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN
49 DERIVED THEREFROM WHICHEVER IS GREATER, OR FOR A SUBSEQUENT VIOLATION
50 TWENTY-FIVE THOUSAND DOLLARS OR TWICE THE AMOUNT OF GAIN DERIVED THERE-
51 FROM WHICHEVER IS GREATER. THE ATTORNEY GENERAL IS HEREBY EMPOWERED TO
52 COMMENCE JUDICIAL PROCEEDINGS TO RECOVER SUCH PENALTIES AND TO OBTAIN
53 INJUNCTIVE RELIEF TO ENFORCE THE PROVISIONS OF THIS SECTION.

54 3. ANY PERSON OR CORPORATION WHO DIRECTLY OR INDIRECTLY CONDUCTS ANY
55 COMBATIVE SPORT WITHOUT FIRST HAVING PROCURED AN APPROPRIATE LICENSE, OR
56 HAVING BEEN DESIGNATED AN AUTHORIZED SANCTIONING ENTITY AS PRESCRIBED IN

1 THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR. ANY PERSON WHO PARTIC-
2 IPATES IN A COMBATIVE SPORT AS A REFEREE, JUDGE, MATCH-MAKER, TIMEKEEP-
3 ER, PROFESSIONAL, MANAGER, TRAINER, OR SECOND WITHOUT FIRST HAVING
4 PROCURED AN APPROPRIATE LICENSE AS PRESCRIBED IN THIS ARTICLE, OR WHERE
5 SUCH COMBATIVE SPORT IS PROHIBITED UNDER THIS ARTICLE SHALL BE GUILTY OF
6 A MISDEMEANOR. ANY PERSON, PARTNERSHIP OR CORPORATION WHO PROMOTES A
7 PROFESSIONAL WRESTLING MATCH OR EXHIBITION IN THE STATE WITHOUT FIRST
8 HAVING PROCURED AN APPROPRIATE LICENSE IN ACCORDANCE WITH SECTION ONE
9 THOUSAND SEVENTEEN OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR.

10 4. ANY CORPORATION, ENTITY, PERSON OR PERSONS, LICENSED, PERMITTED OR
11 OTHERWISE AUTHORIZED UNDER THE PROVISIONS OF THIS ARTICLE, THAT SHALL
12 KNOWINGLY VIOLATE ANY RULE OR ORDER OF THE COMMISSION OR ANY PROVISION
13 OF THIS ARTICLE, IN ADDITION TO ANY OTHER PENALTY BY LAW PRESCRIBED,
14 SHALL BE LIABLE TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS
15 FOR THE FIRST OFFENSE AND NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS FOR
16 THE SECOND AND EACH SUBSEQUENT OFFENSE, TO BE IMPOSED BY THE COMMISSION,
17 TO BE SUED FOR BY THE ATTORNEY-GENERAL IN THE NAME OF THE PEOPLE OF THE
18 STATE OF NEW YORK IF DIRECTED BY THE COMMISSION. THE COMMISSION, FOR
19 CAUSE SHOWN, MAY EXTEND THE TIME FOR THE PAYMENT OF SUCH PENALTY AND, BY
20 COMPROMISE, MAY ACCEPT LESS THAN THE AMOUNT OF SUCH PENALTY AS IMPOSED
21 IN SETTLEMENT THEREOF. FOR THE PURPOSES OF THIS SECTION, EACH TRANS-
22 ACTION OR STATUTORY VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE,
23 EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE DEEMED TO EXIST
24 UNLESS A DECISION HAS BEEN RENDERED IN A PRIOR, SEPARATE AND INDEPENDENT
25 PROCEEDING.

26 5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSU-
27 ANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE,
28 WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE
29 COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS
30 FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACIL-
31 ITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE
32 SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO
33 FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY
34 SUSPEND THE TRAINING FACILITY'S LICENSE UNTIL THE VIOLATION OR
35 VIOLATIONS ARE CORRECTED. ON THE THIRD SUCH INFRACTION OR FOR SUBSEQUENT
36 INFRACTIONS, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO SEVEN
37 HUNDRED FIFTY DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY
38 REVOKE THE TRAINING FACILITY'S LICENSE.

39 6. ANY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB FAILING TO FULLY
40 COMPLY WITH PARAGRAPH (A) OF SUBDIVISION TWELVE OF SECTION ONE THOUSAND
41 FIFTEEN OF THIS ARTICLE SHALL BE SUBJECT TO A PENALTY OF FIVE HUNDRED
42 DOLLARS TO BE COLLECTED BY AND PAID TO THE DEPARTMENT OF STATE. ANY
43 INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB IS PROHIBITED FROM OPERAT-
44 ING ANY SHOWS OR EXHIBITIONS UNTIL ALL PENALTIES DUE PURSUANT TO THIS
45 SECTION AND TAXES, INTEREST AND PENALTIES DUE PURSUANT TO ARTICLE NINE-
46 TEEN OF THE TAX LAW HAVE BEEN PAID.

47 7. ALL PENALTIES IMPOSED AND COLLECTED BY THE COMMISSION FROM ANY
48 CORPORATION, ENTITY, PERSON OR PERSONS LICENSED UNDER THE PROVISIONS OF
49 THIS ARTICLE, WHICH FINES AND PENALTIES ARE IMPOSED AND COLLECTED UNDER
50 AUTHORITY HEREBY VESTED SHALL WITHIN THIRTY DAYS AFTER THE RECEIPT THER-
51 EOF BY THE COMMISSION BE PAID BY THEM INTO THE STATE TREASURY.

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

1 S 1021. EXCEPTIONS. THE PROVISIONS OF THIS ARTICLE EXCEPT AS PROVIDED
2 IN SUBDIVISION TWELVE OF SECTION ONE THOUSAND FIFTEEN OF THIS ARTICLE
3 SHALL NOT BE CONSTRUED TO APPLY TO ANY SPARRING OR BOXING CONTEST OR
4 EXHIBITION CONDUCTED UNDER THE SUPERVISION OR THE CONTROL OF THE NEW
5 YORK STATE NATIONAL GUARD OR NAVAL MILITIA WHERE ALL OF THE CONTESTANTS
6 ARE MEMBERS OF THE ACTIVE MILITIA; NOR TO ANY SUCH CONTEST OR EXHIBITION
7 WHERE THE CONTESTANTS ARE ALL AMATEURS, SPONSORED BY AND UNDER THE
8 SUPERVISION OF ANY UNIVERSITY, COLLEGE, SCHOOL OR OTHER INSTITUTION OF
9 LEARNING, RECOGNIZED BY THE REGENTS OF THE STATE OF NEW YORK; NOR TO ANY
10 BUSINESS ENTITY INCORPORATED FOR THE PURPOSES OF PROVIDING INSTRUCTION
11 AND EVALUATION IN A COMBATIVE SPORT TO CUSTOMERS FOR THE PURPOSES OF
12 HEALTH AND FITNESS, PERSONAL DEVELOPMENT, SELF-DEFENSE OR PARTICIPATION
13 IN AMATEUR EVENTS CONDUCTED BY AN AUTHORIZED SANCTIONING ENTITY; NOR TO
14 ANY SUCH CONTEST OR EXHIBITIONS WHERE THE CONTESTANTS ARE ALL AMATEURS
15 SPONSORED BY AND UNDER THE SUPERVISION OF THE AMERICAN OLYMPIC ASSOCI-
16 ATION OR, IN THE CASE OF BOXING, THE U.S. AMATEUR BOXING FEDERATION OR
17 ITS LOCAL AFFILIATES OR THE AMERICAN OLYMPIC ASSOCIATION; NOR EXCEPT AS
18 TO THE EXTENT PROVIDED OTHERWISE IN THIS ARTICLE, TO ANY PROFESSIONAL
19 WRESTLING CONTEST OR EXHIBITION AS DEFINED IN THIS ARTICLE. ANY INDIVID-
20 UAL, ASSOCIATION, CORPORATION OR CLUB, EXCEPT ELEMENTARY OR HIGH SCHOOLS
21 OR EQUIVALENT INSTITUTIONS OF LEARNING RECOGNIZED BY THE REGENTS OF THE
22 STATE OF NEW YORK, WHO OR WHICH CONDUCTS AN AMATEUR CONTEST PURSUANT TO
23 THIS SECTION MUST REGISTER WITH THE U. S. AMATEUR BOXING FEDERATION OR
24 ITS LOCAL AFFILIATES AND ABIDE BY ITS RULES AND REGULATIONS.

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

29 S 3. Subdivision 1 of section 451 of the tax law, as amended by
30 section 1 of part F of chapter 407 of the laws of 1999, is amended to
31 read as follows:

32 1. "Gross receipts from ticket sales" shall mean the total gross
33 receipts of every person from the sale of tickets to any [professional
34 or amateur boxing, sparring or wrestling match or exhibition] AUTHORIZED
35 COMBATIVE SPORT held in this state, and without any deduction whatsoever
36 for commissions, brokerage, distribution fees, advertising or any other
37 expenses, charges and recoupments in respect thereto.

38 S 4. Section 451 of the tax law is amended by adding a new subdivision
39 4 to read as follows:

40 4. "AUTHORIZED COMBATIVE SPORT" SHALL MEAN ANY COMBATIVE SPORT AUTHOR-
41 IZED PURSUANT TO SECTION ONE THOUSAND ONE OF THE GENERAL BUSINESS LAW.

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

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

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

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

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

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

(B) THREE PERCENT OF THE SUM OF (I) GROSS RECEIPTS FROM BROADCASTING RIGHTS, AND (II) GROSS RECEIPTS FROM DIGITAL STREAMING OVER THE INTERNET, EXCEPT THAT IN NO EVENT SHALL SUCH TAX IMPOSED PURSUANT TO THIS PARAGRAPH EXCEED FIFTY THOUSAND DOLLARS FOR ANY MATCH OR EXHIBITION.

S 6. The article heading of article 19 of the tax law, as added by chapter 833 of the laws of 1987, is amended to read as follows:

[BOXING AND WRESTLING EXHIBITIONS] AUTHORIZED COMBATIVE SPORTS TAX

S 7. Paragraph 1 of subdivision (f) of section 1105 of the tax law, as amended by section 100 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

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

S 8. The section heading of section 1820 of the tax law, as amended by section 32 of subpart I of part V-1 of chapter 57 of the laws of 2009, is amended to read as follows:

[Boxing and wrestling exhibitions] AUTHORIZED COMBATIVE SPORTS tax.

S 9. Paragraph (b) of subdivision 6-c of section 106 of the alcoholic beverage control law, as added by chapter 254 of the laws of 2001, is amended to read as follows:

(b) The prohibition contained in paragraph (a) of this subdivision, however, shall not be applied to any [professional match or exhibition which consists of boxing, sparring, wrestling, or martial arts and which is excepted from the definition of the term "combative sport" contained in subdivision one of section five-a of chapter nine hundred twelve of the laws of nineteen hundred twenty, as added by chapter fourteen of the laws of nineteen hundred ninety-seven] AUTHORIZED COMBATIVE SPORT.

S 10. The department of state, with the assistance of the state athletic commission, medical advisory board, departments of health and financial services, state insurance fund, division of budget and such other state entities as appropriate, shall carefully consider potential mechanisms to provide financial resources for the payment of expenses related to medical and rehabilitative care for professionals licensed under article forty-one of the general business law who experience debilitating brain injuries associated with repetitive head injuries sustained through their participation in combative sports. The depart-

1 ment of state may consult and contract with third parties for services
2 in the course of this review. The department of state shall report its
3 findings and recommendations to the governor, temporary president of the
4 senate and speaker of the assembly within eighteen months of the effective date of this section. In addition to the foregoing, within twelve
5 months of the effective date of this section, the state athletic commission shall make any recommendations to the governor, temporary president
6 of the senate and speaker of the assembly regarding legislative changes
7 which may be necessary to effectuate the purpose and intent of this
8 chapter, including, but not limited to, appropriate adjustments to the
9 insurance requirements contained therein.

10 S 11. This act shall take effect on the first day of the first month
11 next succeeding the one hundred twentieth day after it shall have become
12 a law and shall apply to gross receipts from combative sports held on or
13 after that date; provided, however, that the addition, amendment and/or
14 repeal of any rule or regulation of the state athletic commission necessary for the implementation of this act on its effective date is authorized to be made on or before such effective date.
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