

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

55 7. LICENSE FEES; TERM OF LICENSES; RENEWALS. EACH APPLICANT FOR A
56 PROMOTER LICENSE SHALL, BEFORE A LICENSE IS ISSUED BY THE COMMISSION,

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

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

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

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

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

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

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

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

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

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

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

1 TIVE SPORTS PARTICIPANT SO THAT A MISMATCH RESULTS WITH THE POTENTIAL OF
2 PHYSICAL HARM TO THE PROFESSIONAL COMBATIVE SPORTS PARTICIPANT. IF SUCH
3 ACTION OCCURS, THE COMMISSION MAY EXERCISE ITS POWERS TO DISCIPLINE
4 UNDER SUBDIVISIONS THIRTEEN AND FOURTEEN OF THIS SECTION, PROVIDED THAT
5 NOTHING IN THIS SUBDIVISION SHALL AUTHORIZE THE COMMISSION TO INTERVENE
6 OR PROHIBIT A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION SOLELY
7 ON THE BASIS OF THE DIFFERENCE BETWEEN RESPECTIVE PARTICIPANT'S MARTIAL
8 ARTS DISCIPLINES.

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

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

29 (B) WITHOUT OTHERWISE LIMITING THE DISCRETION OF THE COMMISSION AS
30 PROVIDED IN THIS SECTION, THE COMMISSION MAY SUSPEND OR REVOKE A LICENSE
31 OR REFUSE TO RENEW OR ISSUE A LICENSE, IF IT SHALL FIND THAT THE APPLI-
32 CANT OR PARTICIPANT: (1) HAS BEEN CONVICTED OF A CRIME IN ANY JURISDIC-
33 TION; (2) IS ASSOCIATING OR CONSORTING WITH ANY PERSON WHO HAS OR
34 PERSONS WHO HAVE BEEN CONVICTED OF A CRIME OR CRIMES IN ANY JURISDICTION
35 OR JURISDICTIONS; (3) HAS BEEN GUILTY OF OR ATTEMPTED ANY FRAUD OR
36 MISREPRESENTATION IN CONNECTION WITH COMBATIVE SPORTS; (4) HAS VIOLATED
37 OR ATTEMPTED TO VIOLATE ANY LAW WITH RESPECT TO COMBATIVE SPORTS IN ANY
38 JURISDICTION OR ANY RULE, REGULATION OR ORDER OF THE COMMISSION, OR
39 SHALL HAVE VIOLATED ANY RULE OF COMBATIVE SPORTS WHICH SHALL HAVE BEEN
40 APPROVED OR ADOPTED BY THE COMMISSION, OR HAS BEEN GUILTY OF OR ENGAGED
41 IN SIMILAR, RELATED OR LIKE PRACTICES; OR (5) HAS NOT ACTED IN THE BEST
42 INTEREST OF MIXED MARTIAL ARTS. ALL DETERMINATIONS TO ISSUE, RENEW,
43 SUSPEND OR REVOKE A LICENSE SHALL BE MADE IN ACCORDANCE WITH SUBDIVISION
44 SIXTEEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW AND ARTI-
45 CLE TWENTY-THREE-A OF THE CORRECTION LAW AS APPLICABLE.

46 (C) NO SUCH PARTICIPANT MAY, UNDER ANY CIRCUMSTANCES, COMPETE OR
47 APPEAR IN A PROFESSIONAL COMBATIVE SPORTS MATCH OR EXHIBITION WITHIN
48 NINETY DAYS OF HAVING SUFFERED A KNOCKOUT OR TECHNICAL KNOCKOUT IN ANY
49 SUCH MATCH OR EXHIBITION WITHOUT CLEARANCE BY THE BOARD, OR WITHIN NINE-
50 TY DAYS OF BEING RENDERED UNCONSCIOUS IN ANY SUCH MATCH OR EXHIBITION
51 WHERE THERE IS EVIDENCE OF HEAD TRAUMA AS DETERMINED BY THE ATTENDING
52 COMMISSION PHYSICIAN AND SHALL UNDERGO SUCH EXAMINATIONS AS REQUIRED
53 UNDER PARAGRAPH (B) OF SUBDIVISION TWENTY OF THIS SECTION. THE PROFES-
54 SIONAL COMBATIVE SPORTS PARTICIPANT SHALL BE CONSIDERED SUSPENDED FROM
55 PROFESSIONAL COMBATIVE SPORTS MATCHES OR EXHIBITIONS BY THE COMMISSION
56 AND SHALL FORFEIT HIS LICENSE TO THE COMMISSION DURING SUCH PERIOD AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (6) COMPLIANCE WITH STATE AND LOCAL FIRE ORDINANCES;

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

18 (8) ESTABLISHMENT OF A POLICY FOR POSTING ALL COMMISSION LICENSE
19 SUSPENSIONS AND LICENSE REVOCATIONS RECEIVED FROM THE COMMISSION INCLUD-
20 ING PROVISIONS FOR ENFORCEMENT OF SUCH SUSPENSIONS AND REVOCATIONS BY
21 THE FACILITY OPERATOR.

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

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

37 29. WEIGHTS; CLASSES AND RULES. THE WEIGHTS AND CLASSES OF COMBATIVE
38 SPORT PARTICIPANTS AND THE RULES AND REGULATIONS OF PROFESSIONAL COMBA-
39 TIVE SPORTS SHALL BE PRESCRIBED BY THE COMMISSION.

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

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

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

1 S 5-B. NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND, INC. 1.
2 THERE IS CREATED A NOT-FOR-PROFIT CORPORATION TO BE KNOWN AS THE NEW
3 YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND, INC. AND REFERRED TO
4 IN THIS SECTION AS "THE FUND". TO THE EXTENT THAT THE PROVISIONS OF THE
5 NOT-FOR-PROFIT CORPORATION LAW DO NOT CONFLICT WITH THE PROVISIONS OF
6 THIS ACT, OR THE PLAN OF OPERATION OF THE FUND HEREUNDER, THE
7 NOT-FOR-PROFIT CORPORATION LAW SHALL APPLY TO THE FUND AND THE FUND
8 SHALL BE A TYPE C CORPORATION PURSUANT TO THE NOT-FOR-PROFIT CORPORATION
9 LAW. IF AN APPLICABLE PROVISION OF THIS ACT OR THE PLAN OF OPERATION OF
10 THE FUND HEREUNDER RELATES TO A MATTER EMBRACED IN A PROVISION OF THE
11 NOT-FOR-PROFIT CORPORATION LAW BUT IS NOT IN CONFLICT THEREWITH, BOTH
12 PROVISIONS SHALL APPLY. THE FUND SHALL PERFORM ITS FUNCTIONS UNDER THE
13 PLAN OF OPERATION ESTABLISHED AND APPROVED UNDER THIS SECTION AND SHALL
14 EXERCISE ITS POWERS THROUGH THE STATE ATHLETIC COMMISSION WHO SHALL
15 DEVELOP REGULATIONS AS TO THE MAKE-UP OF THE FUND'S BOARD OF DIRECTORS.

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

33 (B) (1) THE ELECTION OF THE SEVENTH BOARD MEMBER SHALL BE CONDUCTED BY
34 AN ELECTION ADMINISTRATOR SELECTED BY THE FUND NO LATER THAN NOVEMBER
35 FIFTEENTH OF THE YEAR PRECEDING THE ELECTION. THE FUND SHALL INFORM THE
36 STATE ATHLETIC COMMISSION OF ITS SELECTION THEREOF. THE FUND SHALL ENTER
37 INTO A CONTRACT WITH THE ELECTION ADMINISTRATOR AT LEAST ONE HUNDRED
38 TWENTY DAYS PRIOR TO THE DATE OF THE ELECTION. THE FUND SHALL BE RESPON-
39 SIBLE FOR COSTS ASSOCIATED WITH THE CONTRACT WITH THE ELECTION ADMINIS-
40 TRATOR.

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

55 (3) ANY INDIVIDUAL SEEKING ELECTION PURSUANT TO THIS SUBDIVISION SHALL
56 PROVIDE A NOMINATING PETITION CONTAINING THE SIGNATURES OF NO FEWER THAN

1 TEN DULY LICENSED MIXED MARTIAL ARTS CONTESTANTS ELIGIBLE TO SIGN SUCH
2 PETITION. TO BE ELIGIBLE TO SIGN SUCH PETITION, A MIXED MARTIAL ARTS
3 CONTESTANT SHALL POSSESS A VALID LICENSE ISSUED BY THE STATE ATHLETIC
4 COMMISSION AS OF MARCH FIRST IN THE YEAR OF THE ELECTION. SUCH PETITIONS
5 MAY BE SIGNED BY ELIGIBLE MIXED MARTIAL ARTS CONTESTANTS BEGINNING APRIL
6 FIRST OF AN ELECTION YEAR AND SHALL BE RETURNED TO THE ELECTION ADMINIS-
7 TRATOR FOR VALIDATION NO LATER THAN THE FIRST MONDAY OF MAY OF AN
8 ELECTION YEAR. IF A MIXED MARTIAL ARTS CONTESTANT'S LICENSE EXPIRES
9 BETWEEN MARCH SECOND AND THE FIRST MONDAY OF MAY AND HAS NOT BEEN
10 RENEWED BY THE LATTER DATE, THE ELECTION ADMINISTRATOR SHALL INVALIDATE
11 SUCH MIXED MARTIAL ARTS CONTESTANT'S SIGNATURE ON THE NOMINATING PETI-
12 TION SO SUBMITTED.

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

20 (5) IF, FOLLOWING AN ELECTION OF THE SEVENTH BOARD MEMBER, SUCH MEMBER
21 IS UNABLE TO DISCHARGE HIS OR HER DUTIES AS A BOARD MEMBER OR IS OTHER-
22 WISE UNABLE TO COMPLETE HIS OR HER TERM, THE FUND'S CHAIRPERSON SHALL
23 OFFER THE SEVENTH BOARD MEMBER'S POSITION TO THE CANDIDATE WHO RECEIVED
24 THE HIGHEST TOTAL NUMBER OF VOTES FOLLOWING THAT RECEIVED BY THE ELECTED
25 BOARD MEMBER DURING THE ELECTION. IF SUCH CANDIDATE DECLINES TO ACCEPT
26 SUCH POSITION, THE CHAIRPERSON SHALL OFFER THE POSITION TO EACH REMAIN-
27 ING CANDIDATE IN DESCENDING ORDER OF THE TOTAL NUMBER OF VOTES RECEIVED
28 BY EACH SUCH CANDIDATE DURING THE ELECTION UNTIL A CANDIDATE HAS
29 ACCEPTED THE POSITION. IF NONE OF THE REMAINING CANDIDATES HAS ACCEPTED
30 THE POSITION, THE CHAIRPERSON MAY APPOINT AN INTERIM MEMBER TO THE POSI-
31 TION FOR SUCH TIME AS INTERVENES UNTIL A NEW SEVENTH BOARD MEMBER IS
32 ELECTED.

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

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

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

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

50 7. IN ORDER TO PAY THE COSTS OF THE INSURANCE REQUIRED BY THIS SECTION
51 AND TO CARRY OUT ITS OTHER POWERS AND DUTIES AND TO PAY FOR ANY OF ITS
52 LIABILITIES THE FUND SHALL ASCERTAIN THE TOTAL FUNDING NECESSARY AND
53 ESTABLISH THE SUMS THAT ARE TO BE PAID BY ALL MIXED MARTIAL ARTS ORGAN-
54 IZATIONS LICENSED OR REQUIRED TO BE LICENSED UNDER SECTION FIVE-A OF
55 THIS ACT TO OBTAIN THE TOTAL FUNDING AMOUNT REQUIRED ANNUALLY. IN ORDER
56 TO PROVIDE THAT ANY SUM REQUIRED TO BE PAID BY AN ORGANIZATION BE EQUI-

1 TABLE, THE FUND SHALL ESTABLISH PAYMENT SCHEDULES WHICH REFLECT SUCH
2 FACTORS AS ARE APPROPRIATE, INCLUDING WHERE APPLICABLE, THE DURATION OF
3 SUCH PARTICIPATION, THE AMOUNT OF ANY PURSE EARNINGS, THE NUMBER OF
4 MIXED MARTIAL ARTS CONTESTANTS INVOLVED, OR SUCH OTHER FACTORS AS THE
5 FUND SHALL DETERMINE TO BE FAIR, EQUITABLE AND IN THE BEST INTERESTS OF
6 MIXED MARTIAL ARTS. IN NO EVENT SHALL THE AMOUNT DEDUCTED FROM AN
7 OWNER'S SHARE EXCEED FIVE PER CENTUM OF THE OVERALL TAKE. IN THE CASES
8 OF MULTIPLE OWNERSHIPS THE FUND SHALL EQUITABLY ADJUST THE SUM REQUIRED.

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

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

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

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

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

32 (3) ESTABLISH PROCEDURES FOR RECORDS TO BE KEPT OF ALL FINANCIAL TRAN-
33 SACTIONS OF THE FUND, ITS AGENTS AND THE BOARD OF DIRECTORS.

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

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

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

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

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

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

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

1 13. IT SHALL BE PRESUMED ANY MIXED MARTIAL ARTIST WHO PARTICIPATES IN
2 A NEW YORK STATE SANCTIONED EVENT AND RECEIVES ANY FORM OF NEUROLOGICAL
3 DAMAGE DURING THE COURSE OF HIS OR HER LIFETIME, THAT THE DAMAGE WAS THE
4 DIRECT CAUSATION OF THE SANCTIONED MATCH AND IS ENTITLED TO THE FULL
5 BENEFITS OF THE FUND OVER THE COURSE OF HIS OR HER LIFETIME FOR ALL
6 NECESSARY MEDICAL TREATMENT AND REHABILITATION.

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

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

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

31 S 5. Subdivision 3 of section 2 of the workers' compensation law, as
32 amended by chapter 392 of the laws of 2008, is amended to read as
33 follows:

34 3. "Employer," except when otherwise expressly stated, means a person,
35 partnership, association, corporation, and the legal representatives of
36 a deceased employer, or the receiver or trustee of a person, partner-
37 ship, association or corporation, having one or more persons in employ-
38 ment, including the state, a municipal corporation, fire district or
39 other political subdivision of the state, and every authority or commis-
40 sion heretofore or hereafter continued or created by the public authori-
41 ties law. For the purposes of this chapter only "employer" shall also
42 mean a person, partnership, association, corporation, and the legal
43 representatives of a deceased employer, or the receiver or trustee of a
44 person, partnership, association or corporation who delivers or causes
45 to be delivered newspapers or periodicals for delivering or selling and
46 delivering by a newspaper carrier under the age of eighteen years as
47 defined in section thirty-two hundred twenty-eight of the education law.
48 For the purpose of this chapter only, "employer" shall also mean a
49 person, partnership, association, or corporation who leases or otherwise
50 contracts with an operator or lessee for the purpose of driving, operat-
51 ing or leasing a taxicab as so defined in section one hundred forty-
52 eight-a of the vehicle and traffic law, except where such person is an
53 owner-operator of such taxicab who personally regularly operates such
54 vehicle an average of forty or more hours per week and leases such taxi-
55 cab for some portion of the remaining time, and except if the taxicab is
56 a livery subject to section eighteen-c of this chapter, in which case

1 the livery driver's employer shall only be such employer as is defined
2 in that section. For the purposes of this section only, such an owner-
3 operator shall be deemed to be an employer if he controls, directs,
4 supervises, or has the power to hire or terminate such other person who
5 leases the vehicle.

6 Notwithstanding any other provision of this chapter and for purposes
7 of this chapter only, "employer" shall mean, with respect to a jockey,
8 apprentice jockey or exercise person licensed under article two or four
9 of the racing, pari-mutuel wagering and breeding law performing services
10 for an owner or trainer in connection with the training or racing of a
11 horse at a facility of a racing association or corporation subject to
12 article two or four of the racing, pari-mutuel wagering and breeding law
13 and subject to the jurisdiction of the New York state racing and wager-
14 ing board, The New York Jockey Injury Compensation Fund, Inc. and all
15 owners and trainers who are licensed or required to be licensed under
16 article two or four of the racing, pari-mutuel wagering and breeding law
17 at the time of any occurrence for which benefits are payable pursuant to
18 this chapter in respect to the injury or death of such jockey, appren-
19 tice jockey or exercise person.

20 Notwithstanding any other provision of this chapter, and for purposes
21 of this chapter only, the employer of a black car operator, as defined
22 in article six-F of the executive law, shall, on and after the fund
23 liability date, as defined in such article, be the New York black car
24 operators' injury compensation fund, inc. created pursuant to such arti-
25 cle.

26 For the purpose of this chapter only, whether a livery base operating
27 in any locality where liveries must register with a local taxi and
28 limousine commission shall be deemed the "employer" of any livery driver
29 engaging in covered services shall be determined in accordance with
30 section eighteen-c of this chapter.

31 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, AND FOR PURPOSES
32 OF THIS CHAPTER ONLY, "EMPLOYER" SHALL MEAN, WITH RESPECT TO A PROFES-
33 SIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER SECTION FIVE-A OF
34 CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY FOR A
35 CORPORATION, PERSON OR LIMITED LIABILITY COMPANY LICENSED UNDER SUCH
36 SECTION FIVE-A AND THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION
37 FUND, INC. CREATED PURSUANT TO SUCH CHAPTER OF THE LAWS OF NINETEEN
38 HUNDRED TWENTY.

39 S 6. Subdivision 4 of section 2 of the workers' compensation law is
40 amended by adding a new closing paragraph to read as follows:

41 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, AND FOR PURPOSES
42 OF THIS CHAPTER ONLY, A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT
43 LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE LAWS
44 OF NINETEEN HUNDRED TWENTY PARTICIPATING IN COMBATIVE SPORTS FOR A
45 CORPORATION, PERSON OR LIMITED LIABILITY COMPANY LICENSED UNDER SUCH
46 SECTION FIVE-A SHALL BE REGARDED AS THE "EMPLOYEE" NOT ONLY FOR SUCH
47 CORPORATION, PERSON OR LIMITED LIABILITY COMPANY, BUT SHALL INSTEAD BE
48 CONCLUSIVELY PRESUMED TO BE THE "EMPLOYEE" OF THE NEW YORK MIXED MARTIAL
49 ARTS INJURY COMPENSATION FUND, INC., AND ALSO OF ALL CORPORATIONS,
50 PERSONS OR LIMITED LIABILITY COMPANIES LICENSED OR REQUIRED TO BE
51 LICENSED UNDER SUCH SECTION FIVE-A AT THE TIME OF ANY OCCURRENCE FOR
52 WHICH BENEFITS ARE PAYABLE PURSUANT TO THIS CHAPTER IN RESPECT OF INJURY
53 OR DEATH OF SUCH SPORTS PARTICIPANT.

54 S 7. Subdivision 5 of section 2 of the workers' compensation law is
55 amended by adding a new closing paragraph to read as follows:

1 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER, AND FOR PURPOSES
2 OF THIS CHAPTER ONLY, A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT
3 LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE LAWS
4 OF NINETEEN HUNDRED TWENTY PARTICIPATING IN COMBATIVE SPORTS FOR A
5 CORPORATION, PERSON OR LIMITED LIABILITY COMPANY LICENSED UNDER SUCH
6 SECTION FIVE-A SHALL BE REGARDED AS IN THE "EMPLOYMENT" NOT SOLELY OF
7 SUCH CORPORATION, PERSON OR LIMITED LIABILITY COMPANY BUT SHALL INSTEAD
8 BE CONCLUSIVELY PRESUMED TO BE IN THE "EMPLOYMENT" OF THE NEW YORK MIXED
9 MARTIAL ARTS INJURY COMPENSATION FUND, INC. AND OF ALL SUCH CORPO-
10 RATIONS, PERSONS OR LIMITED LIABILITY COMPANIES WHO ARE LICENSED OR
11 REQUIRED TO BE LICENSED UNDER SUCH SECTION FIVE-A AT THE TIME OF ANY
12 OCCURRENCE FOR WHICH BENEFITS ARE PAYABLE PURSUANT TO THIS CHAPTER IN
13 RESPECT OF THE INJURY OR DEATH OF SUCH PROFESSIONAL COMBATIVE SPORTS
14 PARTICIPANT.

15 S 8. Section 11 of the workers' compensation law is amended by adding
16 a new closing paragraph to read as follows:

17 THE LIABILITY UNDER THIS CHAPTER OF THE NEW YORK MIXED MARTIAL ARTS
18 INJURY COMPENSATION FUND, INC. CREATED UNDER SECTION FIVE-B OF CHAPTER
19 NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY SHALL BE
20 LIMITED TO THE PROVISION OF WORKERS' COMPENSATION COVERAGE TO PROFES-
21 SIONAL COMBATIVE SPORTS PARTICIPANTS LICENSED UNDER SECTION FIVE-A OF
22 CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY AND
23 ANY STATUTORY PENALTIES RESULTING FROM THE FAILURE TO PROVIDE SUCH
24 COVERAGE.

25 S 9. Section 14-a of the workers' compensation law is amended by
26 adding a new subdivision 6 to read as follows:

27 6. WITH RESPECT TO A PROFESSIONAL COMBATIVE SPORTS PARTICIPANT
28 LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE LAWS
29 OF NINETEEN HUNDRED TWENTY WHO, PURSUANT TO SECTION TWO OF THIS CHAPTER,
30 IS AN EMPLOYEE OF A CORPORATION, PERSON OR LIMITED LIABILITY COMPANY
31 LICENSED OR REQUIRED TO BE LICENSED UNDER SUCH SECTION FIVE-A AND THE
32 NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND, INC., THE CORPO-
33 RATION, PERSON OR LIMITED LIABILITY COMPANY LICENSED FOR WHOM SUCH
34 PROFESSIONAL COMBATIVE SPORTS PARTICIPANT WAS PERFORMING SERVICES AT THE
35 TIME OF THE ACCIDENT SHALL BE SOLELY RESPONSIBLE FOR THE DOUBLE PAYMENTS
36 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION, TO THE EXTENT SUCH
37 PAYMENTS EXCEED ANY AMOUNTS OTHERWISE PAYABLE WITH RESPECT TO SUCH
38 PROFESSIONAL COMBATIVE SPORTS PARTICIPANT UNDER ANY OTHER SECTION OF
39 THIS CHAPTER, AND THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION
40 FUND, INC. SHALL HAVE NO RESPONSIBILITY FOR SUCH EXCESS PAYMENTS, UNLESS
41 THERE SHALL BE A FAILURE OF THE RESPONSIBLE CORPORATION, PERSON OR
42 LIMITED LIABILITY COMPANY TO PAY SUCH AWARD WITHIN THE TIME PROVIDED
43 UNDER THIS CHAPTER. IN THE EVENT OF SUCH FAILURE TO PAY AND THE BOARD
44 REQUIRES THE FUND TO PAY THE AWARD ON BEHALF OF SUCH CORPORATION, PERSON
45 OR LIMITED LIABILITY COMPANY WHO HAS BEEN FOUND TO HAVE VIOLATED THIS
46 SECTION, THE FUND SHALL BE ENTITLED TO AN AWARD AGAINST SUCH CORPO-
47 RATION, PERSON OR LIMITED LIABILITY COMPANY FOR THE AMOUNT SO PAID WHICH
48 SHALL BE COLLECTED IN THE SAME MANNER AS AN AWARD OF COMPENSATION.

49 S 10. The workers' compensation law is amended by adding a new section
50 18-d to read as follows:

51 S 18-D. NOTICE: THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION
52 FUND, INC. WHEREVER IN THIS CHAPTER IT SHALL BE REQUIRED THAT NOTICE BE
53 GIVEN TO AN EMPLOYER, EXCEPT FOR CLAIMS INVOLVING SECTION FOURTEEN-A OF
54 THIS ARTICLE SUCH NOTICE REQUIREMENT SHALL BE DEEMED SATISFIED BY GIVING
55 NOTICE TO THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION FUND,
56 INC., IN CONNECTION WITH AN INJURY TO A PROFESSIONAL COMBATIVE SPORTS

1 PARTICIPANT LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE HUNDRED TWELVE
2 OF THE LAWS OF NINETEEN HUNDRED TWENTY WHO, PURSUANT TO SECTION TWO OF
3 THIS CHAPTER, IS AN EMPLOYEE OF A CORPORATION, PERSON OR LIMITED LIABIL-
4 ITY COMPANY LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE HUNDRED TWENTY
5 OF THE LAWS OF NINETEEN HUNDRED TWENTY AND OF THE FUND. IN A CLAIM
6 INVOLVING SECTION FOURTEEN-A OF THIS ARTICLE SUCH REQUIRED NOTICE SHALL
7 BE GIVEN TO THE EMPLOYING CORPORATION, PERSON OR LIMITED LIABILITY
8 COMPANY OF THE FUND.

9 S 11. Section 50 of the workers' compensation law is amended by adding
10 a new subdivision 8-a to read as follows:

11 8-A. THE REQUIREMENTS OF SECTION TEN OF THIS CHAPTER REGARDING THE
12 PROVISION OF WORKERS' COMPENSATION INSURANCE AS TO CORPORATIONS, PERSONS
13 OR LIMITED LIABILITY COMPANIES LICENSED UNDER SECTION FIVE-A OF CHAPTER
14 NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY WHO ARE
15 EMPLOYERS UNDER SECTION TWO OF THIS CHAPTER ARE SATISFIED IN FULL BY
16 COMPLIANCE WITH THE REQUIREMENTS IMPOSED UPON CORPORATIONS, PERSONS OR
17 LIMITED LIABILITY COMPANIES BY SECTION FIVE-B OF CHAPTER NINE HUNDRED
18 TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY, PROVIDED THAT IN THE
19 EVENT DOUBLE COMPENSATION, DEATH BENEFITS, OR AWARDS ARE PAYABLE WITH
20 RESPECT TO AN INJURED EMPLOYEE UNDER SECTION FOURTEEN-A OF THIS CHAPTER,
21 THE CORPORATION, PERSON OR LIMITED LIABILITY COMPANY FOR WHOM THE
22 INJURED PROFESSIONAL COMBATIVE SPORTS PARTICIPANT LICENSED UNDER SECTION
23 FIVE-A OF CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED
24 TWENTY IS PERFORMING SERVICES AS A PROFESSIONAL COMBATIVE SPORTS PARTIC-
25 IPANT SO LICENSED AT THE TIME OF THE ACCIDENT SHALL BEAR THE SOLE
26 RESPONSIBILITY FOR THE AMOUNT PAYABLE PURSUANT TO SUCH SECTION FOUR-
27 TEEN-A IN EXCESS OF THE AMOUNT OTHERWISE PAYABLE UNDER THIS CHAPTER,
28 UNLESS THERE SHALL BE A FAILURE OF THE RESPONSIBLE CORPORATION, PERSON
29 OR LIMITED LIABILITY COMPANY TO PAY SUCH AWARD WITHIN THE TIME PROVIDED
30 UNDER THIS CHAPTER. IN THE EVENT OF SUCH FAILURE TO PAY AND THE BOARD
31 REQUIRES THE FUND TO PAY THE AWARD ON BEHALF OF SUCH CORPORATION, PERSON
32 OR LIMITED LIABILITY COMPANY WHO HAS BEEN FOUND TO HAVE VIOLATED SUCH
33 SECTION FOURTEEN-A, THE FUND SHALL BE ENTITLED TO AN AWARD AGAINST SUCH
34 CORPORATION, PERSON OR LIMITED LIABILITY COMPANY FOR THE AMOUNT SO PAID
35 WHICH SHALL BE COLLECTED IN THE SAME MANNER AS AN AWARD OF COMPENSATION.
36 COVERAGE DIRECTLY PROCURED BY ANY CORPORATION, PERSON OR LIMITED LIABIL-
37 ITY COMPANY FOR THE PURPOSE OF SATISFYING THE REQUIREMENTS OF THIS CHAP-
38 TER WITH RESPECT TO EMPLOYEES OF THE CORPORATION, PERSON OR LIMITED
39 LIABILITY COMPANY SHALL NOT INCLUDE COVERAGE ON ANY PROFESSIONAL COMBA-
40 TIVE SPORTS PARTICIPANT LICENSED UNDER SECTION FIVE-A OF CHAPTER NINE
41 HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY TO THE EXTENT THAT
42 SUCH PROFESSIONAL COMBATIVE SPORTS PARTICIPANT IS ALSO COVERED UNDER
43 COVERAGE PROCURED BY THE NEW YORK MIXED MARTIAL ARTS INJURY COMPENSATION
44 FUND, INC. PURSUANT TO THE REQUIREMENTS OF SECTION FIVE-B OF CHAPTER
45 NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY, AND TO THAT
46 EXTENT, COVERAGE PROCURED BY THE FUND PURSUANT TO THE REQUIREMENTS OF
47 CHAPTER NINE HUNDRED TWELVE OF THE LAWS OF NINETEEN HUNDRED TWENTY SHALL
48 BE CONSIDERED PRIMARY.

49 S 12. Subdivision 1 of section 451 of the tax law, as amended by
50 section 1 of part F of chapter 407 of the laws of 1999, is amended to
51 read as follows:

52 1. "Gross receipts from ticket sales" shall mean the total gross
53 receipts of every person from the sale of tickets to any professional or
54 amateur boxing, sparring or wrestling match or exhibition OR ANY PROFES-
55 SIONAL COMBATIVE SPORTS MATCH OR EXHIBITION held in this state, and
56 without any deduction whatsoever for commissions, brokerage, distrib-

1 ution fees, advertising or any other expenses, charges and recoupments
2 in respect thereto.

3 S 13. Section 452 of the tax law, as amended by section 2 of part F of
4 chapter 407 of the laws of 1999, is amended to read as follows:

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

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

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

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

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

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

27 S 14. This act shall take effect on the ninetieth day after it shall
28 have become a law; provided that section three of this act shall take
29 effect on the one hundred eightieth day after it shall have become a
30 law; provided, further, that this act shall expire and be deemed
31 repealed 5 years after it shall take effect; provided, however, further,
32 that effective immediately, the addition, amendment and/or repeal of any
33 rule or regulation necessary for the implementation of this act on its
34 effective date is authorized and directed to be made and completed on or
35 before such effective date.