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I N S E N A T E

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Introduced by Sens. GRIFFO, GOLDEN, PARKER, AVELLA, CROCI, FUNKE, KENNEDY, MARTINS, MURPHY, PANEPINTO, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.
14 1007. LICENSES; GENERAL PROVISIONS.
15 1008. LICENSES; JUDGES.
16 1009. LICENSES; ENTITIES.
17 1010. LICENSES; PROFESSIONALS.
18 1011. TEMPORARY WORKING PERMITS.

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

LBD05199-03-5

1 1012. TEMPORARY TRAINING FACILITIES.
2 1013. MEDICAL ADVISORY BOARD.
3 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
4 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.
5 1016. REQUIRED FILINGS.
6 1017. PROFESSIONAL WRESTLING; PROMOTERS.
7 1018. PROHIBITED CONDUCT.
8 1019. PENALTIES.
9 1020. SUBPOENAS BY COMMISSION; OATHS.
10 1021. EXCEPTIONS.
11 1022. DISPOSITION OF RECEIPTS.

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

18 2. "AUTHORIZED SANCTIONING ENTITY" MEANS AN ENTITY ALLOWED TO OVERSEE
19 AND CONDUCT COMBATIVE SPORTS PURSUANT TO REGULATIONS PROMULGATED BY THE
20 COMMISSION.

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

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

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

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

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

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

47 2. A PERSON ADVANCES A PROHIBITED COMBATIVE SPORT WHEN, ACTING OTHER
48 THAN AS A SPECTATOR, HE OR SHE ENGAGES IN CONDUCT WHICH MATERIALLY AIDS
49 ANY UNAUTHORIZED COMBATIVE SPORT. SUCH CONDUCT INCLUDES BUT IS NOT
50 LIMITED TO CONDUCT DIRECTED TOWARD THE CREATION, ESTABLISHMENT OR
51 PERFORMANCE OF A PROHIBITED COMBATIVE SPORT, TOWARD THE ACQUISITION OR
52 MAINTENANCE OF PREMISES, PARAPHERNALIA, EQUIPMENT OR APPARATUS THEREFOR,
53 TOWARD THE SOLICITATION OR INDUCEMENT OF PERSONS TO ATTEND OR PARTIC-
54 IPATE THEREIN, TOWARD THE ACTUAL CONDUCT OF THE PERFORMANCE THEREOF,
55 TOWARD THE ARRANGEMENT OF ANY OF ITS FINANCIAL OR PROMOTIONAL PHASES, OR
56 TOWARD ANY OTHER PHASE OF A PROHIBITED COMBATIVE SPORT. ONE ADVANCES A

PROHIBITED COMBATIVE SPORT WHEN, HAVING SUBSTANTIAL PROPRIETARY OR OTHER AUTHORITATIVE CONTROL OVER PREMISES BEING USED WITH HIS OR HER KNOWLEDGE FOR PURPOSES OF A PROHIBITED COMBATIVE SPORT, HE OR SHE PERMITS SUCH TO OCCUR OR CONTINUE OR MAKES NO EFFORT TO PREVENT ITS OCCURRENCE OR CONTINUATION.

3. A PERSON PROFITS FROM A PROHIBITED COMBATIVE SPORT WHEN HE OR SHE ACCEPTS OR RECEIVES MONEY OR OTHER PROPERTY WITH INTENT TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT, OR PURSUANT TO AN AGREEMENT OR UNDERSTANDING WITH ANY PERSON WHEREBY HE OR SHE PARTICIPATES OR IS TO PARTICIPATE IN THE PROCEEDS OF A PROHIBITED COMBATIVE SPORT.

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

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

S 1004. JURISDICTION OF THE COMMISSION. THE COMMISSION SHALL HAVE AND IS HEREBY VESTED WITH THE SOLE DIRECTION, MANAGEMENT, CONTROL AND JURISDICTION 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 RELATED TO THE CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS.

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

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

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

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

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

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

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

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

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

47 3. THE COMMISSION SHALL ESTABLISH REASONABLE FEES, TERMS AND RENEWAL
48 TERMS FOR LICENSES, PERMITS AND OTHER AUTHORIZATIONS ISSUED PURSUANT TO
49 THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL TERMS, RENEWAL TERMS AND FEES
50 IN EFFECT PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINE-
51 TEEN HUNDRED TWENTY, AND ANY SUBSEQUENT AMENDMENTS THERETO, IMMEDIATELY
52 PRIOR TO THE ENACTMENT OF THIS ARTICLE, SHALL REMAIN FIXED AT THEIR
53 PRIOR STATUTORY LEVELS FOR A PERIOD OF TWO YEARS FROM ENACTMENT OF THIS
54 ARTICLE. THE COMMISSION SHALL PUBLISH ALL FEES, INCLUDING THE AFOREMEN-
55 TIONED, IN A SINGLE LOCATION ON ITS WEBSITE. ALL FEES SET BY THE COMMIS-

SION 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.

S 1009. LICENSES; ENTITIES. 1. (A) ONLY ENTITIES LICENSED BY THE COMMISSION MAY CONDUCT AN AUTHORIZED PROFESSIONAL COMBATIVE SPORT WITHIN THE STATE. THE COMMISSION MAY, IN ITS DISCRETION, ISSUE A LICENSE TO CONDUCT OR HOLD AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SUBJECT TO THE

PROVISIONS HEREOF, TO ANY PERSON OR CORPORATION DULY INCORPORATED, OR LIMITED LIABILITY COMPANY AUTHORIZED, UNDER THE LAWS OF THE STATE OF NEW YORK.

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

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

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

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

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

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

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

(V) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

(VI) INSPECTION AND APPROVAL OF SURFACES ON WHICH TRAINING FOR COMBATIVE SPORTS WILL BE HELD; AND

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

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

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

2. ANY PROFESSIONAL APPLYING FOR A LICENSE OR RENEWAL OF A LICENSE TO PARTICIPATE IN COMBATIVE SPORTS UNDER THIS ARTICLE SHALL UNDERGO A COMPREHENSIVE PHYSICAL EXAMINATION INCLUDING CLINICAL NEUROLOGICAL EXAMINATIONS BY A PHYSICIAN APPROVED BY THE COMMISSION. IF, AT THE TIME OF SUCH EXAMINATION, THERE IS ANY INDICATION OF BRAIN INJURY, OR FOR ANY OTHER REASON THE PHYSICIAN DEEMS IT APPROPRIATE, THE PROFESSIONAL SHALL BE REQUIRED TO UNDERGO FURTHER NEUROLOGICAL EXAMINATIONS BY A NEUROLOGIST INCLUDING MAGNETIC RESONANCE IMAGING OR OTHER MEDICALLY EQUIVALENT 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

1 SHALL BE ASSUMED BY THE STATE IF SUCH EXAMINATIONS ARE PERFORMED BY A
2 PHYSICIAN OR NEUROLOGIST APPROVED BY THE COMMISSION; THE COSTS OF ALL
3 SUCH EXAMINATIONS FOR PROFESSIONAL MIXED MARTIAL ARTS PARTICIPANTS SHALL
4 BE ASSUMED BY THE APPLICANT OR PROMOTER WITH WHICH THE PROFESSIONAL
5 MIXED MARTIAL ARTS PARTICIPANT IS AFFILIATED, REGARDLESS OF PROVIDER.

6 3. ANY PROFESSIONAL LICENSED UNDER THIS ARTICLE SHALL, AS A CONDITION
7 OF LICENSURE, WAIVE RIGHT OF CONFIDENTIALITY OF MEDICAL RECORDS RELATING
8 TO TREATMENT OF ANY PHYSICAL CONDITION WHICH RELATES TO HIS OR HER ABIL-
9 ITY TO FIGHT. ALL MEDICAL REPORTS SUBMITTED TO, AND ALL MEDICAL RECORDS
10 OF THE MEDICAL ADVISORY BOARD OR THE COMMISSION RELATIVE TO THE PHYSICAL
11 EXAMINATION OR CONDITION OF PROFESSIONALS SHALL BE CONSIDERED CONFIDEN-
12 TIAL, AND SHALL BE OPEN TO EXAMINATION ONLY TO THE COMMISSION OR ITS
13 AUTHORIZED REPRESENTATIVE, TO THE LICENSED PROFESSIONAL OR MANAGER UPON
14 WRITTEN APPLICATION TO EXAMINE SAID RECORDS, OR UPON THE ORDER OF A
15 COURT OF COMPETENT JURISDICTION IN AN APPROPRIATE CASE.

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

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

34 S 1013. MEDICAL ADVISORY BOARD. 1. THE MEDICAL ADVISORY BOARD CREATED
35 PURSUANT TO CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
36 TWENTY, AND SUBSEQUENT AMENDMENTS THERETO IS HEREBY CONTINUED WITHOUT
37 INTERRUPTION. IT SHALL REMAIN A DIVISION OF THE STATE ATHLETIC COMMIS-
38 SION, AND SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED BY THE GOVER-
39 NOR. THE GOVERNOR SHALL DESIGNATE ONE OF SUCH MEMBERS AS CHAIRPERSON OF
40 THE ADVISORY BOARD. THE TERM OF A MEMBER THEREAFTER APPOINTED, EXCEPT TO
41 FILL A VACANCY, SHALL BE THREE YEARS FROM THE EXPIRATION OF THE TERM OF
42 HIS PREDECESSOR. UPON THE APPOINTMENT OF A SUCCESSOR TO THE CHAIRPERSON
43 OF THE ADVISORY BOARD, THE GOVERNOR SHALL DESIGNATE SUCH SUCCESSOR OR
44 OTHER MEMBER OF THE ADVISORY BOARD AS CHAIRPERSON. A VACANCY OCCURRING
45 OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED BY APPOINTMENT BY
46 THE GOVERNOR FOR THE REMAINDER ONLY OF THE TERM. EACH MEMBER OF THE
47 ADVISORY BOARD SHALL BE DULY LICENSED TO PRACTICE MEDICINE IN THE STATE
48 OF NEW YORK, AND AT THE TIME OF HIS OR HER APPOINTMENT HAVE HAD AT LEAST
49 FIVE YEARS' EXPERIENCE IN THE PRACTICE OF HIS OR HER PROFESSION. THE
50 MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE SUCH COMPENSATION AS MAY BE
51 FIXED BY THE COMMISSION WITHIN THE AMOUNT PROVIDED BY APPROPRIATION, AND
52 SHALL BE ALLOWED AND PAID NECESSARY TRAVELING AND OTHER EXPENSES
53 INCURRED BY THEM, RESPECTIVELY, IN THE PERFORMANCE OF THEIR DUTIES HERE-
54 UNDER.

55 2. THE ADVISORY BOARD SHALL HAVE POWER AND IT SHALL BE THE DUTY OF THE
56 BOARD TO PREPARE AND SUBMIT TO THE COMMISSION FOR APPROVAL REGULATIONS

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

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

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

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

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

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

28 S 1014. REGULATION OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. THE
29 COMMISSION SHALL PROMULGATE REGULATIONS GOVERNING THE CONDUCT OF AUTHOR-
30 IZED PROFESSIONAL COMBATIVE SPORTS THAT:

31 1. ESTABLISH PARAMETERS AND LIMITATIONS ON WEIGHTS AND CLASSES OF
32 PROFESSIONALS;

33 2. ESTABLISH PARAMETERS AND LIMITATIONS ON THE NUMBER AND DURATION OF
34 ROUNDS;

35 3. ESTABLISH THE REQUIREMENTS FOR THE PRESENCE OF MEDICAL EQUIPMENT,
36 MEDICAL PERSONNEL, AN AMBULANCE, OTHER EMERGENCY APPARATUS AND AN EMER-
37 GENCY MEDICAL PLAN;

38 4. ESTABLISH RESPONSIBILITIES OF ALL LICENSEES BEFORE, DURING AND
39 AFTER AN EVENT;

40 5. DEFINE UNSPORTSMANLIKE PRACTICES;

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

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

46 8. ESTABLISH PARAMETERS AND STANDARDS FOR RINGS, COMBAT SURFACES AND
47 APPURTENANCES THERETO; AND

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

50 S 1015. CONDUCT OF AUTHORIZED PROFESSIONAL COMBATIVE SPORTS. 1. ALL
51 BUILDINGS OR STRUCTURES USED OR INTENDED TO BE USED FOR CONDUCTING
52 AUTHORIZED PROFESSIONAL COMBATIVE SPORTS SHALL BE PROPERLY VENTILATED
53 AND PROVIDED WITH FIRE EXITS AND FIRE ESCAPES, AND IN ALL MANNER CONFORM
54 TO THE LAWS, ORDINANCES AND REGULATIONS PERTAINING TO BUILDINGS IN THE
55 CITY, TOWN OR VILLAGE WHERE SITUATED.

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

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

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

22 5. ANY RING OR COMBAT SURFACE MUST BE INSPECTED AND APPROVED BY THE
23 COMMISSION PRIOR TO THE COMMENCEMENT OF ANY AUTHORIZED PROFESSIONAL
24 COMBATIVE SPORT.

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

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

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

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

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

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

55 12. (A) EVERY INDIVIDUAL, CORPORATION, ASSOCIATION OR CLUB HOLDING ANY
56 PROFESSIONAL OR AMATEUR COMBATIVE SPORT, INCLUDING ANY PROFESSIONAL

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

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

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

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

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

49 4. ALL CONTRACTS CALLING FOR THE SERVICES OF A PROFESSIONAL IN AN
50 AUTHORIZED PROFESSIONAL COMBATIVE SPORT AND ENTERED INTO BY LICENSED
51 PROMOTING CORPORATIONS, PROFESSIONALS OR MANAGERS AS ONE OR MORE OF THE
52 PARTIES IN SUCH CONTRACTS, INCLUDING THOSE CONTRACTS WHICH RELATE TO THE
53 RIGHTS TO DISTRIBUTE, TELEWISE OR OTHERWISE TRANSMIT ANY AUTHORIZED
54 PROFESSIONAL COMBATIVE SPORT OVER THE AIRWAVES OR BY CABLE SHALL BE
55 SUBJECT TO THE APPROVAL OF THE COMMISSION AND COPIES THEREOF SHALL BE
56 FILED WITH THE COMMISSION BY SUCH CORPORATION, PROFESSIONAL OR MANAGER

1 WITHIN FORTY-EIGHT HOURS AFTER THE EXECUTION OF SUCH CONTRACT AND AT
2 LEAST TEN BUSINESS DAYS PRIOR TO ANY BOUTS, OR THE FIRST OF ANY SERIES
3 OF BOUTS, TO WHICH THEY RELATE. THE COMMISSION MAY WAIVE SUCH FILING
4 DEADLINE FOR GOOD CAUSE SHOWN.

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

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

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

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

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

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

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

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

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

52 3. ANY PERSON, INCLUDING ANY CORPORATION AND THE OFFICERS THEREOF, ANY
53 PHYSICIAN, REFEREE, JUDGE, TIMEKEEPER, PROFESSIONAL, MANAGER, TRAINER OR
54 SECOND, WHO SHALL PROMOTE, CONDUCT, GIVE OR PARTICIPATE IN ANY SHAM OR
55 COLLUSIVE AUTHORIZED PROFESSIONAL COMBATIVE SPORTS, SHALL BE DEPRIVED OF

1 HIS OR HER LICENSE BY THE COMMISSION AND ANY OTHER APPROPRIATE LEGAL
2 REMEDIES.

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

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

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

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

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

48 5. ON THE FIRST INFRACTION OF RULES OR REGULATIONS PROMULGATED PURSU-
49 ANT TO SUBDIVISION TWO OF SECTION ONE THOUSAND NINE OF THIS ARTICLE,
50 WHICH INFRACTION MAY INCLUDE MORE THAN ONE INDIVIDUAL VIOLATION, THE
51 COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO TWO HUNDRED FIFTY DOLLARS
52 FOR EACH HEALTH AND SAFETY VIOLATION AND MAY SUSPEND THE TRAINING FACIL-
53 ITY'S LICENSE UNTIL THE VIOLATION OR VIOLATIONS ARE CORRECTED. ON THE
54 SECOND SUCH INFRACTION, THE COMMISSION MAY IMPOSE A CIVIL FINE OF UP TO
55 FIVE HUNDRED DOLLARS FOR EACH HEALTH AND SAFETY VIOLATION AND MAY
56 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.

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

S 452. Imposition of tax. 1. On and after October first, nineteen hundred ninety-nine, a tax is hereby imposed and shall be paid upon the

gross receipts of every person holding any professional or amateur boxing, sparring or wrestling match or exhibition in this state. Such tax shall be imposed on such gross receipts, exclusive of any federal taxes, as follows:

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

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

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

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

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

S 4. 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 5. 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 6. 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 7. 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.

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

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