

1 (a) "Amateur" means a person who is not competing and has
2 never competed for a money prize or who is not competing and has
3 not competed with or against a professional for a prize and who
4 is required to be registered by USA boxing.

5 (b) "Commission" means the Michigan boxing commission.

6 (c) "Complainant" means a person who has filed a complaint
7 with the department alleging that a person has violated this act
8 or a rule promulgated or an order issued under this act. If a
9 complaint is made by the department, the director shall designate
10 1 or more employees of the department to act as the complainant.

11 (d) "Department" means the department of labor and economic
12 growth.

13 (e) "Director" means the director of the department or his or
14 her designee.

15 (f) "Employee of the department" means an individual employed
16 by the department or a person under contract to the department
17 whose duty it is to enforce the provisions of this act or rules
18 promulgated or orders issued under this act.

19 (g) "Fund" means the Michigan boxing fund created in section
20 22.

21 (h) "Good moral character" means good moral character as
22 determined and defined in 1974 PA 381, MCL 338.41 to 338.47.

23 Sec. 11. As used in this act:

24 (a) "Physician" means that term as defined in section 17001
25 or 17501 of the public health code, 1978 PA 368, MCL 333.17001
26 and 333.17501.

27 (b) "Professional" means a person who is competing or has

1 competed in boxing for a money prize.

2 (c) "Promoter" means any person who produces or stages any
3 professional contest or exhibition of boxing.

4 (d) "Purse" means the financial guarantee or any other
5 remuneration for which professionals are participating in a
6 contest or exhibition and includes the professional's share of
7 any payment received for radio, television, or motion picture
8 rights.

9 (e) "Respondent" means a person against whom a complaint has
10 been filed who may be a person who is or is required to be
11 licensed under this act.

12 (f) "Rule" means a rule promulgated under the administrative
13 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

14 (g) "School", "college", or "university" does not include an
15 institution formed or operated principally to provide instruction
16 in boxing and other sports.

17 Sec. 12. This act does not apply to any of the following:

18 (a) Professional or amateur wrestling.

19 (b) Amateur martial arts sports or activities.

20 (c) Contests or exhibitions conducted by or participated in
21 exclusively by an agency of the United States government or by a
22 school, college, or university or an organization composed
23 exclusively of those entities if each participant is an amateur.

24 (d) Amateur boxing regulated by the amateur sports act of
25 1978, 36 USC 371.

26 (e) Boxing elimination contests regulated by section 50.

27

CHAPTER 2

1 Sec. 20. (1) The Michigan boxing commission, consisting of
2 7 voting members, appointed by the governor with the advice and
3 consent of the senate, is created within the department. The
4 director is appointed as a nonvoting ex officio member of the
5 commission. A majority of the members appointed by the governor
6 shall be licensees under this act. Budgeting, procurement, human
7 resources, information technology, and related management
8 functions of the commission shall be performed by the
9 department.

10 (2) Except as otherwise provided in this subsection, the 7
11 members appointed by the governor shall serve a term of 4 years.
12 Of the initial members appointed under this act, the terms of 2
13 of the members shall be 4 years, the term of 2 of the members
14 shall be 2 years, and the term of 3 of the members shall be 1
15 year. The terms of members appointed by the governor are subject
16 to the pleasure of the governor.

17 (3) Five members of the commission constitute a quorum for
18 the exercise of the authority conferred upon the commission. A
19 concurrence of at least 4 of the members, or a concurrence of a
20 majority of those members who have not participated in an
21 investigation or administrative hearing regarding a matter before
22 the commission, is necessary to render a decision by the
23 commission.

24 (4) A member of the commission shall not at any time during
25 his or her service as a member promote or sponsor any contest or
26 exhibition of boxing, or combination of those events, or have any
27 financial interest in the promotion or sponsorship of those

1 contests or exhibitions. The commission shall meet not less than
2 4 times per year, and upon request and at the discretion of the
3 chair, the department shall schedule additional interim
4 meetings.

5 (5) Except as otherwise provided in section 33(8), the
6 records of the commission are subject to disclosure under the
7 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

8 (6) Meetings of the commission are subject to the open
9 meetings act, 1976 PA 267, MCL 15.261 to 15.275.

10 Sec. 21. A person who has a material financial interest in
11 any club, organization, or corporation, the main object of which
12 is the holding or giving of boxing contests or exhibitions is not
13 eligible for appointment to the commission.

14 Sec. 22. (1) The commission shall elect 1 of its members as
15 the chair of the commission. The commission may purchase and use
16 a seal. The director may promulgate rules for the administration
17 of this act but only after first consulting with the commission.
18 The commission may request the department to promulgate a rule
19 under section 38 of the administrative procedures act of 1969,
20 1969 PA 306, MCL 24.238. Notwithstanding the time limit provided
21 for in section 38 of the administrative procedures act of 1969,
22 1969 PA 306, MCL 24.238, the department shall respond in writing
23 to any request for rule promulgating by the commission within 30
24 calendar days after a request. The response shall include a
25 reason and explanation for acceptance or denial of the request.

26 (2) The department shall promulgate rules to include all of
27 the following:

1 (a) Number and qualifications of ring officials required at
2 any exhibition or contest.

3 (b) Powers, duties, and compensation of ring officials.

4 (c) Qualifications of licensees.

5 (d) License fees not otherwise provided under this act.

6 (e) Any necessary standards designed to accommodate federally
7 imposed mandates that do not directly conflict with this act.

8 (f) A list of enhancers and prohibited substances, the
9 presence of which in a contestant is grounds for suspension or
10 revocation of the license or other sanctions.

11 (3) A Michigan boxing fund is created as a revolving fund in
12 the state treasury and administered by the director. The money
13 in the fund is to be used for the costs of administration and
14 enforcement of this act or for any costs associated with the
15 administration of this act. Money remaining in the fund at the
16 end of the fiscal year and interest earned shall be carried
17 forward into the next fiscal year and shall not revert to the
18 general fund. The department shall deposit into the fund all
19 money received from the regulatory and enforcement fee, license
20 fees, event fees, and administrative fines imposed under this
21 act, and from any other source.

22 (4) Annually, the legislature shall fix the per diem
23 compensation of the members of the commission. Travel or other
24 expenses incurred by a commission member in the performance of an
25 official function shall be payable by the department pursuant to
26 the standardized travel regulations of the department of
27 management and budget.

1 (5) The commission may affiliate with any other state or
2 national boxing commission or athletic authority.

3 (6) The commission and department are vested with management,
4 control, and jurisdiction over all boxing contests or exhibitions
5 to be conducted, held, or given within the state of Michigan.
6 Except for any contests or exhibitions exempt from this act, a
7 contest or exhibition shall not be conducted, held, or given
8 within this state except in compliance with this act. Any boxing
9 or sparring contest conforming to the requirements of this act
10 and to the rules of the department is considered to be a boxing
11 contest and not a prize fight.

12 CHAPTER 3

13 Sec. 30. (1) A person shall not engage in or attempt to
14 engage in an activity regulated under this act unless the person
15 possesses a license issued by the department or unless the person
16 is exempt from licensure under this act.

17 (2) A person who violates subsection (1) is guilty of a
18 misdemeanor punishable by a fine of not more than \$500.00 or
19 imprisonment for not more than 90 days, or both.

20 (3) A person who violates subsection (1) a second or any
21 subsequent time is guilty of a misdemeanor punishable by a fine
22 of not more than \$1,000.00 or imprisonment for not more than 1
23 year, or both.

24 (4) Notwithstanding the existence and pursuit of any other
25 remedy, an affected person may maintain injunctive action in a
26 court of competent jurisdiction to restrain or prevent a person
27 from violating subsection (1). If successful in obtaining

1 injunctive relief, the affected person shall be entitled to
2 actual costs and attorney fees. As used in this subsection,
3 "affected person" means a person directly affected by the actions
4 of a person suspected of violating subsection (1) and includes,
5 but is not limited to, the commission, the department, or a
6 member of the general public.

7 (5) An investigation may be conducted by the department to
8 enforce this section. A person who violates this section is
9 subject to the strictures prescribed in this section and section
10 43.

11 (6) The remedies under this section are independent and
12 cumulative. The use of 1 remedy by a person shall not bar the
13 use of other lawful remedies by that person or the use of a
14 lawful remedy by another person.

15 Sec. 31. (1) An application for a license is a request for
16 a determination of the applicant's general suitability,
17 character, integrity, and ability to participate, engage in, or
18 be associated with boxing contests or exhibitions. The burden of
19 proof is on the applicant to establish to the satisfaction of the
20 commission and the department that the applicant is qualified to
21 receive a license.

22 (2) By filing an application, the applicant accepts the risk
23 of adverse public notice, embarrassment, criticism, financial
24 loss, or other action with respect to his or her application and
25 expressly waives any claim for damages as a result of any adverse
26 public notice, embarrassment, criticism, financial loss, or other
27 action. Any written or oral statement made by any member of the

1 commission or any witness testifying under oath that is relevant
2 to the application and investigation of the applicant is immune
3 from civil liability for libel, slander, or any other tort.

4 (3) An applicant must demonstrate good moral character. If
5 the applicant for a license is denied a license due to lack of
6 good moral character, the applicant may request an administrative
7 hearing before a hearing officer designated by the commission.
8 The commission, after the conduct of a hearing and upon receipt
9 of the written findings and proposal for decision, may approve or
10 recommend and the department may issue a license to him or her if
11 the commission determines that the applicant's background does
12 not reasonably relate to the activity or occupation for which he
13 or she seeks licensure and that the applicant has the ability at
14 the current time, and is likely, to serve the public in a fair,
15 honest, and open manner.

16 Sec. 32. A boxing contest or exhibition shall not be held
17 or conducted in this state except under a promoter's license
18 issued by the department as provided for in section 33.

19 Sec. 33. (1) An application for a promoter's license must
20 be in writing and correctly show and define the applicant.

21 (2) Before any license for a boxing contest or exhibition is
22 granted, the applicant for a promoter's license must file a bond
23 with the department in an amount fixed by the department but not
24 less than \$20,000.00, executed by the applicant as principal and
25 by a corporation qualified under the laws of this state as
26 surety, payable to the state of Michigan, and conditioned upon
27 the faithful performance by the applicant of the provisions of

1 this act. The department shall annually adjust the amount of the
2 bond based upon the Detroit consumer price index. The bond must
3 be purchased not less than 5 days before the contest or
4 exhibition and may be used to satisfy payment for the
5 professionals, costs to the department for ring officials and
6 physicians, and drug tests.

7 (3) A promoter must apply for and obtain an annual license
8 from the department in order to present a program of boxing
9 contests or exhibitions. The annual license fee is \$250.00. The
10 department shall request, and the applicant shall provide, such
11 information as it determines necessary to ascertain the financial
12 stability of the applicant.

13 (4) The promoter must pay an event fee of \$125.00.

14 (5) There is imposed a regulatory and enforcement fee upon
15 the promoter to assure the integrity of the sport, the public
16 interest, and the welfare and safety of the professionals in the
17 amount of 3% of the total gross receipts from the sale, lease, or
18 other exploitation of broadcasting, television, and motion
19 picture rights, but not to exceed \$25,000.00 per contract, for
20 events to which the following apply:

21 (a) The event is located in a venue with a seating capacity
22 of over 5,000.

23 (b) The promoter proposes to televise or broadcast the event
24 over any medium for viewing by spectators not present in the
25 venue.

26 (c) The event is designed to promote professional contests in
27 this state.

1 (6) At least 10 days before the event, the promoter shall
2 submit the contract subject to the regulatory and enforcement fee
3 to the department, stating the amount of the probable total gross
4 receipts from the sale, lease, or other exploitation of
5 broadcasting, television, and motion picture rights.

6 (7) The money derived from the regulatory and enforcement fee
7 shall be deposited into the Michigan boxing fund created in
8 section 22 and used for the purposes described in that section.

9 (8) A promoter shall, within 5 business days before a boxing
10 contest or exhibition, convey to the department an executed copy
11 of the contract relative to the boxing contest or exhibition.
12 The copy of the contract is exempt from disclosure under the
13 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246,
14 except that the department may disclose statistical information
15 on the number, types, and amounts of contracts so long as
16 information regarding identifiable individuals or categories is
17 not revealed.

18 Sec. 34. (1) The director, in consultation with the
19 commission, may promulgate rules for the application and approval
20 process for promoters. Until the rules are promulgated, the
21 applicant shall comply with the standards described in subsection
22 (2).

23 (2) The rules regarding the application process shall include
24 at least the following:

25 (a) An initial application processing fee sufficient to cover
26 the costs of processing, but not less than \$250.00.

27 (b) A requirement that background information be disclosed by

1 the applicant who is an individual or by the principal officers
2 or members and individuals having at least a 10% ownership
3 interest in the case of any other legal entity, with emphasis on
4 the applicant's business experience. This information must
5 include at least 2 years of federal income tax returns of
6 principal officers or members and individuals having at least a
7 10% ownership interest in the applicant and any financial
8 information necessary to ascertain the financial stability of
9 those persons. The department shall utilize the information
10 described in this subdivision to ascertain the financial
11 stability of the applicant.

12 (c) Information from the applicant concerning past and
13 present civil lawsuits, judgments, and filings under the
14 bankruptcy code that are not more than 7 years old.

15 (d) Any other relevant and material information considered
16 necessary by the director upon consultation with the commission.

17 (3) The department may consult with the commission on issues
18 related to the determination of an applicant's financial
19 stability and shall refer the application to the commission if
20 clear and convincing grounds for approval of the financial
21 stability aspect of the application do not exist.

22 (4) As part of the approval process for promoters, the
23 commission may require the applicant or his or her representative
24 to be present at a commission meeting in which the application is
25 considered.

26 Sec. 35. (1) The director, in consultation with the
27 commission, shall promulgate rules to provide for license fees

1 for all participants in the activities regulated by this act not
2 otherwise provided for in this act, including, but not limited
3 to, license fees for a physician, physician's assistant, nurse
4 practitioner, referee, judge, matchmaker, timekeeper,
5 professional boxer, contestant, or manager or a second of those
6 persons.

7 (2) Until those rules are promulgated, the department shall
8 charge those fees contained in section 49 of the state license
9 fee act, 1979 PA 152, MCL 338.2249, for the licenses described in
10 subsection (1).

11 CHAPTER 4

12 Sec. 40. A complaint which alleges that a person has
13 violated this act or a rule promulgated or an order issued under
14 this act shall be lodged with the department. The department of
15 attorney general, the department, the commission, or any other
16 person may file a complaint.

17 Sec. 41. (1) The department, upon receipt of a complaint,
18 immediately shall begin its investigation of the allegations of
19 the complaint and shall open a correspondence file. The
20 department shall make a written acknowledgment of the complaint
21 within 15 days after receipt of the complaint to the person
22 making the complaint. If the complaint is made by the
23 department, the director shall designate 1 or more employees of
24 the department to act as the person making the complaint.

25 (2) The department shall conduct the investigation required
26 under subsection (1). In furtherance of that investigation, the
27 department may request that the attorney general petition a court

1 of competent jurisdiction to issue a subpoena requiring a person
2 to appear before the department and be examined with reference to
3 a matter within the scope of the investigation and to produce
4 books, papers, or documents pertaining to the investigation.

5 (3) The investigative unit of the department, within 30 days
6 after the department receives the complaint, shall report to the
7 director on the status of the investigation. If, for good cause
8 shown, an investigation cannot be completed within 30 days, the
9 director may extend the time in which a report may be filed.

10 (4) If the report of the investigative unit of the department
11 does not disclose a violation of this act or a rule promulgated
12 or an order issued under this act, the complaint shall be closed
13 by the department. The reasons for closing the complaint shall
14 be forwarded to the respondent and complainant, who then may
15 provide additional information to reopen the complaint.

16 (5) If the report of the investigative unit made pursuant to
17 subsection (3) discloses evidence of a violation of this act or a
18 rule promulgated or an order issued under this act, the
19 department or the department of attorney general shall prepare
20 the appropriate action against the respondent which may be any of
21 the following:

22 (a) A formal complaint.

23 (b) A cease and desist order.

24 (c) A notice of summary suspension subject to sections 42 and
25 48(7).

26 (6) At any time during its investigation or after the
27 issuance of a formal complaint, the department may bring together

1 the complainant and the respondent for an informal conference.
2 At the informal conference, the department shall attempt to
3 resolve issues raised in the complaint and may attempt to aid the
4 parties in reaching a formal settlement or stipulation.

5 Sec. 42. (1) After an investigation has been conducted, the
6 department may issue an order summarily suspending a license
7 based on an affidavit by a person familiar with the facts set
8 forth in the affidavit, or, if appropriate, based upon an
9 affidavit on information and belief, that an imminent threat to
10 the integrity of the sport, the public interest, and the welfare
11 and safety of a professional exists. Thereafter, the proceedings
12 described in this chapter shall be promptly commenced and
13 decided.

14 (2) A person whose license has been summarily suspended
15 under this section may petition the department to dissolve the
16 order. Upon receiving a petition, the department immediately
17 shall schedule a hearing to decide whether to grant or deny the
18 requested relief.

19 (3) An administrative law hearings examiner shall grant the
20 requested relief dissolving the summary suspension order, unless
21 sufficient evidence is presented that an imminent threat to the
22 integrity of the sport, the public interest, and the welfare and
23 safety of a professional exists that requires emergency action
24 and continuation of the department's summary suspension order.

25 (4) The record created at the hearing to dissolve a summary
26 suspension order shall become part of the record on the complaint
27 at a subsequent hearing in a contested case.

1 (5) A summary suspension of a professional for refusal or
2 failure to submit to a drug test or for the presence of
3 controlled substances, enhancers, prohibited drugs, or other
4 prohibited substances, as described in section 48(7), shall
5 proceed under this section.

6 Sec. 43. (1) After an investigation has been conducted, the
7 director may order a person to cease and desist from a violation
8 of this act or a rule promulgated or an order issued under this
9 act.

10 (2) A person ordered to cease and desist may request a
11 hearing before the department if a written request for a hearing
12 is filed within 30 days after the effective date of the order.

13 (3) Upon a violation of a cease and desist order issued under
14 this act, the department of attorney general may apply to a court
15 of competent jurisdiction to restrain and enjoin, temporarily or
16 permanently, or both, a person from further violating a cease and
17 desist order.

18 Sec. 44. (1) A summary suspension order, cease and desist
19 order, or injunctive relief issued or granted in relation to a
20 license is in addition to and not in place of an informal
21 conference; criminal prosecution; or proceeding to deny, revoke,
22 or suspend a license; or any other action authorized by this
23 act.

24 (2) After an investigation has been conducted and a formal
25 complaint prepared, the department shall serve the formal
26 complaint upon the respondent and the complainant. At the same
27 time, the department shall serve the respondent with a notice

1 describing the compliance conference and hearing process and
2 offering the respondent a choice of 1 of the following
3 opportunities:

4 (a) An opportunity to meet with the department to negotiate a
5 settlement of the matter.

6 (b) If the respondent is a licensee or registrant under this
7 act, an opportunity to demonstrate compliance prior to holding a
8 contested case hearing.

9 (c) An opportunity to proceed to a contested case hearing.

10 (3) A respondent upon whom service of a formal complaint has
11 been made pursuant to this section may select, within 15 days
12 after the receipt of notice, 1 of the options described in
13 subsection (2). If a respondent does not select 1 of those
14 options within the time period described in this section, then
15 the department shall proceed to a contested case hearing as
16 described in subsection (2)(c).

17 (4) An informal conference may be attended by a member of the
18 commission, at the discretion of that commission, and may result
19 in a settlement, consent order, waiver, default, or other method
20 of settlement agreed upon by the parties and the department. A
21 settlement may include the revocation or suspension of a license;
22 censure; probation; restitution; or a penalty provided for in
23 section 48. The commission may reject a settlement and require a
24 contested case hearing.

25 (5) An employee of the department may represent the
26 department in any contested case hearing.

27 (6) This chapter does not prevent a person against whom a

1 complaint has been filed from showing compliance with this act or
2 a rule promulgated or an order promulgated or issued under this
3 act.

4 (7) If an informal conference is not held or does not result
5 in a settlement of a complaint, the department shall allow the
6 respondent an administrative hearing. A hearing under this
7 section may be attended by a member of the commission.

8 (8) The department or the department of the attorney general
9 may petition a court of competent jurisdiction to issue a
10 subpoena which shall require the person subpoenaed to appear or
11 testify or produce relevant documentary material for examination
12 at a proceeding.

13 Sec. 45. (1) At the conclusion of a hearing conducted under
14 section 44(7), the administrative law hearings examiner shall
15 submit a determination of findings of fact and conclusions of law
16 to the department and the department of the attorney general and
17 the commission, in a hearing report. The submitted hearing
18 report may recommend the penalties to be assessed as prescribed
19 in section 48.

20 (2) A copy of a hearing report shall be submitted to the
21 person who made the complaint and to the person against whom the
22 complaint was lodged.

23 (3) Within 60 days after receipt of an administrative law
24 hearings examiner's hearing report, the commission shall meet and
25 make a determination of the penalties to be assessed under
26 section 48. The commission's determination shall be made on the
27 basis of the administrative law hearings examiner's report. A

1 transcript of a hearing or a portion of the transcript shall be
2 made available to the commission upon request. If a transcript
3 or a portion of the transcript is requested, the commission's
4 determination of the penalty or penalties to be assessed under
5 section 48 shall be made at a meeting within 60 days after
6 receipt of a transcript or portion of the transcript.

7 (4) If the commission does not determine the appropriate
8 penalty or penalties to be assessed within the time limits
9 prescribed by subsection (3), the director may determine the
10 appropriate penalty and issue a final order.

11 (5) A member of the commission who has participated in an
12 investigation or administrative hearing on a complaint filed with
13 the department or who has attended an informal conference shall
14 not participate in making a final determination in a proceeding
15 on that complaint.

16 Sec. 46. (1) A person seeking a license or renewal under
17 this act may petition the department and the commission for a
18 review if that person does not receive a license or renewal.

19 (2) A petition submitted under subsection (1) shall be in
20 writing and shall set forth the reasons the petitioner feels the
21 licensure or renewal should be issued.

22 (3) In considering a petition submitted under subsection (1),
23 the department and the commission may administer an alternative
24 form of testing to the petitioner or conduct a personal interview
25 with the petitioner, or both.

26 (4) The department may issue a license or renewal if, based
27 on a review of the qualifications of the person who submitted a

1 petition under subsection (1), the department and the commission
2 determine that the person could perform the licensed activity
3 with competence.

4 (5) Notwithstanding any other provision of this act, if a
5 written grievance was lodged before the effective date of this
6 act against a person licensed under an act repealed by this act,
7 the proceedings on that grievance shall be conducted in the
8 manner prescribed in the repealed act.

9 Sec. 47. (1) The department shall initiate an action under
10 this chapter against an applicant or take any other allowable
11 action against the license of any contestant, promoter, or other
12 participant who the department determines has done any of the
13 following:

14 (a) Enters into a contract for a boxing contest or exhibition
15 in bad faith.

16 (b) Participates in any sham or fake boxing contest or
17 exhibition.

18 (c) Participates in a boxing contest or exhibition pursuant
19 to a collusive understanding or agreement in which the contestant
20 competes or terminates the boxing contest or exhibition in a
21 manner that is not based upon honest competition or the honest
22 exhibition of the skill of the contestant.

23 (d) Is determined to have failed to give his or her best
24 efforts, failed to compete honestly, or failed to give an honest
25 exhibition of his or her skills in a boxing contest or
26 exhibition.

27 (e) Is determined to have performed an act or engaged in

1 conduct that is detrimental to a boxing contest or exhibition
2 including, but not limited to, any foul or unsportsmanlike
3 conduct in connection with a boxing contest or exhibition.

4 (f) Gambles on the outcome of a boxing contest or exhibition
5 in which he or she is a contestant, promoter, matchmaker, ring
6 official, or second.

7 (g) Assaults another licensee, commission member, or
8 department employee while not involved in or while outside the
9 normal course of a boxing contest or exhibition.

10 (2) The department, in consultation with the commission,
11 shall promulgate rules to provide for both of the following:

12 (a) The timing of drug tests for contestants.

13 (b) Specific summary suspension procedures for boxing
14 contestants and participants who test positive for drugs or fail
15 to submit to a drug test, under section 48(4). The rules shall
16 include the following:

17 (i) A procedure to allow the department to place the licensee
18 upon the national suspension list.

19 (ii) An expedited appeal process for the summary suspension.

20 (iii) A relicensing procedure following summary suspension.

21 (3) An employee of the department must be present at all
22 weigh-ins, medical examinations, contests, exhibitions, and
23 matches to ensure that this act and rules are strictly enforced.

24 (4) Each promoter shall furnish each member of the commission
25 present at a boxing contest or exhibition a seat in the area
26 immediately adjacent to the boxing contest or exhibition. An
27 additional seat shall be provided in the venue.

1 (5) The commission chair, a commission member assigned by the
2 chair, or a department official designated by the commission
3 chair shall have final authority involving any conflict at a
4 contest, exhibition, or match and shall advise the chief
5 inspector in charge accordingly. In the absence of the chair, an
6 assigned member, or a department official designated by the
7 commission chair, the chief inspector in charge shall be the
8 final decision-making authority.

9 Sec. 48. (1) Upon receipt of an application for
10 reinstatement and the payment of an administrative fine
11 prescribed by the commission, the commission may reinstate a
12 revoked license or lift a suspension. If disciplinary action is
13 taken against a person under this act that does not relate to a
14 boxing contest or exhibition, the commission may, in lieu of
15 suspending or revoking a license, prescribe an administrative
16 fine not to exceed \$10,000.00. If disciplinary action is taken
17 against a person under this act that relates to the preparation
18 for a boxing contest or an exhibition, the occurrence of a boxing
19 contest or an exhibition, or any other action taken in
20 conjunction with a boxing contest or an exhibition, the
21 commission may prescribe an administrative fine in an amount not
22 to exceed 100% of the share of the purse to which the holder of
23 the license is entitled for the contest or exhibition or an
24 administrative fine not to exceed \$100,000.00 in the case of any
25 other person. This administrative fine may be imposed in
26 addition to, or in lieu of, any other disciplinary action that is
27 taken against the person by the commission.

1 (2) If an administrative fine is imposed under this section,
2 the commission may recover the costs of the proceeding, including
3 investigative costs and attorney fees. The department or the
4 attorney general may bring an action in a court of competent
5 jurisdiction to recover any administrative fines, investigative
6 and other allowable costs, and attorney fees. The filing of an
7 action to recover fines and costs does not bar the imposition of
8 other sanctions under this act.

9 (3) An employee of the department, in consultation with any
10 commission member present, may issue an order to withhold the
11 purse for 3 business days due to a violation of this act or a
12 rule promulgated under this act. During that 72-hour time
13 period, the commission may convene a special meeting to determine
14 if the action of the employee of the department was warranted.
15 If the commission determines that the action was warranted, the
16 department shall offer to hold an administrative hearing as soon
17 as practicable but within at least 7 calendar days.

18 (4) A professional or participant in a professional boxing
19 contest or exhibition shall submit to a postexhibition test of
20 body fluids to determine the presence of controlled substances,
21 prohibited substances, or enhancers. The department shall
22 promulgate rules to set requirements regarding preexhibition
23 tests of body fluids to determine the presence of controlled
24 substances, prohibited substances, or enhancers.

25 (5) The promoter is responsible for the cost of the testing
26 performed under this section.

27 (6) The director shall withhold 10% of the purse in a contest

1 or exhibition until the postcontest drug tests are available to
2 the department. If the results do not confirm or demonstrate
3 compliance with this act, the money withheld shall be deposited
4 into the fund.

5 (7) Either of the following is grounds for summary suspension
6 of the individual's license in the manner provided for in section
7 42:

8 (a) A test resulting in a finding of the presence of
9 controlled substances, enhancers, or other prohibited substances
10 as determined by rule of the commission.

11 (b) The refusal or failure of a contestant to submit to the
12 drug testing ordered by an authorized person.

13 CHAPTER 5

14 Sec. 50. (1) Boxing elimination contests in which all of
15 the following apply are exempt from this act:

16 (a) The contestants compete for prizes only in elimination
17 contests and are not also professional boxers competing in 4 or
18 more rounds of nonelimination boxing.

19 (b) Each bout is scheduled to consist of 3 or fewer 1-minute
20 rounds, with contests conducted on no more than 2 consecutive
21 calendar days.

22 (c) Competing contestants are prohibited from boxing for more
23 than 12 minutes on each contest day.

24 (d) The contestants participating in the elimination contest
25 are insured by the promoter for all medical and hospital expenses
26 to be paid to the contestants to cover injuries sustained in the
27 contest.

1 (e) A physician is in attendance at ringside and the
2 physician has authority to stop the contest for medical reasons.

3 (f) All contestants pass a physical examination given by a
4 physician, a licensed physician's assistant, or a certified nurse
5 practitioner before the contest.

6 (g) A preliminary breath test is administered to each
7 contestant which indicates a blood alcohol content of .02% or
8 less.

9 (h) The promoter conducts the elimination contest in
10 compliance with the following:

11 (i) A contestant who has lost by a technical knockout is not
12 permitted to compete again for a period of 30 calendar days or
13 until the contestant has submitted to the promoter the results of
14 a physical examination equivalent to that required of
15 professional boxers.

16 (ii) The ringside physician examines a contestant who has
17 been knocked out in an elimination contest or whose fight has
18 been stopped by the referee because he or she received hard blows
19 to the head that made him or her defenseless or incapable of
20 continuing immediately after the knockout or stoppage. The
21 ringside physician may recommend post-fight neurological
22 examinations, which may include computerized axial tomography
23 (CAT) scans or magnetic resonance imaging (MRI), to be performed
24 on the contestant immediately after the contestant leaves the
25 location of the contest. The promoter shall not permit the
26 contestant to compete until a physician has certified that the
27 contestant is fit to compete. If the physician recommended

1 further neurological examinations, the promoter shall not permit
2 the contestant to compete until the promoter receives copies of
3 examination reports demonstrating that the contestant is fit to
4 compete.

5 (iii) The promoter requires that a contestant who has
6 sustained a severe injury or knockout in an elimination contest
7 be examined by a physician. The promoter shall not permit the
8 contestant to compete until the physician has certified that the
9 contestant has fully recovered.

10 (iv) The promoter does not permit a contestant to compete in
11 an elimination contest for a period of not less than 60 days if
12 he or she has been knocked out or has received excessive hard
13 blows to the head that required the fight to be stopped.

14 (v) A contestant who has been knocked out twice in a period
15 of 3 months or who has had excessive head blows causing a fight
16 to be stopped is not permitted by a promoter to participate in an
17 elimination contest for a period of not less than 120 days from
18 the second knockout or stoppage.

19 (vi) A contestant who has been knocked out or had excessive
20 hard blows to the head causing a fight to be stopped 3 times
21 consecutively in a period of 12 months is not permitted by a
22 promoter to participate in an elimination contest for a period of
23 1 year from the third knockout.

24 (vii) Before resuming competition after any of the periods of
25 rest prescribed in subparagraphs (iv), (v), and (vi), a promoter
26 requires the contestant to produce a certification by a physician
27 stating that the contestant is fit to take part in an elimination

1 contest.

2 (2) As part of the physical examination given before the
3 boxing elimination contest, the physician, licensed physician's
4 assistant, certified nurse practitioner, or other trained person
5 shall administer a preliminary breath test in compliance with
6 standards imposed in rules promulgated by the department of state
7 police regarding equipment calibration and methods of
8 administration. The promoter shall keep a log of preliminary
9 breath test results of contestants on file at its place of
10 business for at least 3 years after the date of administration of
11 the test. These results shall be made available to law
12 enforcement officials upon request.

13 Sec. 51. (1) A physician, licensed physician's assistant,
14 certified nurse practitioner, referee, judge, matchmaker,
15 timekeeper, professional boxer, contestant, or manager, or a
16 second of those persons, shall obtain a participant license from
17 the department before participating either directly or indirectly
18 in a boxing contest or exhibition.

19 (2) An application for a participant license shall be in
20 writing, shall be verified by the applicant, and shall set forth
21 those facts requested by and conform to the rules promulgated by
22 the department.

23 (3) The department shall issue a passport with each
24 professional contestant's license.

25 (4) The commission or a member of the commission has standing
26 to contest the issuance or nonissuance of an exhibition or other
27 license by written or electronic communication to the

1 department.

2 Sec. 52. (1) A person seeking a license under this act as a
3 judge or referee may be required to satisfactorily pass an
4 examination or training program acceptable to the department.

5 (2) A person seeking a license under this act as a judge,
6 referee, or contestant shall pass a physical examination that is
7 performed by a licensed physician, a licensed physician's
8 assistant, or a certified nurse practitioner acceptable to the
9 department and the commission.

10 (3) Until the expiration of 1 year after the effective date
11 of this act, the department shall issue an equivalent license
12 without an examination to a person who is licensed in any
13 capacity under former article 8 of the occupational code, 1980
14 PA 299, on the effective date of this act upon application on a
15 form provided by the department.

16 Sec. 53. (1) In addition to the requirements of section 52,
17 a person seeking a license as a professional referee, judge, or
18 timekeeper shall referee, judge, or keep time for a minimum of
19 300 rounds of amateur competitive boxing.

20 (2) After a person has successfully completed the
21 requirements of section 51(2) and subsection (1), the department
22 may issue the person a license.

23 Sec. 54. (1) In addition to the requirements of section 53,
24 a person seeking a license as a professional judge shall score,
25 unofficially, not fewer than 200 rounds of amateur boxing. In
26 order to fulfill the requirements of this subsection, an
27 applicant shall only unofficially judge contests that are

1 approved by the commission for that purpose. An applicant shall
2 not receive compensation for judging boxing contests or
3 exhibitions under this subsection. Scorecards shall be
4 transmitted to the department and the commission for review and
5 evaluation.

6 (2) An employee authorized by the department or the
7 commission shall complete a standardized evaluation sheet for
8 each boxing contest or exhibition judged by a licensee. The
9 commission shall annually review the evaluation sheets. A
10 commission member attending a boxing contest or exhibition may
11 also submit to the department a standardized evaluation sheet.

12 Sec. 55. (1) A professional participating in a boxing
13 contest or exhibition shall be insured by the promoter for not
14 less than \$50,000.00 for medical and hospital expenses to be paid
15 to the contestant to cover injuries sustained in the contest and
16 for not less than \$50,000.00 to be paid in accordance with the
17 statutes of descent and distribution of personal property if the
18 contestant should die as a result of injuries received in a
19 boxing contest or exhibition.

20 (2) A promoter shall pay the policy premium and deductible
21 regarding any medical or hospital expenses for a contestant's
22 injuries.

23 Sec. 56. (1) A professional boxing contest or exhibition
24 shall be of not more than 10 rounds in length, except a boxing
25 contest or exhibition which involves a national or international
26 championship may last not more than 12 rounds in the
27 determination of the department. The contestants shall wear

1 during a contest gloves weighing at least 8 ounces each. Rounds
2 shall be not longer than 3 minutes, with not less than 1-minute
3 rest between rounds.

4 (2) A professional or participant in a boxing contest or
5 exhibition shall be certified to be in proper physical condition
6 by a licensed physician, a licensed physician's assistant, or a
7 certified nurse practitioner before participating in a boxing
8 contest or exhibition. The department shall designate any
9 medical test that may be required to determine if the individual
10 is in proper physical condition.

11 Sec. 57. (1) A licensed physician shall be in attendance at
12 each boxing contest or exhibition. The physician shall observe
13 the physical condition of the contestants and advise the referee
14 or judges with regard to the health of those contestants. The
15 physician shall examine each contestant before entering the
16 ring.

17 (2) The licensed physician shall file with the commission the
18 report of the physical examination of a contestant not later than
19 24 hours after termination of the boxing contest or exhibition.

20 (3) If, in the opinion of the physician, the health or safety
21 of a contestant requires that the boxing contest or exhibition in
22 which he or she is participating be terminated, the physician
23 shall notify the referee. The referee shall terminate the boxing
24 contest or exhibition.

25 Sec. 58. (1) If a contestant or participant loses
26 consciousness during or as a result of a boxing contest or
27 exhibition in which he or she participates, he or she shall not

1 again be eligible to participate in a boxing contest or
2 exhibition in this state unless examined by a physician appointed
3 by the commission and unless the physician certifies the
4 contestant's or participant's fitness to participate.

5 (2) The contestant or participant shall pay the cost of the
6 examination conducted under subsection (1).

7 CHAPTER 6

8 Sec. 60. (1) Article 8 of the occupational code, 1980
9 PA 299, MCL 339.801 to 339.814, is repealed 90 days after the
10 date this act is enacted.

11 (2) Section 49 of the state license fee act, 1979 PA 152,
12 MCL 338.2249, is repealed on the effective date of the rules
13 promulgated under sections 22(2)(d) and 35.

14 Sec. 61. Except as rescinded, rules promulgated under
15 former article 8 of the occupational code, 1980 PA 299, MCL
16 339.801 to 339.814, retain authorization under this act.

17 Sec. 62. This act takes effect 90 days after the date it is
18 enacted.

19 Sec. 63. This act does not take effect unless House Bill
20 No. 4336 of the 92nd Legislature is enacted into law.