

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 289 entitled “An act relating to professions and occupations regulated
4 by the Office of Professional Regulation” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended as follows:

7 First: By striking out Sec. 1, 3 V.S.A. § 122, in its entirety and inserting a
8 new Sec. 1 to read as follows:

9 Sec. 1. 3 V.S.A. § 122 is amended to read:

10 § 122. OFFICE OF PROFESSIONAL REGULATION

11 The Office of Professional Regulation is created within the Office of the
12 Secretary of State. The Office shall have a ~~director~~ Director who shall be
13 ~~appointed by the Secretary of State and shall be an exempt employee~~ qualified
14 by education and professional experience to perform the duties of the position.
15 The Director of the Office of Professional Regulation shall be a classified
16 position with the Secretary of State’s office. The following boards or
17 professions are attached to the Office of Professional Regulation:

18 * * *

19 (2) ~~Board of Barbers and Cosmetology~~ Cosmetologists

20 * * *

21 (6) ~~Board of Funeral Service~~

1 * * *

2 (18) ~~Board of~~ Private Investigative and Security Services

3 * * *

4 (50) Well Drillers

5 Second: By striking out Sec. 15, effective date, and inserting Secs. 15–19 to
6 read as follows:

7 * * * Mixed Martial Arts * * *

8 Sec. 15. 26 V.S.A. chapter 107 is added to read:

9 CHAPTER 107. BOXING AND MIXED MARTIAL ARTS

10 * * *

11 Subchapter 2. Mixed Martial Arts

12 § 6025. DEFINITIONS

13 As used in this subchapter:

14 (1) “Contestant” means an individual who competes in a mixed martial
15 arts match, including an exhibition. As used in this subchapter, “contestant”
16 includes both amateur and professional mixed martial arts competitors.

17 (2) “Director” means the Director of the Vermont Office of Professional
18 Regulation.

19 (3) “Event” or “mixed martial arts event” means a mixed martial arts
20 match or two or more mixed martial arts matches held at the same location on
21 the same or consecutive dates.

1 (4) “Exhibition” means an engagement in which the contestants show or
2 display their skills without necessarily striving to win.

3 (5) “Match” or “mixed martial arts match” means any occurrence in
4 which a mixed martial arts contestant competes against another mixed martial
5 arts contestant using mixed martial arts. As used in this subchapter, “match”
6 or “mixed martial arts match” includes amateur matches and exhibitions.

7 (6) “Mixed martial arts” means unarmed combat involving the use,
8 subject to any applicable limits set forth in this subchapter and in any rules
9 adopted in accordance with this subchapter, of a combination of techniques,
10 including grappling, kicking, and striking, from different disciplines of martial
11 arts. Mixed martial arts, as used in this subchapter, includes, but is not limited
12 to, kickboxing, pankration, Muay Thai, and extreme martial arts. Mixed
13 martial arts does not include boxing.

14 (7) “Office” means the Vermont Office of Professional Regulation.

15 (8) “Participant” means individuals who participate, directly or
16 indirectly, in mixed martial arts matches, including managers, referees, match
17 makers, seconds, corners, and judges. As used in this subchapter, this term
18 does not include spectators and audience members.

19 (9) “Promoter” means any person, club, corporation or association and,
20 in the case of a corporate promoter, includes any officer, director, employee or

1 stockholder thereof, who produces, arranges, or stages any mixed martial arts
2 match.

3 § 6026. JURISDICTION OF OFFICE

4 (a) The Office shall have and exercise sole discretion, management,
5 control, and supervision over all mixed martial arts events taking place within
6 the State. No mixed martial arts event shall take place within the State except
7 in accordance with the provisions of this subchapter and the rules adopted by
8 the Office.

9 (b) Every license issued under this subchapter shall be subject to the rules
10 adopted pursuant to this subchapter.

11 § 6027. DIRECTOR; POWERS; DUTIES

12 (a) In addition to the powers and duties of the Director, as established in
13 this subchapter and in 3 V.S.A. chapter 5, subchapter 3, the Director shall have
14 the following powers and duties:

15 (1) provide information to applicants for obtaining a license;

16 (2) receive applications for licenses, grant licenses to applicants
17 qualified under this subchapter and in accordance with rules adopted pursuant
18 to this subchapter, renew licenses and deny, revoke, suspend, reinstate or
19 condition licenses as directed by an Administrative Law Officer;

20 (3) administer the inspection of facilities where a mixed martial arts
21 event is to be held and the records associated with the event;

1 (4) administer fees collected under this subchapter;

2 (5) collect taxes and bonds in accordance with this subchapter and any
3 rules adopted pursuant this subchapter;

4 (6) explain appeal procedures to licensees and applicants and complaint
5 procedures to the public; and

6 (7) refer all disciplinary matters to an Administrative Law Officer.

7 (b) The Director, in consultation with the advisors appointed in accordance
8 with this subchapter, shall adopt rules necessary to perform the Director's
9 duties under this subchapter and shall establish safety standards for the
10 protection of contestants, participants, promoters, and the public. The rules
11 adopted by the Director in accordance with this subchapter shall, at a
12 minimum, include the following:

13 (1) rules for the conduct and holding of amateur and professional mixed
14 martial arts events;

15 (2) requirements and qualifications to be eligible for licenses for anyone
16 involved, indirectly or directly, in a mixed martial arts event, including
17 promoters, contestants, and participants, and to be eligible for event licenses;

18 (3) requirements for the collection, retention, and remission of bonds
19 provided by promoters as a condition of licensure or of an event permit;

1 (4) requirements for promoter reports to the Office, including reports
2 following a mixed martial arts event and for promoter payment of the event
3 tax;

4 (5) requirements for medical examinations of participants and
5 contestants to be performed prior to licensure and renewal;

6 (6) requirements for medical examinations of contestants and
7 participants before, during, and after mixed martial arts matches or events;

8 (7) exemptions for certain mixed martial arts events;

9 (8) requirements for the inspection of facilities where a mixed martial
10 arts event is to be held and of associated records; and

11 (9) all other requirements necessary for the safe conduct of mixed
12 martial arts matches and events.

13 § 6028. ADVISORS

14 (a) The Secretary of State shall appoint two individuals to serve as advisors
15 in matters related to mixed martial arts regulation. Both advisors shall be an
16 individual with at least three years' experience in mixed martial arts as a
17 promoter, participant, or contestant. The advisor appointees shall be appointed
18 for staggered five-year terms and shall serve at the pleasure of the Secretary.

19 (b) The Director shall seek the advice of the advisors appointed under this
20 section in carrying out the provisions of this chapter. The advisors shall be
21 entitled to compensation and necessary expenses in the amount provided in

1 32 V.S.A. § 1010 for attendance at any meeting called by the Director for this
2 purpose.

3 § 6029. AMATEUR EVENTS; EXEMPTION FOR SCHOOLS;

4 EXEMPTIONS

5 (a) All amateur mixed martial arts events shall be regulated by the Office in
6 accordance with this subchapter and rules adopted under this subchapter except
7 for amateur mixed martial events conducted by a school, college, or university.

8 (b) The Director may, by rules adopted in accordance with this subchapter,
9 exempt from the application of these rules mixed martial arts events in which
10 there is minimal or no contact between contestants, for which there is no
11 remuneration for participation, and for which no tickets are sold or admission
12 fees charged.

13 § 6030. CONTESTANTS; LICENSING; EXAMINATION

14 (a) Contestant license.

15 (1) No individual shall participate as a contestant in a mixed martial arts
16 event, which includes a sole match, in the State without first having obtained a
17 license from the Office.

18 (2) Every contestant licensed in accordance with this subchapter shall be
19 subject to the rules adopted by the Director.

20 (3) A fee may be assessed for a contestant license in accordance with
21 section 6033 of this subchapter.

1 (4) An individual who wants to be licensed under this subsection shall
2 apply for a contestant license in the manner specified by the Director in rules
3 adopted in accordance with this subchapter, accompanied by payment of the
4 required fee.

5 (5) Licenses shall be renewed every year on a date set by the Director in
6 rules adopted in accordance with this subchapter. Licenses shall be subject to
7 the provisions of this subchapter and to all rules adopted in accordance with
8 this subchapter.

9 (b) Medical examination; report.

10 (1) Each contestant shall be examined by a physician, who is licensed
11 under 26 V.S.A. chapter 23 or 26 V.S.A. chapter 33, at the time and in
12 accordance with rules adopted by the Director in accordance with this
13 subchapter.

14 (2) No contestant shall be granted a license or permitted to renew a
15 license without first submitting a report from a physician, who is licensed
16 under 26 V.S.A. chapter 23 or 26 V.S.A. chapter 33 and who performed an
17 examination in accordance with rules adopted under this subchapter, certifying
18 the contestant is in appropriate physical condition to engage in a mixed martial
19 arts event. Reports from an examining physician shall be submitted directly to
20 the Office by the examining physician and shall contain such information as
21 required by the Director in rules adopted in accordance with this subchapter.

1 The examining physician shall provide an assessment in the report of the
2 contestant’s physical condition to engage in a mixed martial arts match.

3 (3) No contestant shall participate in a mixed martial arts match unless:

4 (A) the contestant has been examined not more than twelve hours
5 before the match by a physician licensed under 26 V.S.A. chapter 23 or
6 26 V.S.A. chapter 33 and who performed the medical examination in
7 accordance with rules adopted under this subchapter; and

8 (B) the physician who performed the examination certifies in writing
9 to the referee of the match that the contestant is in appropriate physical
10 condition to engage in a mixed martial arts match.

11 (4) Fees for the pre-match examination shall be paid by the promoter of
12 the match. In addition to providing the certification to the referee on the day of
13 the event, the contestant shall submit the certification of the examining
14 physician to the Office within 48 hours following the mixed martial arts match
15 for which the physician provided the examination.

16 § 6031. PROMOTERS

17 (a) Promoter license.

18 (1) No person shall hold or conduct a mixed martial arts event, which
19 includes a sole match, in the State without first having obtained a license from
20 the Office.

1 (2) A person who wants to be licensed under this subsection shall apply
2 for a promoter license in the manner specified by the Director in rules adopted
3 in accordance with this subchapter, accompanied by payment of the required
4 fee.

5 (3) Licenses shall be renewed every two years on a date set by the
6 Director in rules adopted in accordance with this subchapter. Licenses shall be
7 subject to the provisions of this subchapter and to all rules adopted in
8 accordance with this subchapter.

9 (4) In addition to the bond required under this subchapter, a fee may be
10 assessed for a promoter license in accordance with section 6033 of this
11 subchapter.

12 (5) Before any promoter license is granted or renewed, the applicant
13 shall execute and file with the Office a bond to the State in the amount of
14 \$10,000.00, to be conditioned upon the faithful performance by the applicant
15 of the provisions of this subchapter and the payment of the taxes imposed
16 under this subchapter. The bond shall be in a form with sureties satisfactory to
17 the Office. No promoter license shall be renewed unless this bond has been
18 renewed and filed with the Board.

19 (b) Event license.

20 (1) No mixed martial arts event, including a sole match, shall be held by
21 any promoter licensed under this subchapter unless the promoter has obtained

1 from the Office an event license to hold the event at least two weeks prior to
2 the first day of the event. The application to the Office for an event license
3 shall be in such form, with such information, and at such place as the Office
4 may, by rules adopted in accordance with this chapter, prescribe.

5 (2) A fee may be assessed for this match or event license in accordance
6 with section 6033 of this subchapter. The Office may charge a separate event
7 license fee for each day of an event.

8 (3) No event license shall be granted to any promoter who is not
9 licensed in the State, whose license is suspended, disciplined, or revoked in
10 any state or jurisdiction, or who is delinquent in paying a tax that has been
11 assessed pursuant to section 6039 of this subchapter.

12 (4) No event license shall be granted until the Office performs an
13 inspection of the facilities where the mixed martial arts event is to be held and
14 of records associated with the event.

15 (5) No event license shall be renewed. A separate event license shall be
16 obtained for each event, including a for a sole match.

17 § 6032. PARTICIPANTS

18 (a) No individual shall participate, either directly or indirectly, as a
19 participant in a mixed martial arts event, including a sole match, in the State
20 without first having obtained a license from the Office.

1 (b) A fee may be assessed for a participant license in accordance with
2 section 6033 of this subchapter.

3 (c) Every participant licensed in accordance with this subchapter shall be
4 subject to the rules adopted by the Director.

5 (1) An individual who wants to be licensed under this section shall
6 apply for a participant license in the manner specified by the Director in rules
7 adopted in accordance with this subchapter, accompanied by payment of the
8 required fee.

9 (2) Licenses shall be renewed every two years on a date set by the
10 Director in rules adopted in accordance with this subchapter. Licensees shall
11 be subject to the provisions of this subchapter and to all rules adopted in
12 accordance with this subchapter.

13 § 6033. FEES

14 Applicants and persons regulated by this subchapter shall be subject to the
15 following fees:

16 (1) Application:

17 (A) Promoter license \$500.00

18 (B) Event license \$250.00

19 (C) Contestant license \$25.00

20 (D) Participant license \$25.00

1 § 6035. MEDICAL INSURANCE

2 (a) Promoters licensed in accordance with this subchapter shall carry
3 medical insurance covering all contestants who participate in an event,
4 including a sole match, conducted by the promoter.

5 (b) The cost of the medical insurance, including deductibles and premiums,
6 shall be borne by the promoter.

7 (c) The promoter shall obtain medical insurance coverage in an amount to
8 be determined by the Director in rules adopted in accordance with this
9 subchapter that shall cover the expenses for the treatment of any injuries the
10 contestant may suffer as a result of a mixed martial arts event.

11 (d) The medical insurance coverage shall extend for at least six months
12 following the date of the mixed martial arts event.

13 (e) No mixed martial arts event shall be approved in the State unless the
14 promoter is in full compliance with the requirements of this section concerning
15 medical insurance coverage.

16 § 6036. MEDICAL EXAM

17 The Director shall adopt rules for medical examination of contestants and
18 participants, as needed, including examinations before, during, and after a
19 match or event and as a condition of licensure under this subchapter.

1 § 6037. REFEREES

2 (a) No mixed martial arts event, including a sole match, shall take place in
3 Vermont without a referee present and overseeing the event in accordance with
4 rules adopted under this subchapter.

5 (b) The sole arbiter in the ring in a mixed martial arts match shall be the
6 referee, licensed as a participant in Vermont, who shall govern the match in
7 accordance with the rules adopted by the Director under this subchapter. The
8 referee shall have full power to stop the match whenever the referee deems it
9 advisable because of the physical condition of a contestant, when one of the
10 contestants is clearly outclassed by an opponent, or for other reasonable cause.

11 § 6038. MEDICAL ASSISTANCE AT EVENTS

12 (a) Physician. Every promoter shall have in attendance at every mixed
13 martial arts match at least one physician, who is licensed under 26 V.S.A.
14 chapter 23 or 26 V.S.A. chapter 33. The physician shall perform medical
15 examinations of the contestants not more than twelve hours before the
16 beginning of the match and shall certify in writing to the referee whether or not
17 the contestant is in appropriate physical condition to engage in a mixed martial
18 arts match.

19 (b) Ambulance. Every promoter shall have at every mixed martial arts
20 match an ambulance containing the standard medical equipment necessary to
21 treat cerebral injuries. If the ambulance leaves an event, no other mixed

1 martial arts match may commence or resume until the ambulance returns. The
2 promoter shall stop or delay a match until an ambulance is present.

3 (c) Upon the recommendation of the physician present during a mixed
4 martial arts event, a contestant shall be required to undergo an
5 ophthalmological and neurological examination after each match in accordance
6 with rules adopted under this subchapter.

7 (1) The cost of such an examination shall be borne by the promoter of
8 the event.

9 (2) The physician shall provide a certified writing of the examination
10 findings to the referee and the contestant.

11 (3) Within 48 hours after receiving the examination, the contestant shall
12 submit the physician's certified writing to the Office.

13 (4) If the physician, after an examination in accordance with this section
14 and rules adopted under this subchapter, certifies that the contestant is not in a
15 physical condition to engage in a mixed martial arts match, the contestant shall
16 not be permitted to engage in another match until a subsequent examination is
17 conducted in accordance with rules adopted under this subchapter and a
18 physician certifies that the contestant is in an appropriate physical condition to
19 engage in a mixed martial arts match. The physician providing the subsequent
20 examination does not need to be the same physician who provided the
21 examination at the mixed martial arts match.

1 § 6039. TAX; POST-EVENT REPORT BY PROMOTER

2 (a) Every promoter shall, not later than seven days after the conclusion of a
3 mixed martial arts event, submit a post-event report to the Office in accordance
4 with rules adopted pursuant to this subchapter. The report shall include the
5 exact number of tickets to the event sold, the amount of gross receipts from the
6 event, and any other facts as the Director may by rule require. The promoter
7 shall report on tickets sold to an entire event not to an individual match within
8 an event.

9 (b) Every promoter shall, not later than seven days after the conclusion of a
10 mixed martial arts event, pay to the Office by certified check a tax of five
11 percent of the gross receipts from the sale of tickets and admissions fees,
12 exclusive of any federal tax thereon. The promoter shall pay the tax on the
13 gross receipts from the entire event. This tax shall be deposited in the
14 Professional Regulation Fee Fund and used to carry out the provisions of this
15 subchapter.

16 (d) If the report required under this section and the accompanying tax are
17 not paid within the seven days required, the Office may examine, or cause to
18 be examined, the books and records of the promoter and any corporation on
19 behalf of which the promoter held the event.

20 § 6040. UNPROFESSIONAL CONDUCT

1 (a) All persons. All persons licensed under this subchapter are subject to
2 3 V.S.A. chapter 5, subchapter 3, including the unprofessional conduct items
3 established under 3 V.S.A. § 129a.

4 (b) Contestants. In addition to the items set forth in 3 V.S.A. 129a, it shall
5 be unprofessional conduct for a contestant to do any of the following:

6 (1) engage in a mixed martial arts match after a physician, licensed
7 under 26 V.S.A. chapter 23 or 26 V.S.A. chapter 33, certifies, following an
8 annual examination or an examination before, during, or within seven days
9 after a match and carried out in accordance with this subchapter and rules
10 adopted in accordance with this subchapter, that the contestant is not in a
11 physical condition to engage in a mixed martial arts match;

12 (2) engage in a mixed martial arts match when suspended or prohibited
13 from competing in a mixed martial arts match by any entity that regulates
14 mixed martial arts;

15 (3) engage in a mixed martial arts match when the contestant's license
16 to engage in mixed martial arts, as a contestant, promoter, or participant, is
17 suspended in any other state or jurisdiction;

18 (4) engage in a mixed martial arts match less than 30 days after
19 competing as a contestant in another mixed martial arts match;

1 (5) engage in a mixed martial arts match less than 60 days after having
2 been knocked out in a mixed martial arts match or less than 30 days after
3 having been technically knocked out in a mixed martial arts match; or

4 (6) any other activity as established by the Director in rules adopted in
5 accordance with this subchapter.

6 (c) Promoters. In addition to the items set forth in 3 V.S.A. 129a, it shall
7 be unprofessional conduct for a promoter to do any of the following:

8 (1) fail to submit a required report or information to the Office within
9 the time period and with the information, taxes and fees required under this
10 subchapter and in accordance with rules adopted pursuant to this subchapter;

11 (2) directly or indirectly have any financial interest in an individual
12 competing in a mixed martial arts match arranged by the promoter;

13 (3) engage a contestant who is suspended or prohibited from competing
14 in mixed martial arts matches by any state or jurisdiction to compete in a
15 match held by the promoter;

16 (4) conduct a mixed martial arts match with no ambulance present;

17 (5) conduct a mixed martial arts match with no physician present;

18 (6) conduct a mixed martial arts match without a referee present; or

19 (7) any other activity as established by the Director in rules adopted in
20 accordance with this subchapter.

1 (d) Participants. In addition to the items set forth in 3 V.S.A. 129a, it shall
2 be unprofessional conduct for a participant to do any of the following:

3 (1) for a referee, to unreasonably fail to comply with the rules adopted
4 by the Director in accordance with this chapter for the conduct of a mixed
5 martial arts match;

6 (2) for a referee, match-maker, or judge, to directly or indirectly have
7 any financial interest in a person competing in a mixed martial arts match at
8 which the referee, match-maker, or judge is acting as a judge, match-maker, or
9 referee; or

10 (3) any other activity as established by the Director in rules adopted in
11 accordance with this subchapter.

12 § 6041. INSPECTIONS

13 The Director or designee may inspect facilities, including the ring, where a
14 mixed martial arts match is to be held, before or during any match or event,
15 and the records required for each licensee and the event or match in accordance
16 with this subchapter and rules adopted pursuant to this subchapter. The
17 Director or designee may suspend an event license immediately for failure to
18 comply with this subchapter or with any rules adopted in accordance with this
19 subchapter.

1 § 6042. AGE

2 No individual under 18 years of age shall engage in a mixed martial arts
3 event, including a sole match, in which money, a prize, or purse, or other form
4 of monetary compensation is offered or given to any contestant.

5 § 6043. INJUNCTION

6 The Director may, in addition to other remedies available under law, bring
7 an action in a court of this State to enjoin a person from continuing any
8 violation of this subchapter or doing any acts in furtherance thereof and for any
9 other relief that the court deems appropriate.

10 * * * Boxing * * *

11 Sec. 16. REDESIGNATIONS; BOXING

12 (a) 31 V.S.A. chapter 21 is redesignated as 26 V.S.A. chapter 107,
13 subchapter 1.

14 (b) 31 V.S.A. §§ 1101–1113 are redesignated as 26 V.S.A. §§ 6001–6013,
15 respectively.

16 Sec. 17. CONFORMING CHANGES

17 When preparing the Vermont States Annotated for publication, the Office of
18 Legislative Counsel shall revise any cross-references to 31 V.S.A. chapter 21
19 and its sections as redesignated and codified in Sec. 16 of this act.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE