

HOUSE No. 4444

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 4, 2024.

The committee on Economic Development and Emerging Technologies, to whom was referred the petition (accompanied by bill, House, No. 3565) of Kip A. Diggs, Sean Garballey and others that the Massachusetts Gaming Commission establish a state athletic commission to oversee boxing, kickboxing, mixed martial arts or other unarmed combative sporting events, reports recommending that the accompanying bill (House, No. 4444) ought to pass.

For the committee,

JERALD A. PARISELLA.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act establishing boxer protection.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 22 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by striking out Section 12 and inserting in place thereof the following
3 section:-

4 Section 12.(a) There will be a commission in the office of public safety and inspections
5 called the state athletic commission, made up of the commissioner of the division of
6 occupational licensure or his or her designee and 4 individuals whom the governor shall appoint.
7 These individuals will serve for a term of three years or until the governor appoints a successor.
8 At least 1 person shall have a background in the sport of boxing, and at least 1 person shall have
9 a background in the sport of mixed martial arts. Mixed martial arts shall have the same meaning
10 as defined in Section 32 of Chapter 147. The governor shall, from time to time, designate 1
11 member as the chair of the commission. A majority of the appointed members of the commission
12 shall constitute a quorum for the transaction of all office business of the commission. The
13 affirmative vote of a majority of those commissioners present at a meeting of the commission
14 constituting at least a quorum is necessary to render a decision or pass a motion.

15 (b) The commission membership of a person appointed to the commission shall be
16 considered vacant, and the governor shall appoint a successor in accordance with subsection (a)
17 should a commission member be absent, without justification, for more than 50 percent of the
18 commission's meetings during a single calendar year. The commission shall, by rule, define what
19 constitutes excused and unexcused absences.

20 (c) Each commission member shall be accountable to the governor for the proper
21 performance of their duties as a member of the commission. Any complaint or unfavorable
22 report the governor or the division receives regarding claims of improper behavior by any
23 commission member shall be the subject of an investigation by the governor. The governor may
24 remove from office any commission member for malfeasance, unethical conduct, misfeasance,
25 neglect of duty, or permanent inability to perform official duties.

26 (d) The commission shall appoint a full-time executive director to assume the role of the
27 commission's administrative and executive head. The executive director shall have a minimum of
28 5 years of experience in unarmed combative sports, as defined in Section 32 of Chapter 147, and
29 shall be a person with skill and experience in management. The executive director shall serve at
30 the pleasure of the commission and shall devote their full time and attention to the office's duties.
31 The executive director shall be responsible for administering and enforcing the provisions of the
32 law relative to the commission. The executive director may, subject to the approval of the
33 commission, employ other employees, consultants, agents, and advisors, including legal counsel,
34 and shall attend the meetings of the commission. The executive director shall receive a salary in
35 an amount fixed by the commission.

36 (e) The members of the commission shall receive their travel expenses necessarily
37 incurred in the performance of their duties. The commission may deputize 1 or more persons to
38 represent the commission and to be present at a match or exhibition held under sections 32 to 51,
39 inclusive, of chapter 147; provided, however, that such deputies shall be compensated in an
40 amount fixed by the commission for each match or exhibition attended pursuant to this section
41 and shall receive their traveling expenses necessarily incurred in the performance of their duties.

42 (f) No deputy shall be assigned to regulate any event, match, exhibition, or sparring under
43 the authority or jurisdiction of the commission, who, within the preceding twelve months, has
44 not received a commission-approved formal training, at which the laws and rules of the
45 commission and related issues have been discussed; provided, however, that such deputies shall
46 be compensated in an amount fixed by the commission for attending said commission-approved
47 formal training.

48 SECTION 2. Chapter 29 of the General Laws is hereby amended by striking out section
49 2AAAA, as so appearing, and inserting in place thereof the following section:-

50 Section 2AAAA. There shall be established and set up on the books of the
51 commonwealth a separate fund to be known as the State Athletic Commission Fund, in this
52 section referred to as the fund, to be administered by the division of occupational licensure. The
53 fund shall consist of any monies from licensing fees or other fees and fines collected under
54 sections 32 to 35, inclusive, sections 40, 40A, and 42 of chapter 147, and section 12 of chapter
55 265. The amounts credited to the fund shall be available for expenditure without further
56 appropriation by the division of occupational licensure up to an amount not to exceed \$500,000
57 each fiscal year for the costs of operating and administering the state athletic commission;

58 provided, however, that if the amount credited to the fund exceeds \$500,000, the excess amount
59 shall be deposited into the General Fund. For the purposes of accommodating discrepancies
60 between the receipt of retained revenues and related expenditures, the department may incur
61 expenses, and the comptroller may certify payment amounts not to exceed the lower of this
62 authorization or the most recent revenue estimate as reported in the state accounting system.

63 SECTION 3. Section 32 of Chapter 147 is hereby amended by adding the following
64 subsection:-

65 (f) The commission has the sole direction, management, control of, and jurisdiction over
66 all amateur combat sporting events, matches, or exhibitions conducted, held, or given within this
67 state, including jurisdiction over all forms and combinations of forms of full contact mixed
68 martial arts, boxing, and all other unarmed combative sport contests, including all events
69 involving participants 18 years of age or younger.

70 Section 4. Section 32 of Chapter 147 is further amended by striking out the words:-

71 “however, that ‘toughman’ shall not include matches or exhibitions conducted pursuant
72 to section 50A.”

73 Section 5. Section 32 of Chapter 147 is further amended by inserting after the definition
74 of “Toughman” the following section:-

75 As described in the specific provisions of the act, whether referring to a professional or
76 amateur contest or match, the terms “contest” and “match” are synonymous, may be used
77 interchangeably, include boxing, kickboxing, and martial arts exhibitions, and mean a fight,
78 prizefight, boxing contest, pugilistic contest, kickboxing contest, martial arts contest, or sparring

79 match, between two or more persons, where full contact is used or intended that may result or is
80 intended to result in physical harm to the opponent. An amateur contest or match includes a
81 contest or match where full contact is used, even if unintentionally, but does not include light
82 contact karate, tae kwon do, judo, or any other light contact martial arts as approved by the
83 commission and recognized by the International Olympic Committee as an Olympic sport.

84 Section 6. Section 35 of Chapter 147 is hereby amended by striking out the words:-

85 “No person shall be licensed under this section who is under 18 years of age, except as
86 otherwise provided in section 39.”

87 Section 7. Chapter 147 is hereby amended by striking out Section 35A, as so appearing,
88 and inserting in place thereof the following section:-

89 Section 35A. (a) This chapter applies to all amateur boxing, wrestling, and full contact
90 martial arts contests.

91 (b) Notwithstanding Section 36, the commission shall, in the conduct of all amateur
92 boxing, mixed martial arts, or other unarmed combative sporting events, sparring matches, and
93 exhibitions sanctioned by the national governing body and its local affiliate that are appointed
94 and recognized by the United States Olympic Committee for such purposes, acknowledge and
95 follow the rules and regulations of the amateur governing bodies.

96 (c) The commission may authorize one or more nonprofit boxing, mixed martial arts, or
97 other unarmed combative sports clubs, athletic associations, organizations, or sanctioning bodies,
98 upon approval of its bylaws, to administer contests, events, sparring matches, and exhibitions,
99 and may, therefore, waive direct commission application of laws and rules, including licensure,

100 subject to the commission's affirmative finding that the standards and enforcement of similar
101 rules by a club or organization meet or exceed the safety and fairness standards of the
102 commission. The commission shall review the performance of any such club, organization, or
103 sanctioning body annually, and the commission, at its discretion, may rescind previously
104 approved authorization of a nonprofit boxing, wrestling, or martial arts club, organization, or
105 sanctioning body to administer its rules for boxing, mixed martial arts, or other unarmed
106 combative sports contests, events, sparring matches, and exhibitions. The commission has the
107 right to have present without charge or restriction such representatives as are necessary to obtain
108 compliance with this section and may require any additional notices and reports it deems
109 necessary to enforce the provisions of this section.

110 (d) No amateur match that is subject to Section 32 shall be held unless it is licensed by
111 the commission and sanctioned and supervised by an amateur sanctioning organization approved
112 by the commission.

113 (e) The commission shall recognize and license, upon receipt of the classified fee to be
114 determined annually by the commissioner of administration and finance under Section 3B of
115 Chapter 7, the amateur referees, judges, and other amateur officials assigned to the amateur
116 matches or exhibitions by the amateur governing bodies and certified under their rules and
117 regulations.

118 (f) The commission shall cooperate fully with the amateur boxing governing bodies to
119 assure that amateur boxers are eligible to participate and compete for selection to the United
120 States Olympic boxing team.

121 (g) No contestant in amateur boxing shall compete in more than 2 tournaments in any 7-
122 day period, nor shall the contestant participate in more than 3 contests between noon on any day
123 and 12:30 a.m. on the following day. All amateur boxing or sparring matches or exhibitions shall
124 terminate not later than 12:30 a.m. on the day following the start of the match. (h) During a
125 contest, contestants in amateur boxing or kickboxing matches or exhibitions shall wear gloves
126 weighing at least 8 ounces each, unless otherwise authorized by the amateur boxing governing
127 body. During a contest, contestants in amateur mixed martial arts and other unarmed combative
128 sport matches or exhibitions shall wear gloves weighing at least 4 ounces each, unless otherwise
129 authorized by the amateur governing body.

130 Section 8. Chapter 147 is hereby further amended by striking out section 36, as so
131 appearing, and inserting in place thereof the following section:-

132 Section 36.(a) At every boxing, kickboxing, mixed martial arts, or other unarmed
133 combative sporting event, sparring match, or exhibition, there shall be in attendance a referee,
134 duly licensed under this section and sections 35 and 35A. There shall also be in attendance at
135 least 3 duly-licensed judges, each of whom shall, at the termination of a match or exhibition,
136 vote for the contestant in whose favor the decision should, in their opinion, be rendered, or for a
137 draw if, in their opinion, neither contestant is entitled to a decision in their favor and the decision
138 shall be rendered in favor of the contestant receiving a majority of the votes, or if neither
139 receives a majority as aforesaid, a decision of a draw shall be rendered. Upon the rendering of a
140 decision, the vote of each judge shall be announced from the ring. The referee shall have full
141 power to stop the match or exhibition whenever they deem it advisable because of the physical
142 condition of a contestant, when 1 contestant is clearly outclassed by their opponent, or for any
143 other sufficient reason. The commission shall declare forfeited any prize, remuneration, or purse

144 or any part thereof belonging to a contestant if, in the judgment of a majority of the
145 commissioners after consultation with the judges and the referee, the contestant was not
146 competing in good faith. The fees of the referee and other licensed officials shall be fixed by the
147 commission and shall be paid by the licensed organization prior to the match or exhibition.

148 (b) The commission shall set forth rules and regulations for all contracts between a
149 manager and an unarmed combatant and for contracts between a promoter and an unarmed
150 combatant. An unarmed combatant shall not enter into a contract with a manager or a promoter
151 unless the contract is filed with the commission prior to a scheduled contest in the amount of
152 time set forth by the commission. The commission shall only honor contracts that are executed
153 and notarized on a form provided by the commission unless the contract terms comply with the
154 requirements set forth by the commission.

155 (c) The commission shall have the authority and discretion to invalidate, enforce,
156 mediate, or modify all such contracts. The commission may also require that each contract
157 include language authorizing the commission to withhold any portion of the purse in the event of
158 a contractual dispute between parties regarding their entitlement to any portion of the purse.

159 (d) The commission shall be the sole arbiter of all contract disputes and shall establish
160 rules governing the manner in which contract disputes are resolved.

161 (e) Whoever violates any provisions in sections 32 to 51, inclusive, or who conducts
162 themselves at any time or place in a manner that is deemed by the commission to reflect discredit
163 to any unarmed combative sports, may have their license revoked and fined, suspended, or
164 otherwise disciplined in such manner as the commission may direct.

165 SECTION 9. Section 39 of chapter 147 of the General Laws, as so appearing, is hereby
166 further amended by inserting after the lines “no contestant under 18 years of age or who has
167 reached his thirty-fifth birthday shall be permitted to engage in a boxing, kickboxing, mixed
168 martial arts or other unarmed combative sport event, sparring match or exhibition, except that the
169 age requirement shall not apply to a world boxing champion who is still actively engaged as a
170 professional boxer, or to a former boxing champion of the world who has not been inactive as a
171 professional boxer for more than 2 years from the date of his last boxing contest; provided,
172 however, an amateur boxer shall be allowed to compete as such at the age of 16. At the
173 discretion of the commission, a professional boxer, kickboxer, mixed martial arts contestant or
174 other unarmed combative sport contestant who has reached his thirty-fifth birthday may be
175 permitted to engage in a match if the contestant has passed a physical examination or is
176 otherwise medically cleared to participate by a physician selected by the commission. At the
177 discretion of the commission, an amateur boxer who has reached his sixteenth birthday but has
178 not yet reached his eighteenth birthday may be licensed as a professional boxer” the following
179 words:-

180 “Any person, irrespective of age, may participate as a contestant in an amateur contest,
181 match, or exhibition with the approval of the commission subject to Section 32, Section 34, and
182 Section 35A.”

183 SECTION 10. Section 39 of chapter 147 of the General Laws, as so appearing, is further
184 amended by striking out the words:-

185 “The foregoing shall not apply to courses of instruction in boxing, kickboxing, mixed
186 martial arts or other unarmed combative sport sponsored and conducted by recognized boys and

187 girls clubs, youth organizations, private clubs and athletic associations, schools or colleges,
188 municipal or state park or recreational departments, law enforcement organizations or
189 incorporated, private, nonprofit boxing teams, under the supervision of qualified instructors and
190 directors.”

191 SECTION 11. Chapter 147 is hereby further amended by striking out section 39B, as so
192 appearing, and inserting in place thereof the following section:-

193 Section 39B. A person licensed under section 32 to conduct boxing, kickboxing, mixed
194 martial arts or other unarmed combative sports events, sparring matches or exhibitions, except
195 those persons to whom a special license may be granted thereunder without the requirement of a
196 bond or payment of the annual fee, shall take out a policy of accident insurance on each
197 contestant participating in the match or exhibition in an amount determined by the commission,
198 but no less than \$10,000, to compensate the person for medical and hospital expenses incurred as
199 the result of injuries received in such match or exhibition and a policy in an amount determined
200 by the commission, but no less than \$100,000, to be paid to the estate of the deceased contestant
201 in the event of death to the contestant resulting from participation in the match or exhibition. The
202 licensee shall be responsible for paying the premiums on such policies.

203 SECTION 12. Chapter 147 is hereby further amended by striking out section 50A in its
204 entirety.