

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 4479

(SENATE AUTHORS: DUCKWORTH)

DATE
04/07/2022

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Introduction and first reading
Referred to Labor and Industry Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to combative sports; modifying regulation and licensing provisions;
1.3 amending Minnesota Statutes 2020, sections 341.21, subdivision 7; 341.221;
1.4 341.25; 341.28; 341.30, subdivision 4; 341.32, subdivision 2; 341.321; 341.33;
1.5 341.355; proposing coding for new law in Minnesota Statutes, chapter 341.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 341.21, subdivision 7, is amended to read:

1.8 Subd. 7. **Tough person contest.** "Tough person contest," including contests marketed
1.9 as tough man or tough woman contests, means a ~~contest of two-minute rounds consisting~~
1.10 ~~of not more than four rounds between two or more individuals who use their hands, or their~~
1.11 ~~feet, or both in any manner. Tough person contest includes kickboxing and other recognized~~
1.12 ~~martial art contest.~~ boxing match or similar contest where each combatant wears headgear
1.13 and gloves that weigh at least 12 ounces.

1.14 Sec. 2. Minnesota Statutes 2020, section 341.221, is amended to read:

1.15 **341.221 ADVISORY COUNCIL.**

1.16 (a) The commissioner must appoint a Combative Sports Advisory Council to advise the
1.17 commissioner on the administration of duties under this chapter.

1.18 (b) The council shall have ~~nine~~ five members appointed by the commissioner. ~~One~~
1.19 ~~member must be a retired judge of the Minnesota District Court, Minnesota Court of Appeals,~~
1.20 ~~Minnesota Supreme Court, the United States District Court for the District of Minnesota,~~
1.21 ~~or the Eighth Circuit Court of Appeals. At least four~~ All five members must have knowledge
1.22 of the boxing combative sports industry. ~~At least four members must have knowledge of~~

2.1 ~~the mixed martial arts industry.~~ The commissioner shall make serious efforts to appoint
2.2 qualified women to serve on the council.

2.3 ~~(c) Council members shall serve terms of four years with the terms ending on the first~~
2.4 ~~Monday in January.~~

2.5 ~~(d)~~ (c) The council shall annually elect from its membership a chair.

2.6 ~~(e)~~ (d) Meetings shall be convened by the commissioner, or by the chair with the approval
2.7 of the commissioner.

2.8 ~~(f) The commissioner shall designate two of the members to serve until the first Monday~~
2.9 ~~in January 2013; two members to serve until the first Monday in January 2014; two members~~
2.10 ~~to serve until the first Monday in January 2015; and three members to serve until the first~~
2.11 ~~Monday in January 2016.~~

2.12 (e) Appointments to the council and the terms of council members shall be governed by
2.13 sections 15.059 and 15.0597.

2.14 ~~(g)~~ (f) Removal of members, filling of vacancies, and compensation of members shall
2.15 be as provided in section 15.059.

2.16 (g) Meetings convened for the purpose of advising the commissioner on issues related
2.17 to a challenge filed under section 341.345 are exempt from the open meeting requirements
2.18 of chapter 13D.

2.19 Sec. 3. Minnesota Statutes 2020, section 341.25, is amended to read:

2.20 **341.25 RULES.**

2.21 (a) The commissioner may adopt rules that include standards for the physical examination
2.22 and condition of combatants and referees.

2.23 (b) The commissioner may adopt other rules necessary to carry out the purposes of this
2.24 chapter, including, but not limited to, the conduct of all combative sport contests and their
2.25 manner, supervision, time, and place.

2.26 (c) The commissioner must adopt unified rules for mixed martial arts contests.

2.27 (d) The commissioner may adopt the rules of the Association of Boxing Commissions,
2.28 with amendments.

2.29 (e) The most recent version of the Unified Rules of Mixed Martial Arts, as promulgated
2.30 by the Association of Boxing Commissions and amended August 2, 2016, are incorporated
2.31 by reference and made a part of this chapter except as qualified by this chapter and Minnesota

3.1 Rules, chapter 2202. In the event of a conflict between this chapter and the Unified Rules,
3.2 this chapter must govern.

3.3 (f) The most recent version of the Unified Rules of Boxing, as promulgated by the
3.4 Association of Boxing Commissions, are incorporated by reference and made a part of this
3.5 chapter except as modified by this chapter and Minnesota Rules, chapter 2201. In the event
3.6 of a conflict between this chapter and the Unified Rules, this chapter must govern.

3.7 Sec. 4. Minnesota Statutes 2020, section 341.28, is amended to read:

3.8 **341.28 REGULATION OF COMBATIVE SPORT CONTESTS.**

3.9 Subdivision 1. **Regulatory authority; combative sports.** All combative sport contests
3.10 within this state must be conducted according to the requirements of this chapter.

3.11 Subd. 1a. **Regulatory authority; professional boxing contests.** All professional boxing
3.12 contests are subject to this chapter. Every combatant in a boxing contest shall wear padded
3.13 gloves that weigh at least eight ounces. Officials at all boxing contests must be licensed
3.14 under this chapter.

3.15 Subd. 2. **Regulatory authority; tough person contests.** All professional and amateur
3.16 tough person contests are subject to this chapter. All tough person contests are subject to
3.17 ~~Association of Boxing Commissions rules~~ the most recent version of the Unified Rules of
3.18 Boxing, as promulgated by the Association of Boxing Commissions. Every contestant in a
3.19 tough person contest shall have a physical examination prior to their bouts. Every contestant
3.20 in a tough person contest shall wear headgear and padded gloves that weigh at least 12
3.21 ounces. ~~All tough person bouts are limited to two-minute rounds and a maximum of four~~
3.22 ~~total rounds.~~ Officials at all tough person contests shall be licensed under this chapter.

3.23 Subd. 3. **Regulatory authority; mixed martial arts contests; similar sporting**
3.24 **events.** All professional and amateur mixed martial arts contests, ~~martial arts contests except~~
3.25 ~~amateur contests regulated by the Minnesota State High School League (MSHSL), recognized~~
3.26 ~~martial arts studios and schools in Minnesota, and recognized national martial arts~~
3.27 ~~organizations holding contests between students, ultimate fight contests, and similar sporting~~
3.28 ~~events~~ are subject to this chapter and all officials at these events must be licensed under this
3.29 chapter.

3.30 Subd. 4. **Regulatory authority; martial arts and amateur boxing.** (a) Unless this
3.31 chapter specifically states otherwise, contests or exhibitions for martial arts and amateur
3.32 boxing are exempt from the requirements of this chapter and officials at these events are
3.33 not required to be licensed under this chapter.

4.1 (b) All martial arts and amateur boxing contests must be regulated by the Thai Boxing
 4.2 Association, International Sports Karate Association, World Kickboxing Association, United
 4.3 States Muay Thai Association, United States Muay Thai Federation, World Association of
 4.4 Kickboxing Organizations, International Kickboxing Federation, USA Boxing, or an
 4.5 organization that governs interscholastic athletics under subdivision 5.

4.6 (c) Any regulatory body overseeing a martial arts or amateur boxing event must submit
 4.7 bout results to the commissioner within 72 hours after the event. If the regulatory body
 4.8 issues suspensions, it must submit to the commissioner, within 72 hours after the event, a
 4.9 list of any suspensions resulting from the event.

4.10 Subd. 5. **Regulatory authority; certain students.** Combative sport contests regulated
 4.11 by the Minnesota State High School League, National Collegiate Athletic Association,
 4.12 National Junior Collegiate Athletic Association, National Association of Intercollegiate
 4.13 Athletics, or any similar organization that governs interscholastic athletics are not subject
 4.14 to this chapter and officials at these events are not required to be licensed under this chapter.

4.15 Sec. 5. Minnesota Statutes 2020, section 341.30, subdivision 4, is amended to read:

4.16 Subd. 4. **Prelicensure requirements.** (a) Before the commissioner issues a promoter's
 4.17 license to an individual, corporation, or other business entity, the applicant shall, ~~a minimum~~
 4.18 ~~of six weeks before the combative sport contest is scheduled to occur,~~ complete a licensing
 4.19 application on the Office of Combative Sports website or on forms ~~furnished or approved~~
 4.20 prescribed by the commissioner and shall:

4.21 ~~(1) provide the commissioner with a copy of any agreement between a combatant and~~
 4.22 ~~the applicant that binds the applicant to pay the combatant a certain fixed fee or percentage~~
 4.23 ~~of the gate receipts;~~

4.24 ~~(2)~~ (1) show on the licensing application the owner or owners of the applicant entity and
 4.25 the percentage of interest held by each owner holding a 25 percent or more interest in the
 4.26 applicant;

4.27 ~~(3)~~ (2) provide the commissioner with a copy of the latest financial statement of the
 4.28 applicant;

4.29 ~~(4) provide the commissioner with a copy or other proof acceptable to the commissioner~~
 4.30 ~~of the insurance contract or policy required by this chapter;~~

4.31 ~~(5)~~ (3) provide proof, where applicable, of authorization to do business in the state of
 4.32 Minnesota; and

5.1 ~~(6)~~ (4) deposit with the commissioner a ~~cash bond or~~ surety bond in an amount set by
5.2 the commissioner, which must not be less than \$10,000. The bond shall be executed in favor
5.3 of this state and shall be conditioned on the faithful performance by the promoter of the
5.4 promoter's obligations under this chapter and the rules adopted under it.

5.5 (b) Before the commissioner issues a license to a combatant, the applicant shall:

5.6 (1) ~~submit to the commissioner the results of a current medical examination~~ examinations
5.7 ~~on forms furnished or approved~~ prescribed by the commissioner. ~~The medical examination~~
5.8 ~~must include an ophthalmological and neurological examination, and documentation of test~~
5.9 ~~results for HBV, HCV, and HIV, and any other blood test as the commissioner by rule may~~
5.10 ~~require. The ophthalmological examination must be designed to detect any retinal defects~~
5.11 ~~or other damage or condition of the eye that could be aggravated by combative sports. The~~
5.12 ~~neurological examination must include an electroencephalogram or medically superior test~~
5.13 ~~if the combatant has been knocked unconscious in a previous contest. The commissioner~~
5.14 ~~may also order an electroencephalogram or other appropriate neurological or physical~~
5.15 ~~examination before any contest if it determines that the examination is desirable to protect~~
5.16 ~~the health of the combatant. The commissioner shall not issue a license to an applicant~~
5.17 ~~submitting positive test results for HBV, HCV, or HIV; that state that the combatant is~~
5.18 cleared to participate in a combative sport contest. The applicant must undergo and submit
5.19 the results of the following medical examinations, which do not exempt a combatant from
5.20 the requirements set forth in section 341.33:

5.21 (i) a physical examination performed by a licensed medical doctor, doctor of osteopathic
5.22 medicine, advance practice nurse practitioner, or a physician assistant. Physical examinations
5.23 are valid for one year from the date of the exam;

5.24 (ii) an ophthalmological examination performed by an ophthalmologist or optometrist
5.25 that includes dilation designed to detect any retinal defects or other damage or a condition
5.26 of the eye that could be aggravated by combative sports. Ophthalmological examinations
5.27 are valid for one year from the date of the exam;

5.28 (iii) blood work results for HBsAg (Hepatitis B surface antigen), HCV (Hepatitis C
5.29 antibody), and HIV. Blood work results are good for one year from the date blood was
5.30 drawn. The commissioner shall not issue a license to an applicant submitting positive test
5.31 results for HBsAg, HCV, or HIV; and

5.32 (iv) other appropriate neurological or physical examinations before any contest, if the
5.33 commissioner determines that the examination is desirable to protect the health of the
5.34 combatant.

6.1 (2) complete a licensing application on the Office of Combative Sports website or on
6.2 forms furnished or approved by the commissioner; and

6.3 (3) provide proof that the applicant is 18 years of age. Acceptable proof is a photo driver's
6.4 license, state photo identification card, passport, or birth certificate combined with additional
6.5 photo identification.

6.6 (c) Before the commissioner issues a license to a referee, judge, or timekeeper, the
6.7 applicant must submit proof of qualifications that may include certified training from the
6.8 Association of Boxing Commissions, licensure with other regulatory bodies, three
6.9 professional references, or a log of bouts worked.

6.10 (d) Before the commissioner issues a license to a ringside physician, the applicant must
6.11 submit proof that they are licensed to practice medicine in the state of Minnesota and in
6.12 good standing.

6.13 Sec. 6. Minnesota Statutes 2020, section 341.32, subdivision 2, is amended to read:

6.14 Subd. 2. **Expiration and application.** Licenses expire annually on ~~December 31~~ June
6.15 30. A license may be applied for each year by filing an application for licensure and satisfying
6.16 all licensure requirements established in section 341.30, and submitting payment of the
6.17 license fees established in section 341.321. An application for a license and renewal of a
6.18 license must be on a form provided by the commissioner. Any license received or renewed
6.19 in the year 2022 shall be valid until June 30, 2023.

6.20 Sec. 7. Minnesota Statutes 2020, section 341.321, is amended to read:

6.21 **341.321 FEE SCHEDULE.**

6.22 (a) The fee schedule for professional and amateur licenses issued by the commissioner
6.23 is as follows:

6.24 (1) referees, \$25;

6.25 (2) promoters, \$700;

6.26 (3) judges and knockdown judges, \$25;

6.27 (4) trainers and seconds, \$80;

6.28 (5) timekeepers, \$25;

6.29 (6) professional combatants, \$70;

6.30 (7) amateur combatants, \$50; and

7.1 (8) ringside physicians, \$25.

7.2 ~~License fees for promoters are due at least six weeks prior to the combative sport contest.~~
 7.3 All ~~other~~ license fees shall be paid no later than the weigh-in prior to the contest. No license
 7.4 may be issued until all precicensure requirements outlined in section 341.30 are satisfied
 7.5 and fees are paid.

7.6 ~~(b) The commissioner shall establish a contest fee for each combative sport contest and~~
 7.7 ~~shall consider the size and type of venue when establishing a contest fee. The~~ A promoter
 7.8 or event organizer of an event regulated by the Department of Labor and Industry must pay,
 7.9 per event, a combative sport contest fee is of \$1,500 per event or not more than four percent
 7.10 of the gross ticket sales, whichever is greater, as determined by the commissioner when the
 7.11 combative sport contest is scheduled. The fee must be paid as follows:

7.12 ~~(c) A professional or amateur combative sport contest fee is nonrefundable and shall be~~
 7.13 ~~paid as follows:~~

7.14 (1) \$500 at the time is due when the combative sport contest is scheduled; ~~and~~

7.15 (2) \$1,000 is due at the weigh-in prior to the contest;

7.16 (3) if four percent of the gross ticket sales is greater than \$1,500, the balance is due to
 7.17 the commissioner within 14 days of the completed contest; and

7.18 (4) the face value of all complimentary tickets distributed for an event, to the extent they
 7.19 exceed 15 percent of total event attendance, count toward gross tickets sales for the purposes
 7.20 of determining a combative sport contest fee.

7.21 ~~If four percent of the gross ticket sales is greater than \$1,500, the balance is due to the~~
 7.22 ~~commissioner within seven days of the completed contest.~~

7.23 ~~(d) The commissioner may establish the maximum number of complimentary tickets~~
 7.24 ~~allowed for each event by rule.~~

7.25 ~~(e)~~ (c) All fees and penalties collected by the commissioner must be deposited in the
 7.26 commissioner account in the special revenue fund.

7.27 **Sec. 8. [341.322] PAYMENT SCHEDULE.**

7.28 The commissioner may establish a schedule of fees to be paid by a promoter to referees,
 7.29 judges and knockdown judges, timekeepers, and ringside physicians.

8.1 Sec. 9. **[341.323] EVENT APPROVAL.**

8.2 **Subdivision 1. Preapproval documentation.** Before the commissioner approves a
8.3 combative sport contest, the promoter shall:

8.4 (1) provide the commissioner, at least six weeks before the combative sport contest is
8.5 scheduled to occur, information about the time, date, and location of the contest;

8.6 (2) provide the commissioner, at least 72 hours before the combative sport contest is
8.7 scheduled to occur, with a copy of any agreement between a combatant and the promoter
8.8 that binds the promoter to pay the combatant a certain fixed fee or percentage of the gate
8.9 receipts;

8.10 (3) provide the commissioner, at least 72 hours before the combative sport contest is
8.11 scheduled to occur, with a copy or other proof acceptable to the commissioner of the
8.12 insurance contract or policy required by this chapter; and

8.13 (4) provide the commissioner, at least 72 hours before the combative sport contest is
8.14 scheduled to occur, proof acceptable to the commissioner that the promoter will provide,
8.15 at the cost of the promoter, at least one uniformed security guard or uniformed off-duty
8.16 member of law enforcement to provide security at any event regulated by the Department
8.17 of Labor and Industry. The commissioner may require a promoter to take additional security
8.18 measures to ensure the safety of participants and spectators at an event.

8.19 **Subd. 2. Proper licensure.** Before the commissioner approves a combative sport contest,
8.20 the commissioner must ensure that the promoter is properly licensed under this chapter.
8.21 The promoter must maintain proper licensure from the time the promoter schedules a
8.22 combative sport contest through the date of the contest.

8.23 **Subd. 3. Discretion.** Nothing in this section limits the commissioner's discretion in
8.24 deciding whether to approve a combative sport contest or event.

8.25 Sec. 10. **[341.324] AMBULANCE.**

8.26 A promoter must ensure, at the cost of the promoter, that an ambulance and two
8.27 emergency medical technicians are on the premises during a combative sport contest.

8.28 Sec. 11. Minnesota Statutes 2020, section 341.33, is amended to read:

8.29 **341.33 PHYSICAL EXAMINATION REQUIRED; FEES.**

8.30 **Subdivision 1. Examination by physician.** All combatants must be examined by a
8.31 **physician licensed by this state within 36 hours before entering the ring, and the examining**

9.1 physician shall immediately file with the commissioner a written report of the examination.
 9.2 Each female combatant shall take and submit a negative pregnancy test as part of the
 9.3 examination. The physician's examination may report on the condition of the combatant's
 9.4 heart and general physical and general neurological condition. The physician's report may
 9.5 record the condition of the combatant's nervous system and brain as required by the
 9.6 commissioner. The physician may prohibit the combatant from entering the ring if, in the
 9.7 physician's professional opinion, it is in the best interest of the combatant's health. The cost
 9.8 of the examination is payable by the promoter conducting the contest or exhibition.

9.9 Subd. 2. **Attendance of physician.** A promoter holding or sponsoring a combative sport
 9.10 contest shall have in attendance a physician licensed by ~~this~~ the state of Minnesota. ~~The~~
 9.11 ~~commissioner may establish a schedule of fees to be paid to each attending physician by~~
 9.12 ~~the promoter holding or sponsoring the contest.~~

9.13 Sec. 12. **[341.345] CHALLENGING THE OUTCOME OF A COMBATIVE SPORT**
 9.14 **CONTEST.**

9.15 Subdivision 1. Challenge. (a) If a combatant disagrees with the outcome of a combative
 9.16 sport contest regulated by the Department of Labor and Industry in which the combatant
 9.17 participated, the combatant may challenge the outcome.

9.18 (b) If a third party makes a challenge on behalf of a combatant, the third party must
 9.19 provide written confirmation that they are authorized to make the challenge on behalf of
 9.20 the combatant. The written confirmation must contain the combatant's signature and must
 9.21 be submitted with the challenge.

9.22 Subd. 2. Form. A challenge must be submitted on a form prescribed by the commissioner,
 9.23 set forth all relevant facts and the basis for the challenge, and state what remedy is being
 9.24 sought. A combatant may submit photos, videos, documents, or any other evidence the
 9.25 combatant would like the commissioner to consider in connection to the challenge. A
 9.26 combatant may challenge the outcome of a contest only if it is alleged that:

9.27 (1) the referee made an incorrect call or missed a rule violation that directly affected the
 9.28 outcome of the contest;

9.29 (2) there was collusion amongst officials to affect the outcome of the contest; or

9.30 (3) scores were miscalculated.

9.31 Subd. 3. Timing. (a) A challenge must be submitted within ten days of the contest.

10.1 (b) For purposes of this subdivision, the day of the contest shall not count toward the
10.2 ten-day period. If the tenth day falls on a Saturday, Sunday, or legal holiday, then a combatant
10.3 shall have until the next day that is not a Saturday, Sunday, or legal holiday to submit a
10.4 challenge.

10.5 (c) The challenge must be submitted to the commissioner at the address, fax number, or
10.6 e-mail address designated on the commissioner's website. The date on which a challenge
10.7 is submitted by mail shall be the postmark date on the envelope in which the challenge is
10.8 mailed. If the challenge is faxed or e-mailed, it must be received by the commissioner by
10.9 4:30 p.m. central time on the day the challenge is due.

10.10 Subd. 4. **Opponent's response.** If the requirements of subdivisions 1 to 3 are met, the
10.11 commissioner shall send a complete copy of the challenge documents, along with any
10.12 supporting materials submitted, to the opposing combatant by mail, fax, or e-mail. The
10.13 opposing combatant shall have 14 days from the date the commissioner sends the challenge
10.14 and supporting materials to submit a response to the commissioner. Additional response
10.15 time is not added when the commissioner sends the challenge to the opposing combatant
10.16 by mail. The opposing combatant may submit photos, videos, documents, or any other
10.17 evidence the opposing combatant would like the commissioner to consider in connection
10.18 to the challenge. The response must be submitted to the commissioner at the address, fax
10.19 number, or e-mail address designated on the commissioner's website. The date on which a
10.20 response is submitted by mail shall be the postmark date on the envelope in which the
10.21 response is mailed. If the response is faxed or e-mailed, it must be received by the
10.22 commissioner by 4:30 p.m. central time on the day the response is due.

10.23 Subd. 5. **Licensed official review.** The commissioner may, if the commissioner
10.24 determines it would be helpful in resolving the issues raised in the challenge, send a complete
10.25 copy of the challenge or response, along with any supporting materials submitted, to any
10.26 licensed official involved in the combative sport contest at issue by mail, fax, or e-mail and
10.27 request their views on the issues raised in the challenge.

10.28 Subd. 6. **Order.** The commissioner shall issue an order on the challenge within 60 days
10.29 after receiving the opposing combatant's response. If the opposing combatant does not
10.30 submit a response, the commissioner shall issue an order on the challenge within 75 days
10.31 after receiving the challenge.

10.32 Subd. 7. **Nonacceptance.** If the requirements of subdivisions 1 to 3 are not met, the
10.33 commissioner must not accept the challenge and may send correspondence to the person
10.34 who submitted the challenge stating the reasons for nonacceptance of the challenge. A

11.1 combatant has no further appeal rights if the combatant's challenge is not accepted by the
11.2 commissioner.

11.3 Subd. 8. **Administrative hearing.** After the commissioner issues an order under
11.4 subdivision 6, each combatant, under section 326B.082, subdivision 8, has 30 days after
11.5 service of the order to submit a request for hearing before an administrative law judge.

11.6 Sec. 13. Minnesota Statutes 2020, section 341.355, is amended to read:

11.7 **341.355 CIVIL PENALTIES.**

11.8 When the commissioner finds that a person has violated one or more provisions of any
11.9 statute, rule, or order that the commissioner is empowered to regulate, enforce, or issue, the
11.10 commissioner may impose, for each violation, a civil penalty of up to \$10,000 for each
11.11 violation, or a civil penalty that deprives the person of any economic advantage gained by
11.12 the violation, or both. The commissioner may also impose these penalties against a person
11.13 who has violated section 341.28, subdivision 4, paragraphs (b) and (c).