

**Senate Study Bill 3192 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON LABOR AND BUSINESS  
RELATIONS BILL BY  
CHAIRPERSON COURTNEY)

**A BILL FOR**

1 An Act relating to the regulation of professional and  
2 amateur mixed martial arts matches and events by the labor  
3 commissioner and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 90A.1, Code 2009, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 2A. *“Mixed martial arts match”* means a  
4 professional or amateur mixed martial arts match or event that  
5 is open to the public.

6 Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are  
7 amended to read as follows:

8 3. *“Official”* means a person who is employed as a referee,  
9 judge, timekeeper, or match physician for a ~~boxing or~~  
10 ~~wrestling match or event covered by this chapter.~~

11 4. *“Participant”* means a person involved in the ~~boxing~~  
12 ~~or wrestling a match or event covered by this chapter,~~ and  
13 includes contestants, seconds, managers, and similar event  
14 personnel.

15 Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended  
16 by adding the following new paragraph:

17 NEW PARAGRAPH. c. Organizes, holds, advertises, or  
18 otherwise conducts a mixed martial arts match.

19 Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended  
20 to read as follows:

21 1. A person shall not act as a promoter of a professional  
22 boxing or wrestling match or a mixed martial arts match without  
23 first obtaining a license from the commissioner. This  
24 subsection shall not apply to a person distributing a  
25 closed-circuit, pay-per-view, or similarly distributed signal  
26 to a person acting as a promoter or to a person viewing the  
27 signal in a private residence.

28 Sec. 5. Section 90A.4, Code 2009, is amended to read as  
29 follows:

30 **90A.4 Match promoter responsibility.**

31 The A promoter, ~~as defined in section 90A.1, subsection~~  
32 ~~6, paragraph “a”,~~ shall be responsible for the conduct of  
33 all officials and participants at a ~~professional boxing~~  
34 ~~or wrestling match or event covered by this chapter.~~ The  
35 commissioner may reprimand, suspend, deny, or revoke the

1 participation of any promoter, official, or participant for  
2 violations of rules adopted by the commissioner. Rulings or  
3 decisions of a promoter or an official are not decisions of the  
4 commissioner and are not subject to procedures under chapter  
5 17A. The commissioner may take action based upon the rulings  
6 or decisions of a promoter or an official. This section shall  
7 not apply to a promoter as defined in section 90A.1, subsection  
8 6, paragraph "b".

9 Sec. 6. Section 90A.5, subsection 1, paragraphs c and h,  
10 Code 2009, are amended to read as follows:

11 c. A ~~boxer~~ contestant fails to pass a prefight physical  
12 examination.

13 h. A match promoter, ~~professional boxer~~ contestant, or  
14 participant is in violation of rules adopted pursuant to  
15 section 90A.7.

16 Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended  
17 by adding the following new paragraph:

18 NEW PARAGRAPH. i. A contestant does not present adequate  
19 proof of age pursuant to section 90A.12.

20 Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph  
21 1, Code 2009, is amended to read as follows:

22 The commissioner may suspend, deny, revoke, annul, or  
23 withdraw a license, registration, or authority to participate  
24 in a professional boxing or wrestling match or mixed martial  
25 arts match if any of the following occur:

26 Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended  
27 to read as follows:

28 1. The promoter of a professional boxing or wrestling match  
29 or event or a mixed martial arts match shall, within twenty  
30 days after the match or event, furnish to the commissioner a  
31 written report stating the number of tickets sold, the gross  
32 amount of admission proceeds of the ~~professional boxing or~~  
33 ~~wrestling match~~ or event, and other matters the commissioner  
34 may prescribe by rule. The value of complimentary tickets in  
35 excess of five percent of the number of tickets sold shall

1 be included in the gross admission receipts. Within twenty  
2 days of the match or event, the promoter shall pay to the  
3 treasurer of state a tax of five percent of its total gross  
4 admission receipts, after deducting state sales tax, from the  
5 sale of tickets of admission to the ~~professional boxing or~~  
6 ~~wrestling~~ match or event.

7 Sec. 10. Section 90A.11, Code 2009, is amended to read as  
8 follows:

9 **90A.11 License penalty penalties — cease and desist order.**

10 1. A person who acts as a ~~professional boxing or wrestling~~  
11 match promoter, as defined in section 90A.1, without first  
12 obtaining a license commits a serious misdemeanor. In addition  
13 to criminal penalties, the promoter and shall be liable to the  
14 state for the taxes and penalties pursuant to section 90A.9.

15 2. a. Notwithstanding the procedural requirements of  
16 chapter 17A, the commissioner may issue an order to cease and  
17 desist a match or event if the criteria of this subsection  
18 are met. The county sheriff shall assist with service and  
19 enforcement of the commissioner's order to cease and desist if  
20 requested by the commissioner. The provisions of chapter 17A  
21 shall apply after enforcement of the order to cease and desist.

22 b. The commissioner may issue an order to cease and desist a  
23 match or event if all of the following have occurred:

24 (1) The commissioner conducted an investigation and  
25 determined a promoter is organizing, advertising, holding,  
26 or conducting an event or match that is within the scope of  
27 section 90A.2.

28 (2) The promoter has not applied for or has been denied a  
29 license.

30 (3) The deadline to file a timely license application has  
31 passed.

32 3. a. A person who acts as a promoter without first  
33 obtaining a license is subject to a civil penalty of not more  
34 than ten thousand dollars for each violation.

35 b. The commissioner shall notify the unlicensed promoter

1 of a proposed civil penalty by service in the same manner as  
2 an original notice or by certified mail. If within fifteen  
3 business days from the receipt of the notice, the unlicensed  
4 promoter fails to file a notice of contest in accordance with  
5 rules adopted by the commissioner pursuant to chapter 17A, the  
6 penalty as proposed shall be deemed final agency action for  
7 purposes of judicial review.

8 c. The commissioner shall notify the department of revenue  
9 upon final agency action regarding the assessment of a civil  
10 penalty against an unlicensed promoter. Interest shall be  
11 calculated on the penalty from the date of final agency action.

12 d. Judicial review of final agency action pursuant to  
13 this section may be sought in accordance with the terms of  
14 section 17A.19. If no petition for judicial review is filed  
15 within sixty days after service of the final agency action  
16 of the commissioner, the commissioner's findings of fact and  
17 final agency action shall be conclusive in connection with any  
18 petition for enforcement which is filed by the commissioner  
19 after the expiration of the sixty-day period. The clerk of  
20 court, unless otherwise ordered by the court, shall enter a  
21 decree enforcing the final agency action and shall transmit  
22 a copy of the decree to the commissioner and the unlicensed  
23 promoter named in the petition.

24 e. Civil penalties recovered pursuant to this section shall  
25 be remitted by the commissioner to the treasurer of state for  
26 deposit in the general fund of the state.

27 Sec. 11. Section 90A.12, Code 2009, is amended by adding the  
28 following new subsection:

29 NEW SUBSECTION. 3. A person shall not be a contestant in a  
30 mixed martial arts match unless the contestant is twenty-one  
31 years of age or older. Each contestant shall submit to  
32 the commissioner a certified birth certificate, or similar  
33 document, validating the contestant's date of birth prior to  
34 the match in order to verify the contestant's eligibility.

1 EXPLANATION

2 This bill places the regulation of amateur and professional  
3 mixed martial arts (MMA) matches and events under the authority  
4 of the labor commissioner.

5 An MMA match is defined as a professional or amateur MMA  
6 match or event that is open to the public. The definition  
7 of "promoter" is expanded to include a person who organizes,  
8 holds, advertises, or conducts professional or amateur MMA  
9 matches.

10 Under Code section 90A.4, promoters are accountable for the  
11 conduct of all officials and participants at MMA matches and  
12 events.

13 Pursuant to Code section 90A.5(1), as amended by the bill,  
14 the commissioner may suspend an MMA match or event if an MMA  
15 contestant does not pass a required prefight physical exam; if  
16 a promoter, contestant, or participant is in violation of any  
17 rules; or if an MMA contestant fails to present adequate proof  
18 of age in order to compete.

19 The commissioner also has the authority in certain  
20 circumstances as presented in Code section 90A.6(1) to revoke,  
21 deny, or withdraw a license for or deny participation in an MMA  
22 match or event.

23 Promoters are required to pay taxes on the gross receipts of  
24 MMA matches and events. The process and tax are described in  
25 Code section 90A.9(1).

26 The bill amends Code section 90A.11 to authorize the labor  
27 commissioner to impose civil penalties not to exceed \$10,000  
28 per violation for acting as a promoter without a license.

29 The labor commissioner may issue a cease and desist order to  
30 prevent a promoter from holding an unlicensed event or match.

31 The bill provides that an MMA contestant must be at least 21  
32 years of age, and provide proof thereof pursuant to new Code  
33 section 90A.12(3).