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COMMITTEE REPORT

May 7, 2009

**H. 3042**

Introduced by Reps. Merrill, Parker, Huggins, H.B. Brown, Anderson, J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G.R. Smith, Millwood, Whipper and Bannister

S. Printed 5/7/09--S.

Read the first time March 3, 2009.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3042) to amend Sections 40‑81‑20, 40‑81‑50, 40‑81‑70, 40‑81‑230, 40‑81‑280, 40-81-430, and 40-81-480, Code of Laws of South Carolina, 1976, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

W. GREG RYBERG for Committee.

**A** **BILL**

TO AMEND SECTIONS 40‑81‑20, 40‑81‑50, 40‑81‑70, 40‑81‑230, 40‑81‑280, 40‑81‑430, AND 40‑81‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40‑81‑445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40‑81‑530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. A. Section 40‑81‑20(26) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“(26) ‘Promoter’ means a person, club, corporation, organization, or association which promotes, advertises, presents, conducts, holds, or gives a boxing, kickboxing, mixed martial arts, or wrestling event or exhibition in this State.”

B. Section 40‑81‑20(34) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“(34) ‘~~Ultimate fighting~~Mixed martial arts’ means an event or exhibition, or part thereof, where the contestants are compensated and allowed to use any variation or combination of combative sports or fighting skills, ~~or weapons,~~which may include, but are not limited to, boxing, wrestling, kickboxing, or martial art skills.”

SECTION 2. Section 40‑81‑50(A) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“(A) There is created the State Athletic Commission consisting of eight members appointed by the Governor with the advice and consent of the Senate to regulate boxing, kickboxing, wrestling, mixed martial arts, and other combative sports in this State. One member must be appointed from each congressional district of the State and two from the State at large. One of the at‑large appointments shall be a physician licensed and in good standing in the State. The terms of the members are for four years and until their successors are appointed and qualified. Vacancies must be filled by the Governor for the remainder of an unexpired term. The commissioners of the State Athletic Commission may not have any financial interest, direct or indirect, in the promotion, management, or result of any boxing, kickboxing, mixed martial arts, or wrestling event or exhibition.”

SECTION 3. Section 40‑81‑70(D) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“(D) The commission designee in conjunction with the department representative shall review the Association of Boxing Commissions’ National Registry or any other approved registry along with all additional appropriate information and approve or deny all pairing of contestants.”

SECTION 4. Section 40‑81‑230 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑230. The commission shall issue licenses pursuant to this chapter as follows:

(1) boxer;

(2) wrestler;

(3) manager;

(4) second;

(5) trainer;

(6) announcer;

(7) promoter;

(8) promoter’s representative;

(9) referee;

(10) judge;

(11) timekeeper;

(12) matchmaker;

(13) professional ~~kick boxer~~ kickboxer;

(14) mixed martial arts contestant.”

SECTION 5. Section 40‑81‑280 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑280. In order to be licensed as a professional ~~kick boxer~~ kickboxer or mixed martial arts contestant for an event or exhibition, an applicant:

(1) must be between the ages of ~~18 and 35~~ eighteen and thirty‑five, unless the commission by a majority vote waives this requirement as to an individual applicant over the age of ~~35~~ thirty‑five;

(2) shall submit a completed application with payment of the prescribed fee; and

(3) shall submit documentation, on a commission‑approved form, that the applicant has undergone a comprehensive physical examination by a licensed physician subsequent to his last ~~kickboxing~~ match or fifteen days before an event or exhibition in this State. The examining physician shall indicate on the approved form that the applicant is physically able to participate or compete. The comprehensive physical exam shall include a clinical, neurological, neurophysiological, and ophthalmologic examination that may include, but is not limited to, an EEG, EKG, and CAT scan by a licensed physician. If, at the time of these examinations, there is any indication of brain injury, or for any other reason the physician considers appropriate, the applicant shall undergo further neurological and neurophysiological examinations by a specialized physician including, but not limited to, a computerized tomography or medically equivalent procedure. The commission shall not issue a license to an applicant until all examinations are completed and the physician determines that the ~~kick boxer~~kickboxer is eligible to participate or compete;

(4) shall submit evidence that the applicant has been tested not more than one year before the scheduled event or exhibition and is not infected with the human immunodeficiency virus and shall show proof of immunity for Hepatitis B and Hepatitis C; and

(5) shall submit any additional documentation required by the commission.”

SECTION 6. Section 40‑81‑430 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑430. The following licensure fees must be established by the department, in conjunction with the commission, and adjusted in accordance with Section 40‑1‑50(d):

(1) promoter;

(2) promoter’s representative;

(3) referee;

(4) manager;

(5) wrestler;

(6) matchmaker;

(7) boxer;

(8) ~~kick boxer~~ kickboxer;

(9) trainer;

(10) second;

(11) timekeeper;

(12) announcer;

(13) judge;

(14) event permit for boxing;

(15) event permit for wrestling;

(16) mixed martial arts contestant and event.”

SECTION 7. Section 40‑81‑480 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

“Section 40‑81‑480. Events or exhibitions ~~involving more than one of the combative sports or~~in which weapons are used are unlawful in this State. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished in accordance with the provisions of Section 40‑81‑200.”

SECTION 8. Chapter 81, Title 40 of the 1976 Code is amended by adding:

“Section 40‑81‑445. The department and commission shall require that mixed martial arts events comply with the rules of a recognized professional organization or sanctioning body recognized by the commission except where those rules conflict with the laws of this State in which case the laws of this State shall apply.”

SECTION 9. Section 40‑81‑530 of the 1976 Code is repealed.

SECTION 10. This act takes effect upon approval by the Governor.

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