

1 SB150
2 197227-1
3 By Senator Allen
4 RFD: Healthcare
5 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, the Alabama Athletic
9 Commission is responsible for regulating boxing,
10 wrestling, and mixed martial arts pursuant to the
11 Alabama Boxing, Wrestling, and Mixed Martial Arts
12 Act.

13 This bill would revise the membership of the
14 medical advisory panel to provide for two licensed
15 sports medicine physicians.

16 This bill would provide further for the drug
17 testing of competitors.

18 This bill would also authorize the
19 commission to issue a temporary license to any
20 applicant who applies for a license less than 30
21 days before participating in a scheduled,
22 sanctioned event.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Sections 41-9-1023, 41-9-1027, and
2 41-9-1030, Code of Alabama 1975, relating to the Alabama
3 Boxing, Wrestling, and Mixed Martial Arts Act and the Alabama
4 Athletic Commission; to revise the membership of the medical
5 advisory panel; to provide further for the drug testing of
6 competitors; and to authorize the commission to issue a
7 temporary license to any applicant who applies for a license
8 less than 30 days before participating in a scheduled,
9 sanctioned event.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Sections 41-9-1023, 41-9-1027, and
12 41-9-1030 of the Code of Alabama 1975, are amended to read as
13 follows:

14 "§41-9-1023.

15 "(a) There is created the Alabama Athletic
16 Commission composed of six members.

17 "(b) (1) The membership of the commission shall be
18 inclusive and reflect the racial, gender, geographic,
19 urban/rural, and economic diversity of the state. The six
20 initial members shall be as follows:

21 "a. Two members appointed by the Governor.

22 "b. One member appointed by the Alabama Athlete
23 Agents Commission.

24 "c. One member appointed by the Speaker of the House
25 of Representatives.

26 "d. One member appointed by the President of the
27 Senate.

1 "e. One member appointed by the President Pro
2 Tempore of the Senate.

3 "(2) Initial appointments by the Governor shall be
4 for one and three years, the initial appointment by the
5 Speaker of the House of Representatives shall be for four
6 years, the initial appointment of the President of the Senate
7 shall be for two years, and the initial appointment of the
8 President Pro Tempore of the Senate shall be for one year. The
9 initial appointment by the commission shall be for four years.
10 All subsequent appointments shall be for terms of four years.
11 Vacancies shall be filled for the unexpired terms under the
12 same procedures and requirements as appointments for full
13 terms. Each member of the commission shall be a citizen of
14 this state and no two members shall be from the same
15 congressional district at the time of appointment.

16 "(c) The commission shall elect a chair from among
17 its membership for a term of one year. While serving as chair,
18 a member may not vote on any matter coming before the
19 commission. The commission may elect a vice chair from its
20 membership for a term of one year. Any member serving as chair
21 shall be eligible for successive election to the office by the
22 commission. The chair may designate another member of the
23 commission to perform the duties of chair in his or her
24 absence. The commission may employ an executive director to
25 manage the day-to-day operations of the commission within the
26 available funds of the commission.

1 "(d) A medical advisory panel of the commission
2 shall be appointed by the Governor and shall consist of four
3 persons licensed to practice medicine in this state, with one
4 member each representing the specialties of ~~neurology,~~
5 ophthalmology, ~~sports medicine,~~ and general medicine and two
6 members representing the specialty of sports medicine. The
7 medical advisory panel shall advise and assist the commission
8 and its staff regarding issues and questions concerning the
9 medical safety of professional boxers, tough man contestants,
10 professional wrestlers, amateur mixed martial arts
11 competitors, and professional mixed martial arts competitors
12 including, but not limited to, matters relating to medical
13 suspensions. The medical advisory panel may meet separately
14 from the commission to discuss and formulate recommendations
15 for the commission in connection with medical safety. Members
16 of the medical advisory panel shall not be counted in
17 determining a quorum of the commission and shall not vote as
18 commission members.

19 "(e) Each member of the commission and the medical
20 advisory panel shall be reimbursed for expenses and travel as
21 provided for public officials of this state.

22 "§41-9-1027.

23 "(a) The commission shall adopt rules ~~and~~
24 ~~regulations~~ governing professional boxing, tough man contests,
25 amateur mixed martial arts, and professional mixed martial
26 arts to establish the following:

1 "(1) Procedures to evaluate the professional records
2 and physician certifications of each boxer participating in a
3 match, contest, or exhibition of professional boxing, tough
4 man contests, amateur mixed martial arts, and professional
5 mixed martial arts and to deny authorization for a
6 professional boxer, tough man contestant, amateur mixed
7 martial arts competitor, or professional mixed martial arts
8 competitor to fight where appropriate.

9 "(2) Procedures to ensure that, except as otherwise
10 provided in subsection (c) of Section 41-9-1032, no
11 professional boxer, amateur mixed martial arts competitor, or
12 professional mixed martial arts competitor shall be permitted
13 to participate while under suspension from any state boxing or
14 athletic commission because of any of the following:

15 "a. A recent knockout, technical knockout, or series
16 of consecutive losses.

17 "b. An injury, requirement for a medical procedure,
18 or physician's denial of certification.

19 "c. Failure of a drug test.

20 "d. The use of false aliases or falsifying official
21 identification cards or document.

22 "e. Other reasons as determined by the commission.

23 "(3) Procedures to report to the boxing registry the
24 results of all professional matches, contests, or exhibitions
25 of boxing held in this state or being supervised by the
26 commission and any related suspensions.

1 "(b) (1) Drug tests, as provided in paragraph c. of
2 subdivision (2) of subsection (a), shall be conducted in
3 accordance with the most recent list of prohibited substances
4 and pursuant to the methods outlined by the World Anti-Doping
5 Agency. Drug tests shall include both in-competition testing
6 and out-of-competition testing, as applicable.

7 "(2) To affirm or disprove the presence of
8 a prohibited substance detected in the primary specimen
9 sample, a competitor who is accused of violating the drug
10 testing policy shall be given the option of having a secondary
11 specimen sample, collected at the same time as the primary
12 specimen sample, if available, tested.

13 "(3) A violation of the drug testing policy shall
14 constitute a civil violation punishable pursuant to guidelines
15 provided in Section 41-9-1034, by a suspension of licensure
16 and a civil fine not to exceed twenty-five thousand dollars
17 (\$25,000), together with a percentage of the purse not to
18 exceed 15 percent, for each violation.

19 "(4) The Administrative Procedure Act shall govern
20 all matters and procedures respecting the hearing and judicial
21 overview of any contested case.

22 "§41-9-1030.

23 "(a) Prior to participating in a match, contest, or
24 exhibition of professional boxing, professional wrestling,
25 amateur mixed martial arts, or professional mixed martial arts
26 supervised by the commission, referees, judges, timekeepers,
27 matchmakers, boxers, wrestlers, mixed martial arts

1 competitors, managers, trainers, and each person who assists a
2 boxer, wrestler, or mixed martial arts competitor immediately
3 before and after a match, contest, or exhibition of boxing,
4 wrestling, or mixed martial arts and between rounds during a
5 match, contest, or exhibition of boxing, wrestling, or mixed
6 martial arts shall be required by the commission to apply for
7 and be issued a license. Licenses shall be issued annually and
8 shall expire on December 31 of each calendar year. Each
9 applicant shall make application on a form provided by the
10 commission and pay an annual license fee not to exceed two
11 hundred fifty dollars (\$250). The commission may issue a
12 temporary license to any applicant who applies for a license
13 less than 30 days before participating in a scheduled,
14 sanctioned event.

15 "(b) The nonrefundable initial licensing fee and
16 annual renewal fee for a professional wrestling sanctioning
17 organization may not exceed one thousand dollars (\$1,000).

18 "(c) The commission shall issue a license under this
19 section only if:

20 "(1) The commission has determined to the best of
21 its ability that the applicant has the training or skills
22 necessary to perform in a manner appropriate to the license.

23 "(2) The applicant has complied with all applicable
24 requirements of this article and any rules ~~and regulations~~
25 ~~promulgated~~ adopted pursuant to this article.

26 "(3) The commission or its designated representative
27 has determined from information provided by the applicant and

1 from any medical evaluation required by the commission that
2 the health, welfare, and physical safety of the applicant will
3 not be unduly jeopardized by the issuance of the license.

4 "(4) The applicant is a citizen of the United States
5 or, if not a citizen of the United States, a person who is
6 legally present in the United States with appropriate
7 documentation from the federal government."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.