

***** Act 403 of 2004 THIS TITLE BEGINNING WITH THE FIRST INSTANCE OF "AN ACT", IS AMENDED EFFECTIVE FEBRUARY 10, 2016; THIS AMENDED TITLE, BEGINNING WITH THE SECOND INSTANCE OF "AN ACT", IS EFFECTIVE FEBRUARY 10, 2016 *****

MICHIGAN UNARMED COMBAT REGULATORY ACT
Act 403 of 2004

AN ACT to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts. AN ACT to regulate the conduct of certain unarmed combat events and contests; to create the Michigan unarmed combat commission and establish its powers and duties; to provide for the powers and duties of certain state agencies and departments; to license and regulate promoters, contestants, and other persons engaged in the business of boxing and mixed martial arts; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess fees; to establish the Michigan unarmed combat fund and provide for the use of the money in the fund; to authorize the promulgation of rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

The People of the State of Michigan enact:

338.3601 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan unarmed combat regulatory act".

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

CHAPTER 1

***** 338.3610 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3610.amended *****

338.3610 Definitions; A to M.

Sec. 10. As used in this act:

(a) "Amateur" means a person who is not competing and has never competed for a money prize or who is not competing and has not competed with or against a professional for a prize. For a boxing contest, amateur is a person who is required to be registered by USA boxing.

(b) "Commission" means the Michigan unarmed combat commission created in section 20.

(c) "Complainant" means a person who has filed a complaint with the department alleging that a person has violated this act or a rule promulgated or an order issued under this act. If a complaint is made by the department, the director shall designate 1 or more employees of the department to act as the complainant.

(d) "Department" means the department of labor and economic growth.

(e) "Director" means the director of the department or his or her designee.

(f) "Employee of the department" means an individual employed by the department or a person under contract to the department whose duty it is to enforce the provisions of this act or rules promulgated or orders issued under this act.

(g) "Fund" means the Michigan unarmed combat fund created in section 22.

(h) "Good moral character" means good moral character as determined and defined in 1974 PA 381, MCL 338.41 to 338.47.

(i) "Mixed martial arts" means unarmed combat involving the use of a combination of techniques from different disciplines of the martial arts and includes grappling, kicking, jujitsu, and striking, subject to limitations contained in this act and rules promulgated under this act.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3610.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3610.amended Definitions; A to M.

Sec. 10. As used in this act:

(a) "Amateur" means any of following:

(i) An individual who is not competing and has never competed for a prize or who is not competing and has not competed with or against a professional for a prize.

(ii) For a boxing contest, an individual who is required to register with USA Boxing, or any other amateur boxing organization recognized by the department to participate.

(b) "Boxer" means an individual who is licensed to engage in boxing.

(c) "Boxing" means the sport of attack and defense with fists, using padded gloves, in a square ring.

(d) "Chemical dependency" means that term as defined in section 16106a of the public health code, 1978 PA 368, MCL 333.16106a.

(e) "Commission" means the Michigan unarmed combat commission created in section 20.

(f) "Complainant" means a person that files a complaint with the department alleging that a person has violated this act or a rule promulgated or an order issued under this act. If a complaint is made by the department, complainant means 1 or more employees of the department who act as the complainant.

(g) "Contest" means an individual bout between 2 boxers, 2 mixed martial artists, or 2 individuals engaged in other unarmed combat that is subject to this act.

(h) "Contestant" means an individual who competes in an unarmed combat contest or event.

(i) "Department" means the department of licensing and regulatory affairs.

(j) "Director" means the director of the department or his or her designee.

(k) "Emergency medical technician" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(l) "Employee of the department" means an individual who is employed by the department, or a person that is under contract to the department, whose duty it is to enforce the provisions of this act or rules promulgated or orders issued under this act.

(m) "Event" means a program of unarmed combat that is planned for a specific date and time by a promoter and is subject to the approval of the department under this act.

(n) "Fund" means the Michigan unarmed combat fund created in section 22.

(o) "Good moral character" means good moral character as determined and defined under 1974 PA 381, MCL 338.41 to 338.47.

(p) "Impaired" means the inability or immediately impending inability of an individual to safely participate in a contest or event due to his or her substance abuse, chemical dependency, or use of drugs or alcohol that does not constitute substance abuse or chemical dependency.

(q) "Matchmaker" means an individual who is responsible for arranging individual contests of unarmed combat.

(r) "Medical clearance" means a determination by a physician, made with reasonable medical certainty, that a contestant does not have a medical condition that would prevent him or her from being able to participate in an event or contest.

(s) "Mixed martial artist" means an individual who is licensed to compete in a mixed martial arts event or contest.

(t) "Mixed martial arts" means a form of combat, either amateur or professional, that involves the use of a combination of techniques from different disciplines of the martial arts, including grappling, kicking, and striking, subject to the limitations contained in this act and rules promulgated under this act.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3611 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3611.amended *****

338.3611 Definitions; P to S.

Sec. 11. As used in this act:

(a) "Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(b) "Prize" means something offered or given of present or future value to a participant in a contest, exhibition, or match.

(c) "Professional" means a person who is competing or has competed in boxing or mixed martial arts for a money prize.

(d) "Promoter" means any person who produces or stages any professional contest or exhibition of boxing or mixed martial arts, or both, but does not include the venue where the exhibition or contest is being held unless the venue contracts with the individual promoter to be a co-promoter.

(e) "Purse" means the financial guarantee or any other remuneration for which professionals are participating in a contest or exhibition and includes the professional's share of any payment received for radio,

television, or motion picture rights.

(f) "Respondent" means a person against whom a complaint has been filed who may be a person who is or is required to be licensed under this act.

(g) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(h) "School", "college", or "university" does not include an institution formed or operated principally to provide instruction in boxing and other sports.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3611.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3611.amended Definitions; P to U.

Sec. 11. As used in this act:

(a) "Participant" means a referee, judge, matchmaker, timekeeper, contestant, or promoter.

(b) "Person" means any of the following:

(i) An individual, corporation, limited liability company, partnership, association, or other legal entity.

(ii) A department, board, commission, agency, or authority of the United States, this state, or a political subdivision of this state or a public school, community college, or university.

(iii) A training center or a school or other educational institution.

(iv) A combination of persons described in subparagraphs (i) to (iii).

(c) "Physician" means that term as defined in section 17001 or 17501 of the public health code, 1978 PA 368, MCL 333.17001 and 333.17501.

(d) "Prize" means currency or any other valuable compensation or reward offered or given to a contestant. The term does not include a watch, medal, article of jewelry, trophy, or ornament that is suitably inscribed to show that it is given for participation in a contest and costs \$200.00 or less.

(e) "Professional" means an individual who is competing or has competed in unarmed combat for a prize.

(f) "Promoter" means a person that produces or stages, in whole or in part, an unarmed combat contest or event.

(g) "Purse" means a prize or any other remuneration offered to contestants to compete in a contest or event. The term includes a professional's share of any payment received for radio, television, motion picture rights, or other media.

(h) "Respondent" means a licensee or other person against which a complaint is filed under this act.

(i) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(j) "Settlement" means an agreement, stipulation, consent order, waiver, default, or other method of settlement of a complaint that is agreed to by the parties and the department.

(k) "Substance abuse" means that term as defined in section 16106a of the public health code, 1978 PA 368, MCL 333.16106a.

(l) "Training center" means an institution that is formed or operated principally to provide instruction in boxing, mixed martial arts, or other sports.

(m) "Unarmed combat" means any of the following:

(i) Professional boxing.

(ii) Professional or amateur mixed martial arts.

(iii) Any other form of competition in which a blow is usually struck or another fighting technique is applied that may reasonably be expected to inflict injury.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3612 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3612.amended *****

338.3612 Applicability of act; exceptions.

Sec. 12. This act does not apply to any of the following:

(a) Professional or amateur wrestling.

(b) Amateur martial arts sports or activities.

(c) Contests or exhibitions conducted by or participated in exclusively by an agency of the United States government or by a school, college, or university or an organization composed exclusively of those entities if each participant is an amateur.

- (d) Amateur boxing regulated by the amateur sports act of 1978, 36 USC 371.
- (e) Boxing elimination contests regulated by section 50.
- (f) Amateur mixed martial arts.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3612.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3612.amended Applicability of act; exceptions.

Sec. 12. (1) This act does not apply to any of the following:

- (a) Professional or amateur wrestling.
- (b) An event that is conducted by or participated in exclusively by an agency of the United States government or by a school, college, or university or an organization that is composed exclusively of those entities if each contestant is an amateur.
- (c) An event that is sponsored by or under the supervision of the United States Olympic Committee in which all of the contestants are amateur boxers.
- (d) An amateur boxing event that is sponsored by or under the supervision of USA Boxing or any of the following organizations affiliated with USA Boxing:
 - (i) Golden Gloves Association of America Inc.
 - (ii) National Association of Police Athletic League.
 - (iii) National Collegiate Boxing Association.
 - (iv) Native American Sports Council.
 - (v) Silver Gloves Association.
- (2) Boxing elimination contests regulated under section 50 are not subject to the other provisions of this act.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

CHAPTER 2

***** 338.3620 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3620.amended *****

338.3620 Michigan unarmed combat commission; creation; appointment; qualifications; terms; quorum; promotion or sponsorship of contest or exhibition; meetings; disclosure of records; public meetings.

Sec. 20. (1) The Michigan unarmed combat commission is created in the department. The commission shall consist of the director, serving as a nonvoting ex officio member of the commission, and 11 voting members, appointed by the governor with the advice and consent of the senate, as follows:

- (a) Four members who have experience, knowledge, or background in boxing.
- (b) Four members who have experience, knowledge, or background in mixed martial arts.
- (c) Three members who are members of the general public.
- (2) The department shall provide the budgeting, procurement, human resources, information technology, and related management functions of the commission.
- (3) Except as otherwise provided in this subsection, the 11 members appointed by the governor shall serve a term of 4 years. However, of the initial members appointed under this act, the governor shall appoint 2 of the members to terms of 4 years, 2 of the members to terms of 2 years, and 3 of the members to terms of 1 year. Members appointed by the governor serve at the pleasure of the governor.
- (4) Subject to subsection (5), 7 members of the commission constitute a quorum for the exercise of the authority conferred on the commission under this act. Subject to subsection (5), approval by at least 4 of the members, or by a majority of those members who have not participated in an investigation or administrative hearing regarding a matter before the commission, is necessary for action by the commission.
- (5) All of the following apply if a proposed action of the commission is designated by the director as related only to boxing:
 - (a) The proposed action shall only be considered by the commission members described in subsection (1)(a) and (c).
 - (b) The quorum requirement for consideration of the proposed action is 4 members who are eligible to consider the action under subdivision (a), 2 of whom are members described in subsection (1)(a).
 - (c) Approval by at least 3 of the members who are eligible to consider the action under subdivision (a) is required for the commission to take that action.

(6) All of the following apply if a proposed action of the commission is designated by the director as related only to mixed martial arts:

(a) The proposed action shall only be considered by the commission members described in subsection (1)(b) and (c).

(b) The quorum requirement for consideration of the proposed action is 4 members who are eligible to consider the action under subdivision (a), 2 of whom are members described in subsection (1)(b).

(c) Approval by at least 3 of the members who are eligible to consider the action under subdivision (a) is required for the commission to take that action.

(7) While serving as a member of the commission, an individual shall not promote or sponsor any contest or exhibition of boxing, or a combination of those events, or have any financial interest in the promotion or sponsorship of those contests or exhibitions. The commission shall meet not less than 4 times per year, and on the request and at the discretion of the chair, the department shall schedule additional interim meetings.

(8) Except as otherwise provided in sections 33(9) and 61a, the records of the commission are subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) Meetings of the commission are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2012, Act 546, Imd. Eff. Jan. 2, 2013.

***** 338.3620.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3620.amended Michigan unarmed combat commission; creation; membership; appointment; qualifications; terms; quorum; approval of proposed action; promotion or sponsorship of contest or event prohibited; meetings; disclosure of records; public meetings.

Sec. 20. (1) The Michigan unarmed combat commission is created in the department. The commission shall consist of 11 voting members, appointed by the governor with the advice and consent of the senate, as follows:

(a) Four members who have experience, knowledge, or background in boxing.

(b) Four members who have experience, knowledge, or background in mixed martial arts.

(c) Three members who are members of the general public.

(2) The department shall provide the budgeting, procurement, human resources, information technology, and related management functions of the commission.

(3) Except as otherwise provided in this subsection, members of the commission shall serve a term of 4 years. However, of the initial members appointed under this act, the governor shall appoint 2 of the members to terms of 4 years, 2 of the members to terms of 2 years, and 3 of the members to terms of 1 year. Members appointed by the governor serve at the pleasure of the governor.

(4) Subject to subsections (5) and (6), 7 members of the commission constitute a quorum of the commission under this act. Subject to subsections (5) and (6), approval by at least 4 of the members, or by a majority of those members who have not participated in an investigation or administrative hearing regarding a matter before the commission, is necessary for action by the commission.

(5) All of the following apply if a proposed action of the commission is designated by the director as related only to boxing:

(a) The proposed action shall only be considered by the commission members described in subsection (1)(a) and (c).

(b) The quorum requirement for consideration of the proposed action is 4 members who are eligible to consider the action under subdivision (a), 2 of whom are members described in subsection (1)(a).

(c) Approval by at least 3 of the members who are eligible to consider the action under subdivision (a) is required for the commission to take that action.

(6) All of the following apply if a proposed action of the commission is designated by the director as related only to mixed martial arts:

(a) The proposed action shall only be considered by the commission members described in subsection (1)(b) and (c).

(b) The quorum requirement for consideration of the proposed action is 4 members who are eligible to consider the action under subdivision (a), 2 of whom are members described in subsection (1)(b).

(c) Approval by at least 3 of the members who are eligible to consider the action under subdivision (a) is required for the commission to take that action.

(7) While serving as a member of the commission, an individual shall not promote or sponsor any contest or event of any unarmed combat, or a combination of those contests or events, or have any financial interest in

the promotion or sponsorship of those contests or events. The commission shall meet not less than 4 times per year. The chair in his or her discretion may cancel 1 or more of these meetings if he or she determines that there is no business to conduct at a meeting. If requested by the chair, the department may schedule additional interim meetings.

(8) Except as otherwise provided in sections 33(10) and 61a, the records of the commission are subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(9) Meetings of the commission are subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2012, Act 546, Imd. Eff. Jan. 2, 2013;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3621 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3621.amended *****

338.3621 Person with financial interest ineligible for appointment.

Sec. 21. A person who has a material financial interest in any club, organization, or corporation, the main object of which is the holding or giving of boxing or mixed martial arts contests or exhibitions is not eligible for appointment to the commission.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3621.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3621.amended Appointment of individual with financial interest; prohibition.

Sec. 21. An individual who has a material financial interest in a club, corporation, or other organization is not eligible for appointment to the commission if the primary purpose of that organization is to conduct unarmed combat contests or events.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3622 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3622.amended *****

338.3622 Chairperson; seal; rules; unarmed combat fund; creation; use; carrying forward remaining money; compensation of members; affiliation with other commissions or athletic authorities; duties of commission and department; incorporation by reference of certain standards.

Sec. 22. (1) The commission shall elect 1 of its members as the chair of the commission. The commission may purchase and use a seal. The director may promulgate rules for the administration of this act but only after first consulting with the commission. The commission may request the department to promulgate a rule under section 38 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.238. Notwithstanding the time limit provided for in section 38 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.238, the department shall respond in writing to any request for rule promulgating by the commission within 30 calendar days after a request. The response shall include a reason and explanation for acceptance or denial of the request.

(2) The department shall promulgate rules to include all of the following:

(a) Number and qualifications of ring officials required at any exhibition or contest.

(b) Powers, duties, and compensation of ring officials.

(c) Qualifications of licensees.

(d) License fees not otherwise provided under this act.

(e) Any necessary standards designed to accommodate federally imposed mandates that do not directly conflict with this act.

(f) A list of enhancers and prohibited substances, the presence of which in a contestant is grounds for suspension or revocation of the license or other sanctions.

(3) An unarmed combat fund is created as a revolving fund in the state treasury and administered by the director. The money in the fund is to be only used for the costs of administration and enforcement of this act and for any costs associated with the administration of this act, including, but not limited to, reimbursing the department of attorney general for the reasonable costs of services provided to the department under this act. Money remaining in the fund at the end of the fiscal year and interest earned shall be carried forward into the next fiscal year and shall not revert to the general fund. The department shall deposit into the fund all money received from the regulatory and enforcement fee, license fees, event fees, and administrative fines imposed

under this act, and from any other source.

(4) Annually, the legislature shall fix the per diem compensation of the members of the commission. Travel or other expenses incurred by a commission member in the performance of an official function shall be payable by the department under the standardized travel regulations of the department of management and budget.

(5) The commission may affiliate with any other state or national boxing or mixed martial arts commission or athletic authority. The commission, upon approval of the director, may enter into any appropriate reciprocity agreements.

(6) The commission and department are vested with management, control, and jurisdiction over all professional boxing and professional mixed martial arts contests or exhibitions to be conducted, held, or given within the state of Michigan. Except for any contests or exhibitions exempt from this act, a contest or exhibition shall not be conducted, held, or given within this state except in compliance with this act.

(7) The requirements and standards contained in standards adopted by the New Jersey state athletic control board, N.J.A.C. 13:46-24A and 24B, as they may exist on February 20, 2005, entitled the mixed martial arts unified rules, dated 2000, except for the license fees described in those rules, are incorporated by reference. Any requirements and standards incorporated by reference in this subsection that are in conflict with the requirements and standards of this act are considered superseded by the provisions of this act. The director, in consultation with the commission, may promulgate rules consistent with section 35 to alter, supplement, update, or amend the standards incorporated by reference under this subsection. Any references to the commission in the mixed martial arts unified rules shall mean the department. The standards contained in 13:46-24B.3 are not incorporated by reference.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2010, Act 100, Imd. Eff. June 22, 2010.

***** 338.3622.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3622.amended Chairperson; rules; Michigan unarmed combat fund; creation; compensation; affiliation with other commissions or athletic authorities; duties of commission and department.

Sec. 22. (1) The commission shall elect 1 of its members as the chair of the commission.

(2) The director shall review the rules of the Association of Boxing Commissions before he or she promulgates rules for the administration of this act and may adopt by reference any of the rules of the Association of Boxing Commissions that are not inconsistent with this act.

(3) The director shall consult with the commission before he or she promulgates rules for the administration of this act. The commission may request that the department promulgate a rule under section 38 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.238. Notwithstanding the time limit provided for in section 38 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.238, the department shall respond in writing to any request from the commission under this subsection within 30 calendar days after the request. The response shall include a reason and explanation for agreeing to or denying the request.

(4) The director shall promulgate rules to establish all of the following and may establish any additional rules the director considers are necessary to administer and enforce this act:

(a) Number and qualifications of ring officials required at any event or contest.

(b) Powers, duties, and compensation of ring officials.

(c) Qualifications, activities, and responsibilities of licensees.

(d) License fees not otherwise provided under this act.

(e) Any necessary standards designed to accommodate federally imposed mandates that do not directly conflict with this act.

(f) A list of enhancers and prohibited substances, the presence of which in a contestant is grounds for suspension or revocation of the license or other sanctions.

(g) Standards to protect the health and safety of contestants participating in contests and events.

(5) The Michigan unarmed combat fund is created in the state treasury. All of the following apply to the fund:

(a) The director is the administrator of the fund, including for auditing purposes.

(b) The department shall use the money in the fund, on appropriation, only for the costs of administration and enforcement of this act and for any costs associated with the administration of this act, including, but not limited to, reimbursing the department of attorney general for the reasonable costs of services provided to the department under this act.

(c) The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund

interest and earnings from fund investments.

(d) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(e) The department shall deposit into the fund all money received from the regulatory and enforcement fee, license fees, event fees, and administrative fines imposed under this act, and from any other source.

(6) Annually, the legislature shall fix the per diem compensation of the members of the commission. Travel or other expenses incurred by a commission member in the performance of an official function shall be payable by the department under the standardized travel regulations of the department of technology, management, and budget.

(7) The department and commission may affiliate with any other state or national boxing, mixed martial arts, or unarmed combat commission or athletic authority. The commission, with the approval of the director, may enter into any appropriate reciprocity agreements.

(8) The commission and department are vested with management, control, and jurisdiction over all professional boxing, professional or amateur mixed martial arts, or unarmed combat contests or events conducted in this state. Except for a contest or event that is exempt under this act, a person shall not conduct a contest or event in this state except in compliance with this act.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2010, Act 100, Imd. Eff. June 22, 2010;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

CHAPTER 3

***** 338.3630 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3630.amended *****

338.3630 License required; violation as misdemeanor; penalty; injunction; enforcement; remedies.

Sec. 30. (1) A person shall not engage in or attempt to engage in an activity regulated under this act unless the person possesses a license issued by the department or unless the person is exempt from licensure under this act.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(3) A person who violates subsection (1) a second or any subsequent time is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both.

(4) Notwithstanding the existence and pursuit of any other remedy, an affected person may maintain injunctive action in a court of competent jurisdiction to restrain or prevent a person from violating subsection (1). If successful in obtaining injunctive relief, the affected person shall be entitled to actual costs and attorney fees. As used in this subsection, "affected person" means a person directly affected by the actions of a person suspected of violating subsection (1) and includes, but is not limited to, the commission, the department, or a member of the general public.

(5) An investigation may be conducted by the department to enforce this section. A person who violates this section is subject to the strictures prescribed in this section and section 43.

(6) The remedies under this section are independent and cumulative. The use of 1 remedy by a person shall not bar the use of other lawful remedies by that person or the use of a lawful remedy by another person.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3630.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3630.amended License required.

Sec. 30. (1) A person shall not conduct a contest or event that is regulated under this act without a promoter's license under this act, or engage in or attempt to engage in any other activity regulated under this act without the applicable license issued by the department under this act, unless the person is exempt from licensure under this act.

(2) An annual license issued under this act expires on August 31 of the calendar year following the year in which the license was issued.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3631 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3631.amended *****

338.3631 Application for licensure.

Sec. 31. By filing an application for a license, an applicant does both of the following:

(a) Certifies his or her general suitability, character, integrity, and ability to participate, engage in, or be associated with boxing or mixed martial arts contests or exhibitions. The burden of proof is on the applicant to establish to the satisfaction of the commission and the department that the applicant is qualified to receive a license.

(b) Accepts the risk of adverse public notice, embarrassment, criticism, financial loss, or other action with respect to his or her application and expressly waives any claim for damages as a result of any adverse public notice, embarrassment, criticism, financial loss, or other action. Any written or oral statement made by any member of the commission or any witness testifying under oath that is relevant to the application and investigation of the applicant is immune from civil liability for libel, slander, or any other tort.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3631.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3631.amended Application for licensure.

Sec. 31. By filing an application for a license, an applicant does both of the following:

(a) Certifies the applicant's general suitability, character, integrity, and ability to participate, engage in, or be associated with boxing or mixed martial arts contests or events. The burden of proof is on the applicant to establish to the satisfaction of the commission and the department that the applicant is qualified to receive a license.

(b) Accepts the risk of adverse public notice, embarrassment, criticism, financial loss, or other action with respect to the application and expressly waives any claim for damages as a result of any adverse public notice, embarrassment, criticism, financial loss, or other action. Any written or oral statement made by any member of the commission or any witness testifying under oath that is relevant to the application and investigation of the applicant is immune from civil liability for libel, slander, or any other tort.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3632 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3632 Promoter's license required.

Sec. 32. A contest or exhibition regulated by this act and not exempt from this act shall be held or conducted in this state only under a promoter's license issued by the department as provided for in section 33.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3633 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3633.amended

338.3633 Promoter's license; application; good moral character; bond; fees; submission of contract; deposit of money; delivery and disclosure of contract; drug tests; rules.

Sec. 33. (1) An application for a promoter's license must be in writing and shall include the legal name, street address, and telephone number of the applicant.

(2) An applicant for a promoter's license must demonstrate good moral character. If an applicant for a promoter's license is denied a license due to lack of good moral character, the applicant may petition the commission for a review of the decision under section 46.

(3) Before the department grants an approval for a contest or exhibition, the promoter must file a bond with the department in an amount fixed by the department but not less than \$20,000.00 or more than \$50,000.00. The applicant shall execute the bond as principal, and the bond shall be issued by a corporation qualified under the laws of this state as surety, payable to the state of Michigan, and conditioned on the faithful performance by the applicant of the provisions of this act. The bond must be purchased at least 5 days before the contest or exhibition and may be used to satisfy payment for the professionals, costs to the department for ring officials and physicians, and drug tests.

(4) A promoter must apply for and obtain an annual license from the department in order to present a program of contests or exhibitions regulated under this act. The annual license fee is \$250.00. The department shall request, and the applicant shall provide, any information that the department determines is necessary to ascertain the financial stability of the applicant. Section 61a applies to any information provided by an

applicant under this subsection.

(5) A boxing promoter shall pay an event fee of \$125.00. A mixed martial arts promoter shall pay an event fee of \$125.00.

(6) Each promoter shall pay a regulatory and enforcement fee to assure the integrity of the sports of boxing and mixed martial arts, the public interest, and the welfare and safety of the professionals. The amount of the fee is 3% of the total gross receipts from the sale, lease, or other exploitation of broadcasting, television, and motion picture rights for an event, or \$25,000.00, whichever is less, for a boxing or mixed martial arts event to which any of the following apply:

(a) If the event is a boxing event, the event is located in a venue with a seating capacity of more than 5,000.

(b) The promoter proposes to televise or broadcast the event over any medium for viewing by spectators who are not present in the venue.

(c) The event is designed to promote professional boxing or mixed martial arts contests in this state.

(7) For purposes of subsection (6), at least 10 days before the boxing or mixed martial arts event, the promoter shall submit the contract subject to the regulatory and enforcement fee to the department, stating the amount of the probable total gross receipts from the sale, lease, or other exploitation of broadcasting, television, and motion picture rights for the event. However, this subsection does not apply to a promoter that agrees to pay a regulatory and enforcement fee for the event in the amount of \$25,000.00, and the department receives that payment from the promoter at least 1 business day before the event.

(8) The department shall deposit the money received from the proceeds of the regulatory and enforcement fee into the fund created in section 22 and use those proceeds for the purposes described in that section.

(9) Within 1 business day before a boxing or mixed martial arts contest or exhibition, the promoter shall deliver to the department an executed copy of all of the executed contracts between the promoter and the professionals participating in that contest or exhibition. The copies of the contracts are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except that the department may disclose statistical information on the number, types, and amounts of contracts if information regarding identifiable individuals or categories is not revealed.

(10) The commission or department may perform drug testing on a professional before or after a contest or exhibition to detect the presence of alcohol, stimulants, or drugs, including, but not limited to, performance enhancing drugs. A professional shall submit to a urinalysis or chemical test before or after a contest or exhibition if the commission, the department, or a designated representative of the commission or department directs him or her to do so. If a professional fails or refuses to submit to a urinalysis or chemical test under this subsection, or the results of the urinalysis or chemical test confirm or demonstrate the professional has violated this act, he or she is subject to disciplinary action by the commission under this act. In addition to any other disciplinary action by the commission, if the professional won the contest or exhibition or the contest or exhibition was a draw, the commission may change the result of that contest or exhibition to a no decision. The department may promulgate rules to define the terms "stimulants" or "performance enhancing drugs."

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2012, Act 546, Imd. Eff. Jan. 2, 2013.

***** 338.3633.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3633.amended Promoter's license; application; good moral character; bond; fees; submission of contract; deposit of money; delivery and disclosure of contract; drug tests; inspector; requirements.

Sec. 33. (1) An application for a promoter's license must be in writing and shall include the legal name, street address, and telephone number of the applicant.

(2) An applicant for a promoter's license must demonstrate good moral character. If an applicant for a promoter's license is denied a license because of a lack of good moral character, the applicant may petition the commission for a review of the decision under section 46.

(3) Before the department grants an approval for a contest or event, the promoter must submit a bond to the department that meets all of the following:

(a) Is in an amount fixed by the department but not less than \$20,000.00 or more than \$50,000.00.

(b) Is executed by the promoter as principal.

(c) Is issued by a corporation that is qualified under the laws of this state as a surety.

(d) Is payable to the state of Michigan.

(e) Is purchased at least 5 days before the contest.

(f) Is conditioned on the faithful distribution of all money owed by the promoter as a result of the event.

(g) Is for the benefit of any person that is damaged by the promoter's nonpayment of any liabilities associated with the event.

(h) Allows any affected person to bring an action on the bond.

(i) Remains in effect until all complaints properly filed with the department for nonpayment of obligations covered by the bond are fully adjudicated. A complaint is not properly filed if it is not filed within 30 business days following the event covered by the bond.

(4) A promoter must apply for and obtain an annual license from the department in order to present a program of contests or events regulated under this act. The annual license fee is \$300.00. The department shall request, and the applicant shall provide, any information that the department determines is necessary to ascertain the financial stability of the applicant. Section 61a applies to any information provided by an applicant under this subsection.

(5) A promoter that conducts an event in this state shall pay an event fee of \$500.00.

(6) To assure the integrity of the sports of boxing and mixed martial arts, the public interest, and the welfare and safety of contestants, each promoter that conducts an event in this state shall pay a regulatory and enforcement fee for that event in an amount equal to 3% of the total gross receipts from any contracts for the sale, lease, or other exploitation of broadcasting, television, and motion picture rights or other media for the event, or \$25,000.00, whichever is less, if either of the following is met:

(a) The event is located in a venue with a seating capacity of more than 5,000.

(b) The promoter proposes to televise or broadcast the event over any medium for viewing by spectators who are not present in the venue.

(7) For purposes of subsection (6), at least 10 days before the event, the promoter shall submit any contract that is subject to the regulatory and enforcement fee to the department, stating the amount of the probable total gross receipts from the sale, lease, or other exploitation of broadcasting, television, motion picture rights, or other media for the event. However, this subsection does not apply to a promoter that agrees to pay a regulatory and enforcement fee under subsection (6) of \$25,000.00, and the department receives that payment from the promoter at least 3 business days before the event.

(8) The department shall deposit the money received from the proceeds of the regulatory and enforcement fee into the fund created in section 22 and use those proceeds for the purposes described in that section.

(9) Within 1 business day before a contest or event, the promoter shall deliver to the department a copy of all of the executed contracts between the promoter and the professionals who are participating in that contest or event. The copies of the contracts are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, except that the department may disclose statistical information on the number, types, and amounts of contracts if information regarding identifiable individuals or categories is not revealed.

(10) The commission or department may require that a promoter ensure that a contestant is available for drug testing before or after a contest to detect the presence of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, or derivatives or metabolites of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department. A contestant shall submit to a urinalysis or chemical test before or after a contest if the commission, the department, a designated representative of the commission or department, or an inspector described in subsection (11) directs him or her to do so. If a contestant fails or refuses to submit to a urinalysis or chemical test under this subsection, or the results of the urinalysis or chemical test confirm or demonstrate that the contestant has violated this act, he or she is subject to disciplinary action by the commission under this act. In addition to any other disciplinary action by the commission, if the contestant won the contest or the contest was a draw, the commission may change the result of that contest to a no decision. The department may promulgate rules to define the terms "stimulants" or "performance enhancing drugs."

(11) A promoter shall not conduct a professional boxing, professional mixed martial arts, or amateur mixed martial arts event in this state unless at least 1 inspector is present at the event. All of the following apply to an inspector:

(a) An inspector shall not have any relationship or business interest with a licensee involved in an event for which he or she is the inspector.

(b) An inspector shall collect and submit all contestant drug tests as required by the department to ensure the chain of custody of those tests.

(c) An inspector must be an individual who meets any of the following:

(i) Is certified, or was previously certified, by the commission on law enforcement standards under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

(ii) Is licensed by the department as a private security guard or security guard agency.

(iii) Is employed by a security guard agency that is licensed by the department.

(d) The department may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish additional duties of inspectors.

(e) An inspector shall receive reasonable compensation, and reimbursement of his or her actual and necessary travel expenses, for attending an event.

(f) The promoter of an event is responsible for payment of an inspector for that event under subdivision (e).

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2012, Act 546, Imd. Eff. Jan. 2, 2013;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3633a.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3633a.added Contestant license.

Sec. 33a. (1) Before an individual participates in a contest, he or she shall obtain a contestant license from the department. To obtain a contestant license, an applicant must submit all of the following to the department:

(a) An application that includes his or her name, address, and date of birth. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$45.00 and an annual license fee of \$45.00.

(c) If he or she is applying for a license as a professional contestant in boxing, the identification number of his or her federal identification card described in section 33d(1).

(d) If he or she is applying for a license as a professional contestant in mixed martial arts, the identification number of his or her national identification card described in section 33d(2).

(2) Except as otherwise provided in this act, the department shall issue a contestant license under this section to an individual who meets the contestant licensing requirements under this act and rules promulgated under this act. The department shall assign a license number to each license issued under this subsection.

(3) In any notice, report, or other communication with the department or commission that identifies or refers to a specific contestant, including, but not limited to, the report of the results of each contest under section 54a(2)(bb), a promoter shall include the license number of the contestant assigned under subsection (2).

(4) An individual shall not receive a contestant license under this section unless he or she passes a physical examination that is performed by a physician and submits the results of that examination to the department on a form prescribed by the department.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3633b.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3633b.added Participant license.

Sec. 33b. (1) An individual shall not participate in a contest or event as a referee, judge, matchmaker, or timekeeper without a participant license from the department under this section. To obtain a participant license, an applicant must submit all of the following to the department:

(a) An application. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$30.00 and 1 of the following annual license fees, as applicable:

(i) Referee license, \$150.00.

(ii) Judge license, \$70.00.

(iii) Matchmaker license, \$150.00.

(iv) Timekeeper license, \$70.00.

(2) An applicant for a referee, judge, matchmaker, or timekeeper participant license must demonstrate to the satisfaction of the department that he or she meets all of the following to receive a license under this section:

(a) Has good moral character.

(b) Is at least 18 years of age.

(c) Any other requirement established by rule.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3633c.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3633c.added Failure to renew promoter, contestant, or participant license; late renewal fee.

Sec. 33c. (1) A person that fails to renew a promoter license that is required under this act on or before its expiration date shall not conduct a contest or event or advertise, operate, or use the title "promoter" after the license expires.

(2) An individual who fails to renew a contestant license that is required under this act on or before its expiration date shall not participate in a contest or event or use the title "contestant" after his or her license expires.

(3) An individual who fails to renew a participant license that is required under this act on or before its expiration date shall not participate in an event or contest or use the title "referee", "boxing referee", "mixed martial arts referee", "judge", "boxing judge", "mixed martial arts judge", "matchmaker", "timekeeper", "boxing timekeeper", or "mixed martial arts timekeeper" after his or her license expires.

(4) A person that does not renew a license issued under this act on or before its expiration date may renew the license within 60 days after the expiration date by paying the required license fee and paying a late renewal fee in the amount of \$30.00. After that 60-day period, the person may only obtain a license under this act by complying with the requirements of this chapter for obtaining a new license, paying the required license fee, and paying a late renewal fee in the amount of \$30.00.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3633d.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3633d.added License as professional contestant; federal or national identification card.

Sec 33d. (1) An individual shall not receive a license as a professional contestant in boxing if he or she does not possess a federal identification card. If the individual does not have a federal identification card, and he or she is a resident of this state or is not a resident of any state of the United States, he or she shall submit a separate request to the department for a federal identification card. If the individual is a resident of another state, he or she must apply to that state for a federal identification card.

(2) An individual shall not receive a license as a professional contestant in mixed martial arts if he or she does not possess a national identification card. If the individual does not have a national identification card, he or she shall submit a separate request to the department for a national identification card.

(3) To obtain a federal or national identification card from the department, an applicant must do all of the following:

(a) Submit an application that includes his or her name, address, date of birth, and any other information required by the department. The department may prescribe the form and the contents of the application form.

(b) With the application described in subdivision (a), a nonrefundable application processing fee in the amount of \$20.00.

(4) The department shall transmit the information about an applicant described in subsection (3) to a federal or national recordkeeper designated by the department and, when approved by that recordkeeper, shall issue a federal or national identification card that includes an identification number assigned by that recordkeeper.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3634 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3634.amended *****

338.3634 Rules; determination of applicant's financial stability; presence of applicant at commission meeting.

Sec. 34. (1) The director, in consultation with the commission, may promulgate rules for the application and approval process for promoters. Until the rules are promulgated, the applicant shall comply with the standards described in subsection (2).

(2) The rules regarding the application process shall include at least the following:

(a) An initial application processing fee sufficient to cover the costs of processing a boxing or mixed martial arts promoter's license, but not less than \$250.00.

(b) A requirement that background information be disclosed by the applicant who is an individual or by the principal officers or members and individuals having at least a 10% ownership interest in the case of any other legal entity, with emphasis on the applicant's business experience.

(c) Information from the applicant concerning past and present civil lawsuits, judgments, and filings under the bankruptcy code that are not more than 7 years old.

(d) Any other relevant and material information considered necessary by the director upon consultation with the commission.

(3) The department may consult with the commission on issues related to the determination of an applicant's financial stability and shall refer the application to the commission if clear and convincing grounds for approval of the financial stability aspect of the application do not exist.

(4) As part of the approval process for promoters, the commission may require the applicant or his or her representative to be present at a commission meeting in which the application is considered.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3634.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3634.amended Rules; determination of applicant's financial stability; presence of applicant at commission meeting.

Sec. 34. (1) The director, in consultation with the commission, may promulgate rules for the application and approval process for promoters. Until the rules are promulgated, the applicant shall comply with the standards described in subsection (2).

(2) The rules regarding the application process described in subsection (1) shall include at least the following:

(a) An initial application processing fee in an amount sufficient to cover the costs of processing a promoter's license, but not less than \$250.00.

(b) A requirement that the applicant provide background information concerning the applicant, if the applicant is an individual, or concerning the principal officers or members of, and each individual who has at least a 10% ownership interest in the applicant if the applicant is not an individual, with emphasis on his or her business experience.

(c) Information from the applicant concerning past and present civil lawsuits, judgments, and filings under the bankruptcy code that are not more than 7 years old.

(d) Any other relevant and material information considered necessary by the director after consultation with the commission.

(3) The department may consult with the commission on issues related to the determination of an applicant's financial stability and shall refer the application to the commission if clear and convincing grounds for approval of the financial stability aspect of the application do not exist.

(4) As part of the approval process for promoters, the commission may require that the applicant or a representative of the applicant is present at the commission meeting at which the application is considered.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3635 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3635.amended *****

338.3635 Rules; fees.

Sec. 35. The director, in consultation with the commission, shall promulgate rules to set standards for boxing and mixed martial arts exhibitions and participants and to provide for license fees for all participants in the activities regulated by this act not otherwise provided for in this act, including, but not limited to, license fees for a physician, physician's assistant, nurse practitioner, referee, judge, matchmaker, timekeeper, professional, contestant, or manager or a second of those persons.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3635.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3635.amended Rules.

Sec. 35. The director, after consultation with the commission, may promulgate rules to set standards for unarmed combat events and participants, to establish training requirements for promoters, contestants, and participants regulated under this act, or to establish license fees or training requirements for other individuals who are engaged in activities regulated by this act not otherwise provided for in this act.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

CHAPTER 4

***** 338.3640 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3640.amended

338.3640 Complaint; filing.

Sec. 40. A complaint which alleges that a person has violated this act or a rule promulgated or an order issued under this act shall be lodged with the department. The department of attorney general, the department, the commission, or any other person may file a complaint.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3640.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3640.amended Complaint; filing.

Sec. 40. A complaint that alleges that a person has violated this act or a rule promulgated or an order issued under this act shall be submitted to the department. The department of attorney general, the department, the commission, or any other person may file a complaint.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3641 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3641.amended

338.3641 Complaint; investigation; procedures.

Sec. 41. (1) The department, upon receipt of a complaint, immediately shall begin its investigation of the allegations of the complaint and shall open a correspondence file. The department shall make a written acknowledgment of the complaint within 15 days after receipt of the complaint to the person making the complaint. If the complaint is made by the department, the director shall designate 1 or more employees of the department to act as the person making the complaint.

(2) The department shall conduct the investigation required under subsection (1). In furtherance of that investigation, the department may request that the attorney general petition a court of competent jurisdiction to issue a subpoena requiring a person to appear before the department and be examined with reference to a matter within the scope of the investigation and to produce books, papers, or documents pertaining to the investigation.

(3) The investigative unit of the department, within 30 days after the department receives the complaint, shall report to the director on the status of the investigation. If, for good cause shown, an investigation cannot be completed within 30 days, the director may extend the time in which a report may be filed.

(4) If the report of the investigative unit of the department does not disclose a violation of this act or a rule promulgated or an order issued under this act, the complaint shall be closed by the department. The reasons for closing the complaint shall be forwarded to the respondent and complainant, who then may provide additional information to reopen the complaint.

(5) If the report of the investigative unit made pursuant to subsection (3) discloses evidence of a violation of this act or a rule promulgated or an order issued under this act, the department or the department of attorney general shall prepare the appropriate action against the respondent which may be any of the following:

- (a) A formal complaint.
- (b) A cease and desist order.
- (c) A notice of summary suspension subject to sections 42 and 48(7).

(6) At any time during its investigation or after the issuance of a formal complaint, the department may bring together the complainant and the respondent for an informal conference. At the informal conference, the department shall attempt to resolve issues raised in the complaint and may attempt to aid the parties in reaching a formal settlement or stipulation.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3641.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3641.amended Complaint; investigation; procedures.

Sec. 41. (1) When it receives a complaint under section 40, the department shall immediately begin an investigation of the allegations of the complaint and shall open a correspondence file. The department shall make a written acknowledgment of the complaint within 15 days after it receives a complaint to the person that made the complaint. If a complaint is made by the department, the director shall designate 1 or more employees of the department to act as the person that made the complaint.

(2) The department shall conduct an investigation required under subsection (1). As part of that

investigation, the department may request that the attorney general petition a court of competent jurisdiction to issue a subpoena requiring a person to appear before the department and be examined with reference to a matter within the scope of the investigation and to produce books, papers, or documents pertaining to the investigation.

(3) After conducting an investigation under subsection (1), if the department does not find that a violation of this act or a rule promulgated or an order issued under this act occurred, the department shall close the complaint. The department shall notify the complainant and respondent of its reasons for closing the complaint, and the complainant or respondent may then provide additional information to reopen the complaint.

(4) If the department investigation under subsection (1) reveals evidence of a violation of this act or a rule promulgated or an order issued under this act, the department or the department of attorney general shall prepare the appropriate action against the respondent, which may be any of the following:

(a) A formal complaint.

(b) A cease and desist order.

(c) A notice of summary suspension, subject to sections 42 and 48(5).

(5) At any time during its investigation or after a formal complaint is issued, the department may bring together the complainant and the respondent for an informal conference. At the informal conference, the department shall attempt to resolve issues raised in the complaint and may attempt to aid the parties in reaching a settlement.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3642 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3642.amended *****

338.3642 Summary suspension.

Sec. 42. (1) After an investigation has been conducted, the department may issue an order summarily suspending a license based on an affidavit by a person familiar with the facts set forth in the affidavit, or, if appropriate, based upon an affidavit on information and belief, that an imminent threat to the integrity of the sport, the public interest, and the welfare and safety of a professional exists. Thereafter, the proceedings described in this chapter shall be promptly commenced and decided.

(2) A person whose license has been summarily suspended under this section may petition the department to dissolve the order. Upon receiving a petition, the department immediately shall schedule a hearing to decide whether to grant or deny the requested relief.

(3) An administrative law hearings examiner shall grant the requested relief dissolving the summary suspension order, unless sufficient evidence is presented that an imminent threat to the integrity of the sport, the public interest, and the welfare and safety of a professional exists that requires emergency action and continuation of the department's summary suspension order.

(4) The record created at the hearing to dissolve a summary suspension order shall become part of the record on the complaint at a subsequent hearing in a contested case.

(5) A summary suspension of a professional for refusal or failure to submit to a drug test or for the presence of controlled substances, enhancers, prohibited drugs, or other prohibited substances, as described in section 48(7), shall proceed under this section.

History: 2004, Act 403, Eff. Feb. 20, 2005.

Compiler's note: In subsection (5), the reference to "section 48(7)" evidently should read "section 48(6)."

***** 338.3642.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3642.amended Summary suspension.

Sec. 42. (1) After it conducts an investigation, the department may issue an order summarily suspending a license based on an affidavit by an individual who is familiar with the facts set forth in the affidavit, or, if appropriate, based on an affidavit made on information and belief, that an imminent threat to the integrity of the sport, the public interest, or the welfare and safety of a contestant exists.

(2) A person whose license is summarily suspended under this section may petition the department to dissolve the order. If it receives a petition to dissolve a summary suspension order under this subsection, the department may deny the request to dissolve the order, grant the request to dissolve the order, or immediately schedule a hearing to decide whether to grant or deny the request to dissolve the order.

(3) At a hearing described in subsection (2), an administrative law hearings examiner shall dissolve the summary suspension order, unless sufficient evidence is presented that an imminent threat to the integrity of

the sport, the public interest, or the welfare and safety of a contestant exists that requires emergency action and continuation of the department's summary suspension order.

(4) The record created at a hearing described in subsection (2) to dissolve a summary suspension order shall become part of the record on the complaint at any subsequent hearing in a contested case on the complaint.

(5) A summary suspension of a contestant under section 48(5) for refusal or failure to submit to a drug test or for the presence of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, or derivatives or metabolites of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, shall proceed under this section.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

338.3643 Cease and desist order.

Sec. 43. (1) After an investigation has been conducted, the director may order a person to cease and desist from a violation of this act or a rule promulgated or an order issued under this act.

(2) A person ordered to cease and desist may request a hearing before the department if a written request for a hearing is filed within 30 days after the effective date of the order.

(3) Upon a violation of a cease and desist order issued under this act, the department of attorney general may apply to a court of competent jurisdiction to restrain and enjoin, temporarily or permanently, or both, a person from further violating a cease and desist order.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3644 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3644.amended *****

338.3644 Formal complaint.

Sec. 44. (1) A summary suspension order, cease and desist order, or injunctive relief issued or granted in relation to a license is in addition to and not in place of an informal conference; criminal prosecution; or proceeding to deny, revoke, or suspend a license; or any other action authorized by this act.

(2) After an investigation has been conducted and a formal complaint prepared, the department shall serve the formal complaint upon the respondent and the complainant. At the same time, the department shall serve the respondent with a notice describing the compliance conference and hearing process and offering the respondent a choice of 1 of the following opportunities:

(a) An opportunity to meet with the department to negotiate a settlement of the matter.

(b) If the respondent is a licensee or registrant under this act, an opportunity to demonstrate compliance prior to holding a contested case hearing.

(c) An opportunity to proceed to a contested case hearing.

(3) A respondent upon whom service of a formal complaint has been made pursuant to this section may select, within 15 days after the receipt of notice, 1 of the options described in subsection (2). If a respondent does not select 1 of those options within the time period described in this section, then the department shall proceed to a contested case hearing as described in subsection (2)(c).

(4) An informal conference may be attended by a member of the commission, at the discretion of that commission, and may result in a settlement, consent order, waiver, default, or other method of settlement agreed upon by the parties and the department. A settlement may include the revocation or suspension of a license; censure; probation; restitution; or a penalty provided for in section 48. The commission may reject a settlement and require a contested case hearing.

(5) An employee of the department may represent the department in any contested case hearing.

(6) This chapter does not prevent a person against whom a complaint has been filed from showing compliance with this act or a rule promulgated or an order promulgated or issued under this act.

(7) If an informal conference is not held or does not result in a settlement of a complaint, the department shall allow the respondent an administrative hearing. A hearing under this section may be attended by a member of the commission.

(8) The department or the department of the attorney general may petition a court of competent jurisdiction to issue a subpoena which shall require the person subpoenaed to appear or testify or produce relevant documentary material for examination at a proceeding.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3644.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3644.amended Formal complaint.

Sec. 44. (1) A summary suspension order, cease and desist order, or injunctive relief issued or granted in relation to a license is in addition to and not in place of an informal conference; criminal prosecution; or proceeding to deny, revoke, or suspend a license; or any other action authorized under this act.

(2) After an investigation is conducted and a formal complaint is prepared, the department shall serve the formal complaint on the respondent and the complainant. At the same time, the department shall serve the respondent with a notice describing the compliance conference and hearing process and offering the respondent a choice of 1 of the following opportunities:

(a) An opportunity to meet with the department to negotiate a settlement of the matter.

(b) If the respondent is a licensee or registrant under this act, an opportunity to demonstrate compliance before a contested case hearing is held.

(c) An opportunity to proceed to a contested case hearing.

(3) A respondent upon which service of a formal complaint is made under this section may select, within 15 days after the receipt of notice, 1 of the options described in subsection (2). If a respondent does not select 1 of those options within the time period described in this section, then the department shall proceed to a contested case hearing as described in subsection (2)(c).

(4) An informal conference may be attended by a member of the commission, at the discretion of that commission, and may result in the agreement of the parties and the department to a settlement. A settlement may include the revocation or suspension of a license; censure; restitution; or a penalty under section 48. The commission may reject a settlement and require a contested case hearing.

(5) An employee of the department may represent the department in any contested case hearing.

(6) This chapter does not prevent a person against which a complaint is filed from showing compliance with this act or a rule promulgated or an order promulgated or issued under this act.

(7) If an informal conference is not held or does not result in a settlement, the department shall allow the respondent an administrative hearing. A member of the commission may attend a hearing under this section.

(8) The department or the department of the attorney general may petition a court of competent jurisdiction to issue a subpoena that requires the person subpoenaed to appear or testify or produce relevant documentary material for examination at a proceeding.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3645 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3645.amended *****

338.3645 Hearing report.

Sec. 45. (1) At the conclusion of a hearing conducted under section 44(7), the administrative law hearings examiner shall submit a determination of findings of fact and conclusions of law to the department and the department of the attorney general and the commission, in a hearing report. The submitted hearing report may recommend the penalties to be assessed as prescribed in section 48.

(2) A copy of a hearing report shall be submitted to the person who made the complaint and to the person against whom the complaint was lodged.

(3) Within 60 days after receipt of an administrative law hearings examiner's hearing report, the commission shall meet and make a determination of the penalties to be assessed under section 48. The commission's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript of a hearing or a portion of the transcript shall be made available to the commission upon request. If a transcript or a portion of the transcript is requested, the commission's determination of the penalty or penalties to be assessed under section 48 shall be made at a meeting within 60 days after receipt of a transcript or portion of the transcript.

(4) If the commission does not determine the appropriate penalty or penalties to be assessed within the time limits prescribed by subsection (3), the director may determine the appropriate penalty and issue a final order.

(5) A member of the commission who has participated in an investigation or administrative hearing on a complaint filed with the department or who has attended an informal conference shall not participate in making a final determination in a proceeding on that complaint.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3645.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3645.amended Hearing report; determination by commission; basis; penalties; final

determination.

Sec. 45. (1) At the conclusion of a hearing conducted under section 44(7), the administrative law hearings examiner shall submit a determination of findings of fact and conclusions of law to the department and the department of the attorney general and the commission, in a hearing report. The submitted hearing report may recommend the penalties to be assessed under section 48.

(2) A copy of a hearing report shall be submitted to the person that made the complaint and to the person against which the complaint was filed.

(3) Within 60 days after it receives an administrative law hearings examiner's hearing report, the commission shall meet and make a determination of the penalties to be assessed under section 48. The commission's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript of a hearing or a portion of the transcript shall be made available to the commission on request. If a transcript or a portion of the transcript is requested, the commission's determination of the penalty or penalties to be assessed under section 48 shall be made at a meeting within 60 days after the commission receives the transcript or portion of the transcript.

(4) If the parties and the department agree to a settlement, and that settlement requires imposition of a penalty under section 48 but does not specify that penalty, the commission shall make a determination of the penalties within 60 days after it receives the settlement. The commission shall make its determination of the appropriate penalty based on the terms of the settlement.

(5) If the commission does not determine the appropriate penalty or penalties to be assessed within the time limits prescribed in subsection (3) or (4), the director may determine the appropriate penalty and issue a final order.

(6) A member of the commission who has participated in an investigation or administrative hearing on a complaint filed with the department or who has attended an informal conference shall not participate in making a final determination in a proceeding on that complaint.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

338.3646 Issuance of license or renewal; petition to review.

Sec. 46. (1) A person seeking a license or renewal under this act may petition the department and the commission for a review if that person does not receive a license or renewal.

(2) A petition submitted under subsection (1) shall be in writing and shall set forth the reasons the petitioner feels the licensure or renewal should be issued.

(3) In considering a petition submitted under subsection (1), the department and the commission may administer an alternative form of testing to the petitioner or conduct a personal interview with the petitioner, or both.

(4) The department may issue a license or renewal if, based on a review of the qualifications of the person who submitted a petition under subsection (1), the department and the commission determine that the person could perform the licensed activity with competence.

(5) Notwithstanding any other provision of this act, if a written grievance was lodged before the effective date of this act against a person licensed under an act repealed by this act, the proceedings on that grievance shall be conducted in the manner prescribed in the repealed act.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3647 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3647.amended *****

338.3647 Action against license; rules; seat; final decision-making authority.

Sec. 47. (1) The department shall initiate an action under this chapter against an applicant or take any other allowable action against the license of any contestant, promoter, or other participant who the department determines has done any of the following:

(a) Enters into a contract for a contest or exhibition in bad faith.

(b) Participates in any sham or fake contest or exhibition.

(c) Participates in a contest or exhibition pursuant to a collusive understanding or agreement in which the contestant competes or terminates the contest or exhibition in a manner that is not based upon honest competition or the honest exhibition of the skill of the contestant.

(d) Is determined to have failed to give his or her best efforts, failed to compete honestly, or failed to give an honest exhibition of his or her skills in a contest or exhibition.

(e) Is determined to have performed an act or engaged in conduct that is detrimental to a contest or exhibition, including, but not limited to, any foul or unsportsmanlike conduct in connection with a contest or

exhibition.

(f) Gambles on the outcome of a contest or exhibition in which he or she is a contestant, promoter, matchmaker, ring official, or second.

(g) Assaults another licensee, commission member, or department employee while not involved in or while outside the normal course of a contest or exhibition.

(h) Practices fraud or deceit in obtaining a license.

(2) The department, in consultation with the commission, shall promulgate rules to provide for both of the following:

(a) The timing of drug tests for contestants.

(b) Specific summary suspension procedures for contestants and participants who test positive for drugs or fail to submit to a drug test, under section 48(4). The rules shall include the following:

(i) A procedure to allow the department to place the licensee upon the national suspension list.

(ii) An expedited appeal process for the summary suspension.

(iii) A relicensing procedure following summary suspension.

(3) An employee of the department must be present at all weigh-ins, medical examinations, contests, exhibitions, and matches to ensure that this act and rules are strictly enforced.

(4) Each promoter shall furnish each member of the commission present at a contest or exhibition a seat in the area immediately adjacent to the contest or exhibition. An additional seat shall be provided in the venue.

(5) The commission chair, a commission member assigned by the chair, or a department official designated by the commission chair shall have final authority involving any conflict at a contest, exhibition, or match and shall advise the chief inspector in charge accordingly. In the absence of the chair, an assigned member, or a department official designated by the commission chair, the chief inspector in charge shall be the final decision-making authority.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3647.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3647.amended Action against license; rules; seat provided to commission member.

Sec. 47. (1) The department shall initiate an action under this chapter against an applicant or take any other allowable action against the license of any contestant, promoter, or participant if the department determines that the applicant or licensee does any of the following:

(a) Engages in fraud, deceit, or dishonesty in obtaining a license.

(b) Engages in fraud, deceit, or dishonesty in performing the duties of a promoter, if applicable, or otherwise practicing that person's licensed occupation.

(c) If the licensee or applicant pays a fee under this act with a check, money order, or similar instrument or with a credit card or debit card and that payment is dishonored or otherwise refused when presented by the department for payment, fails to pay that fee and reimburse the department for any charges incurred by the department in connection with that dishonored or refused payment. If a payment is dishonored or refused, the license is immediately suspended and remains suspended until the fee and the related charges are paid. As used in this subdivision, "dishonored" means that term as described in section 3502 of the uniform commercial code, 1962 PA 174, MCL 440.3502.

(d) Enters into a contract for a contest or event in bad faith.

(e) Participates in any sham or fake contest or event.

(f) Participates in a contest or event under a collusive understanding or agreement in which the contestant competes or terminates the contest or event in a manner that is not based on honest competition or the honest exhibition of the skill of the contestant.

(g) Is determined to have failed to give his or her best efforts, failed to compete honestly, or failed to give an honest exhibition of his or her skills in a contest.

(h) Is determined to have performed an act or engaged in conduct that is detrimental to a contest or event, including, but not limited to, any foul or unsportsmanlike conduct in connection with a contest or event.

(i) Gambles on the outcome of a contest or event in which he or she is a contestant, matchmaker, ring official, or second.

(j) Assaults another licensee, outside of or while not involved in a contest, a commission member, or a department employee.

(k) Engages in false advertising.

(l) Fails to comply with a subpoena issued under this act.

(m) Fails to provide a requested document or records to the department.

(n) Violates or fails to comply with a settlement with or final order issued by the department or

commission.

(o) Fails to pay any obligation that is related to the normal course of promoting an event, including, but not limited to, venue rent or judge, physician, referee, or timekeeper fees.

(p) Enters into a contract for a contest or event in bad faith.

(q) Gambles on the outcome of a contest or event of which the person is a promoter.

(r) Fails to file current address information with the department.

(s) Tamper with or coerces a contestant.

(t) Aids or abets another person to act as a promoter, contestant, or participant or conduct an event without a license under this act.

(u) Violates any other provision of this act or a rule promulgated under this act for which a penalty or remedy is not otherwise prescribed.

(2) The department, in consultation with the commission, shall promulgate rules to provide for both of the following:

(a) The timing of drug tests for contestants.

(b) For purposes of section 48(5), specific summary suspension procedures for contestants who fail to submit to a drug test or who test positive for controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, or derivatives or metabolites of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department. The rules shall include all of the following:

(i) A procedure to allow the department to place the licensee on the national suspension list maintained by the designated recordkeeper authorized by the Association of Boxing Commissions.

(ii) An expedited appeal process for the summary suspension.

(iii) A relicensing procedure following summary suspension.

(3) Each promoter shall furnish each member of the commission present at a contest or event a seat in the area immediately adjacent to the contest or event. An additional seat shall be provided in the venue.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3648 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3648.amended *****

338.3648 Reinstatement; fine; penalties; grounds for summary suspension.

Sec. 48. (1) Upon receipt of an application for reinstatement and the payment of an administrative fine prescribed by the commission, the commission may reinstate a revoked license or lift a suspension. If disciplinary action is taken against a person under this act that does not relate to a contest or exhibition, the commission may, in lieu of suspending or revoking a license, prescribe an administrative fine not to exceed \$10,000.00. If disciplinary action is taken against a person under this act that relates to the preparation for a contest or an exhibition, the occurrence of a contest or an exhibition, or any other action taken in conjunction with a contest or an exhibition, the commission may prescribe an administrative fine in an amount not to exceed 100% of the share of the purse to which the holder of the license is entitled for the contest or exhibition or an administrative fine not to exceed \$100,000.00 in the case of any other person. This administrative fine may be imposed in addition to, or in lieu of, any other disciplinary action that is taken against the person by the commission.

(2) If an administrative fine is imposed under this section, the commission may recover the costs of the proceeding, including investigative costs and attorney fees. The department or the attorney general may bring an action in a court of competent jurisdiction to recover any administrative fines, investigative and other allowable costs, and attorney fees. The filing of an action to recover fines and costs does not bar the imposition of other sanctions under this act.

(3) An employee of the department, in consultation with any commission member present, may issue an order to withhold the purse for 3 business days due to a violation of this act or a rule promulgated under this act. During that 72-hour time period, the commission may convene a special meeting to determine if the action of the employee of the department was warranted. If the commission determines that the action was warranted, the department shall offer to hold an administrative hearing as soon as practicable but within at least 7 calendar days.

(4) A professional or participant in a professional contest or exhibition shall submit to a postexhibition test of body fluids to determine the presence of controlled substances, prohibited substances, or enhancers. The department shall promulgate rules to set requirements regarding preexhibition tests of body fluids to

determine the presence of controlled substances, prohibited substances, or enhancers.

(5) The promoter is responsible for the cost of the testing performed under this section.

(6) Either of the following is grounds for summary suspension of the individual's license in the manner provided for in section 42:

(a) A test resulting in a finding of the presence of controlled substances, enhancers, or other prohibited substances as determined by rule of the commission.

(b) The refusal or failure of a contestant to submit to the drug testing ordered by an authorized person.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3648.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3648.amended Reinstatement; disciplinary action; administrative fine; costs; grounds for summary suspension.

Sec. 48. (1) If it receives an application for reinstatement and the payment of any administrative fine assessed by the commission under this section, the commission may reinstate a revoked license or lift a suspension.

(2) All of the following apply if disciplinary action is taken against a person under this act:

(a) If the disciplinary action does not relate to a contest or event, the commission may, in lieu of suspending or revoking a license, assess an administrative fine in an amount that does not exceed \$10,000.00.

(b) If disciplinary action is taken against a person under this act that relates to the preparation for a contest or an event, the occurrence of a contest or an event, or any other action taken in conjunction with a contest or an event, the commission may assess an administrative fine in an amount that does not exceed 100% of the share of the purse to which the holder of the license is entitled for the contest or event.

(c) If disciplinary action is taken against a person, other than a contestant, that relates to the preparation for a contest or event, the occurrence of a contest or event, or any other action taken in conjunction with a contest or event, the commission may assess an administrative fine in an amount that does not exceed \$100,000.00.

(3) The commission may assess an administrative fine under subsection (2) in addition to, or in lieu of, taking any other disciplinary action against the person.

(4) If an administrative fine is assessed under this section, the commission may recover the costs of the proceeding, including investigative costs and attorney fees. The department or the attorney general may bring an action in a court of competent jurisdiction to recover any administrative fines, investigative and other allowable costs, and attorney fees. The filing of an action to recover fines and costs does not bar the imposition of other penalties or remedies under this act.

(5) Either of the following is grounds for summary suspension of the individual's license under section 42:

(a) A test resulting in a finding of the presence of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department, or derivatives or metabolites of controlled substances, alcohol, enhancers, stimulants, performance enhancing drugs, or other drugs or substances prohibited by rules promulgated by the department.

(b) The refusal or failure of a contestant to submit to the drug testing ordered by an authorized person.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3649.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3649.added Violation of act, rule, or order; actions by department; reimbursement for expenses; injunctive action; other remedies.

Sec. 49. (1) If a person that holds a license under this act violates this act or a rule or order promulgated or issued under this act, the department may take 1 or more of the following actions:

(a) Suspend the person's license.

(b) Deny the renewal of the person's license.

(c) Revoke the person's license.

(d) Assess an administrative fine.

(e) Censure the licensee.

(2) If the department finds that a person that is subject to subsection (1) has violated this act or a rule promulgated under this act, that person is responsible for the department's expenses that are related to the investigation and any disciplinary proceeding for that violation and shall reimburse the department for those expenses. For purposes of this subsection, the department's expenses include, but are not limited to, salaries

and benefits of personnel, travel and any other expenses of those personnel, and any other expenses incurred by the department in conducting the investigation and any disciplinary proceeding.

(3) The department may bring an injunctive action in a court of competent jurisdiction to restrain or prevent a person from violating this act. If successful in obtaining injunctive relief, the department is entitled to its costs and reasonable attorney fees.

(4) The penalties and remedies under this section and section 49a are independent and cumulative. The imposition of a remedy or penalty against a person under this section or section 49a does not bar the pursuit of any lawful remedy by that person or the pursuit of a lawful remedy by any other person against that person.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3649a.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3649a.added Violation as misdemeanor; violation as felony; penalty; costs.

Sec. 49a. (1) A person that engages in or attempts to engage in an activity for which a license is required under this act, or uses a title designated in this act, without the appropriate license issued by the department under this act is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) A person that knowingly allows a professional in mixed martial arts or boxing to participate as a contestant in an amateur mixed martial arts contest with an amateur is guilty of a felony punishable by imprisonment for not more than 3 years or a fine of \$10,000.00 per incident, or both.

(3) If a court finds in an action under this section or section 49(2) that a person has violated this act or a rule promulgated under this act, that person shall be assessed costs related to the investigation of the violation and costs related to the prosecution of the action. The costs related to the investigation and prosecution include, but are not limited to, salaries and benefits of personnel, costs related to the time spent by the attorney general's office and other personnel working on the action, and any other expenses incurred by the department for the action.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

CHAPTER 5

338.3650 Boxing elimination contests.

Sec. 50. (1) Boxing elimination contests in which all of the following apply are exempt from this act:

(a) The contestants compete for prizes only in elimination contests and are not also professional boxers competing in 4 or more rounds of nonelimination boxing.

(b) Each bout is scheduled to consist of 3 or fewer 1-minute rounds, with contests conducted on no more than 2 consecutive calendar days.

(c) Competing contestants are prohibited from boxing for more than 12 minutes on each contest day.

(d) The contestants participating in the elimination contest are insured by the promoter for all medical and hospital expenses to be paid to the contestants to cover injuries sustained in the contest.

(e) A physician is in attendance at ringside and the physician has authority to stop the contest for medical reasons.

(f) All contestants pass a physical examination given by a physician, a licensed physician's assistant, or a certified nurse practitioner before the contest.

(g) A preliminary breath test is administered to each contestant which indicates a blood alcohol content of .02% or less.

(h) The promoter conducts the elimination contest in compliance with the following:

(i) A contestant who has lost by a technical knockout is not permitted to compete again for a period of 30 calendar days or until the contestant has submitted to the promoter the results of a physical examination equivalent to that required of professional boxers.

(ii) The ringside physician examines a contestant who has been knocked out in an elimination contest or whose fight has been stopped by the referee because he or she received hard blows to the head that made him or her defenseless or incapable of continuing immediately after the knockout or stoppage. The ringside physician may recommend post-fight neurological examinations, which may include computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI), to be performed on the contestant immediately after the contestant leaves the location of the contest. The promoter shall not permit the contestant to compete until a physician has certified that the contestant is fit to compete. If the physician recommended further neurological examinations, the promoter shall not permit the contestant to compete until the promoter receives copies of examination reports demonstrating that the contestant is fit to compete.

(iii) The promoter requires that a contestant who has sustained a severe injury or knockout in an

elimination contest be examined by a physician. The promoter shall not permit the contestant to compete until the physician has certified that the contestant has fully recovered.

(iv) The promoter does not permit a contestant to compete in an elimination contest for a period of not less than 60 days if he or she has been knocked out or has received excessive hard blows to the head that required the fight to be stopped.

(v) A contestant who has been knocked out twice in a period of 3 months or who has had excessive head blows causing a fight to be stopped is not permitted by a promoter to participate in an elimination contest for a period of not less than 120 days from the second knockout or stoppage.

(vi) A contestant who has been knocked out or had excessive hard blows to the head causing a fight to be stopped 3 times consecutively in a period of 12 months is not permitted by a promoter to participate in an elimination contest for a period of 1 year from the third knockout.

(vii) Before resuming competition after any of the periods of rest prescribed in subparagraphs (iv), (v), and (vi), a promoter requires the contestant to produce a certification by a physician stating that the contestant is fit to take part in an elimination contest.

(2) As part of the physical examination given before the boxing elimination contest, the physician, licensed physician's assistant, certified nurse practitioner, or other trained person shall administer a preliminary breath test in compliance with standards imposed in rules promulgated by the department of state police regarding equipment calibration and methods of administration. The promoter shall keep a log of preliminary breath test results of contestants on file at its place of business for at least 3 years after the date of administration of the test. These results shall be made available to law enforcement officials upon request.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3651 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3651 Participant license.

Sec. 51. (1) A physician, licensed physician's assistant, certified nurse practitioner, referee, judge, matchmaker, timekeeper, professional boxer, contestant, or manager, or a second of those persons, shall obtain a participant license from the department before participating either directly or indirectly in a contest or exhibition.

(2) An application for a participant license shall be in writing, shall be verified by the applicant, and shall set forth those facts requested by and conform to the rules promulgated by the department.

(3) The department shall issue a passport with each professional contestant's license.

(4) The commission, or a member of the commission, has standing to contest the issuance or nonissuance of an exhibition or other license by written or electronic communication to the department.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3652 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3652 Examination or training program.

Sec. 52. (1) A person seeking a license under this act as a judge or referee may be required to satisfactorily pass an examination or training program acceptable to the department.

(2) A person seeking a license under this act as a judge, referee, or contestant shall pass a physical examination that is performed by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner acceptable to the department and the commission.

(3) Until the expiration of 1 year after the effective date of this act, the department shall issue an equivalent license without an examination to a person who is licensed in any capacity under former article 8 of the occupational code, 1980 PA 299, on the effective date of this act upon application on a form provided by the department.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3653 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3653 Licensure as professional referee, judge, or timekeeper.

Sec. 53. (1) In addition to the requirements of section 52, a person seeking a license as a professional referee, judge, or timekeeper shall referee, judge, or keep time for a minimum of 300 rounds of amateur competitive boxing. To the extent standards are not contained in the mixed martial arts unified rules

incorporated by reference under section 22(7), the department shall promulgate rules establishing standards for a person seeking licensure as a mixed martial arts professional referee, judge, or timekeeper.

(2) After a person has successfully completed the requirements of section 51(2) and subsection (1), the department may issue the person a license.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3654 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3654 Unofficial scoring; rules; completion of standardized evaluation sheet by licensee.

Sec. 54. (1) In addition to the requirements of section 53, a person seeking a license as a professional judge shall score, unofficially, not fewer than 200 rounds of professional boxing. In order to fulfill the requirements of this subsection, an applicant shall only unofficially judge contests that are approved by the commission for that purpose. An applicant shall not receive compensation for judging boxing contests or exhibitions under this subsection. Scorecards shall be transmitted to the department and the commission for review and evaluation.

(2) To the extent standards are not contained in the mixed martial arts unified rules incorporated by reference under section 22(7), the department shall promulgate rules establishing experience standards for a person seeking licensure as a mixed martial arts professional judge.

(3) An employee authorized by the department or the commission shall complete a standardized evaluation sheet for each contest or exhibition judged by a licensee. The commission shall annually review the evaluation sheets. A commission member attending a contest or exhibition may also submit to the department a standardized evaluation sheet.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2005, Act 49, Imd. Eff. June 23, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3654a.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3654a.added Unarmed combat event, amateur mixed martial arts, professional mixed martial arts, or professional boxing event presented by licensed promoter; requirements.

Sec. 54a. (1) A licensed promoter that presents an unarmed combat event in this state must comply with all of the following:

(a) At least 5 days before the event, submit a request for approval of the event to the department, on a form prescribed by the department. The request shall include the names the promoter is required to provide under subdivisions (d), (e), (f), and (g).

(b) Within the 5-day period preceding a professional boxing or professional mixed martial arts event, submit the fight records of each contestant to the department. "Fight records" means that term as defined by the department by rule.

(c) Pay all obligations that are related to the normal course of promoting an unarmed combat event, including, but not limited to, venue rent and judge, physician, referee, and timekeeper fees.

(d) Arrange for a physician to attend the event for purposes of subsection (2)(l), and arrange for an alternate physician to attend the event if the original physician is unable to attend the event. The promoter shall include the name of the physician and the alternate physician described in this subdivision in the request submitted under subdivision (a).

(e) Arrange for an ambulance that is staffed by emergency medical technicians to be on the premises to attend the event for purposes of subsection (2)(k), and arrange for an alternate ambulance that is staffed by emergency medical technicians to be on the premises to attend the event if the original ambulance and emergency medical technicians are unable to attend the event. The promoter shall include the name of the ambulance provider and the emergency medical technicians and the alternate ambulance provider and emergency medical technicians described in this subdivision in the request submitted under subdivision (a).

(f) Arrange for a referee, judges, and a timekeeper to attend the event for purposes of subsection (2)(m). The promoter shall include the names of the referee, judges, and timekeeper described in this subdivision in the request submitted under subdivision (a).

(g) Arrange for an inspector who meets the requirements of section 33(11) to attend the event for purposes of subsection (2)(m). The promoter shall include the name of the inspector, and any other information about the inspector that is required by the department, in the request submitted under subdivision (a).

(h) Maintain records of the event for at least 1 year after the date of the scheduled event and make those records available to the department or law enforcement officials on request.

(2) A licensed promoter that is presenting an amateur mixed martial arts, professional mixed martial arts,

or professional boxing event in this state shall ensure that all of the following are met in the conduct of the event:

(a) Except as provided in subdivision (b), each individual mixed martial arts contest consists of not more than 3 rounds, of not more than 5 minutes' duration, with at least a 1-minute rest period between each round; and the length of each individual boxing contest is determined by the department but does not exceed 10 rounds, of not more than 5 minutes' duration, with at least a 1-minute rest period between each round.

(b) Each individual national or international championship mixed martial arts contest consists of not more than 5 rounds, of not more than 5 minutes' duration, with at least a 1-minute rest period between each round; and the length of each individual national or international championship boxing contest is determined by the department but does not exceed 12 rounds, of not more than 5 minutes' duration, with at least a 1-minute rest period between each round.

(c) Each mixed martial arts contestant wears gloves, supplied by the promoter, that weigh at least 4 ounces and not more than 8 ounces; and each boxing contestant wears gloves that each weigh at least 8 ounces and not more than 16 ounces.

(d) The referee examines the gloves worn by each contestant before and during a contest. If the referee finds that a glove is misplaced, lumpy, broken, roughed, or otherwise unfit, the contestant must change the glove before the start of the contest.

(e) Before a contestant participates in a contest, he or she is weighed and placed in the appropriate weight class. As used in this subdivision and subdivision (f), "weight class" means 1 of the following:

(i) Mini flyweight, if he or she weighs 105 pounds or less.

(ii) Light flyweight, if he or she weighs 106 to 108 pounds.

(iii) Flyweight, if he or she weighs 109 to 112 pounds.

(iv) Super flyweight, if he or she weighs 113 to 115 pounds.

(v) Bantamweight, if he or she weighs 116 to 118 pounds.

(vi) Super bantamweight, if he or she weighs 119 to 122 pounds.

(vii) Featherweight, if he or she weighs 123 to 126 pounds.

(viii) Super featherweight, if he or she weighs 127 to 130 pounds.

(ix) Lightweight, if he or she weighs 131 to 135 pounds.

(x) Super lightweight, if he or she weighs 136 to 140 pounds.

(xi) Welterweight, if he or she weighs 141 to 147 pounds.

(xii) Super welterweight, if he or she weighs 148 to 154 pounds.

(xiii) Middleweight, if he or she weighs 155 to 160 pounds.

(xiv) Super middleweight, if he or she weighs 161 to 168 pounds.

(xv) Light heavyweight, if he or she weighs 169 to 175 pounds.

(xvi) Cruiserweight, if he or she weighs 176 to 200 pounds.

(xvii) Heavyweight, if he or she weighs 201 to 260 pounds.

(xviii) Super heavyweight, if he or she weighs 261 pounds or more.

(f) A contestant only participates in a contest with another contestant who meets 1 of the following:

(i) The other contestant is in the same class as the contestant.

(ii) If the contestant's weight class is mini flyweight, light flyweight, flyweight, super flyweight, or bantamweight, and the other contestant is in another weight class, the weight difference between the contestants is not more than 3 pounds.

(iii) If the contestant's weight class is super bantamweight, featherweight, or super featherweight, and the other contestant is in another weight class, the weight difference between the contestants is not more than 4 pounds.

(iv) If the contestant's weight class is lightweight or super lightweight, and the other contestant is in another weight class, the weight difference between the contestants is not more than 5 pounds.

(v) If the contestant's weight class is welterweight, super welterweight, middleweight, super middleweight, or light heavyweight, and the other contestant is in another weight class, the weight difference between the contestants is not more than 7 pounds.

(vi) If the contestant's weight class is heavyweight or super heavyweight, there is no limitation on the weight difference between the contestant and the other contestant.

(g) An individual does not compete as a contestant unless he or she submits to the promoter a medical certification of negative results for hepatitis B and C and HIV tests that were performed on the contestant in the 180-day period that precedes the scheduled contest or event.

(h) An individual does not compete as a contestant unless he or she submits to the promoter the results of an ophthalmologic exam that was performed in the 180-day period that precedes the contest or event and the results of the exam are submitted to the department.

(i) A female individual does not compete as a contestant unless she submits to the promoter the results of a pregnancy test that was performed on her in the 7-day period that precedes the contest or event and the results of the pregnancy test are negative.

(j) An individual is not allowed to compete as a contestant without proper medical clearance.

(k) The event does not take place or continue without an ambulance that is staffed by at least 2 emergency medical technicians on the premises of the event.

(l) The event does not take place or continue without a physician at the event.

(m) The event does not take place or continue without an inspector and a trained and competent referee, judge, and timekeeper.

(n) An individual is not allowed to compete as a contestant if there is any reason to suspect that he or she is impaired or has used or uses performance enhancing drugs.

(o) A professional is not allowed to compete as a contestant in an amateur event.

(p) If an individual lost a contest by a technical knockout in the 30-day period preceding the event, he or she is not allowed to compete as a contestant unless he or she submits the results of a physical examination to the department that indicate that he or she is fit to compete.

(q) The physician at the event determines the status of a contestant who is knocked out or whose contest is stopped by the referee. The physician may make recommendations concerning either of the following:

(i) The contestant's status, including, but not limited to, a recommendation to the department that the contestant not compete for a period of time specified by the physician.

(ii) The need for additional testing or examination of the contestant, including, but not limited to, a postfight neurological examination, which may include performing computerized axial tomography (CAT) scans or magnetic resonance imaging (MRI) on the contestant immediately after the contestant leaves the event venue.

(r) If a physician recommended that the contestant not compete for a period of time under subdivision (q)(i), that contestant does not compete in another contest during that time period.

(s) If a physician recommended further neurological examination of a contestant under subdivision (q)(ii), that contestant does not compete in another contest until those examinations are conducted, the promoter and department receive copies of the examination reports, and the reports demonstrate that the contestant is fit to compete.

(t) A contestant who sustains a severe injury or knockout in a contest is examined by a physician and is not permitted to compete in another contest until a physician certifies that the contestant is fully recovered.

(u) An individual who meets all of the following does not compete as a contestant:

(i) He or she participated in multiple contests before the event.

(ii) In any 90-day period, he or she was knocked out in 2 contests or 2 of his or her contests were stopped and a physician recommended neurological testing under subdivision (q) after any of those contests.

(iii) The second knockout or stoppage described in subparagraph (ii) occurred in the 120-day period preceding the event.

(v) An individual who meets all of the following does not compete as a contestant:

(i) He or she participated in multiple contests before the event.

(ii) In any 12-month period, he or she was knocked out in 3 consecutive contests or 3 consecutive contests were stopped and a physician recommended neurological testing under subdivision (q) after any of those contests.

(iii) The third knockout or stoppage described in subparagraph (ii) occurred in the 1-year period preceding the event.

(w) If an individual was not allowed to compete as a contestant in an earlier event because he or she met the requirement of subdivision (t), (u), or (v) at the time of that earlier event, he or she does not compete as a contestant unless he or she provides the promoter with proper medical clearance.

(x) Each contestant is at least 18 years of age.

(y) A contestant does not compete in more than 1 contest at an event.

(z) All of the contestants in a contest are the same gender.

(aa) An individual does not participate as a contestant if he or she participated in another contest in the 7-day period preceding the event.

(bb) The results of each contest are reported to the department, on a form prescribed by the department, within 48 hours after the conclusion of the event. The report shall include any physician recommendations under subdivision (q). Within 2 business days after it receives those results, the department shall enter those results in each national contest results database selected by the department.

(cc) In a professional event, that tickets sold by contestants are not a factor in determining the amount of the purse.

(dd) If a mixed martial arts contest is a cage fight, the referee conducts a safety inspection of the cage before the contest.

History: Add. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3655 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3655.amended

338.3655 Medical or hospital insurance.

Sec. 55. (1) A professional participating in a contest or exhibition shall be insured by the promoter for not less than \$50,000.00 for medical and hospital expenses to be paid to the contestant to cover injuries sustained in the contest and for not less than \$50,000.00 to be paid in accordance with the statutes of descent and distribution of personal property if the contestant should die as a result of injuries received in a boxing contest or exhibition.

(2) A promoter shall pay the policy premium and deductible regarding any medical or hospital expenses for a contestant's injuries.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3655.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3655.amended Medical and hospital expenses.

Sec. 55. (1) A promoter shall insure each contestant who competes in a contest for at least \$50,000.00 for medical and hospital expenses related to injuries sustained in the contest or event, payable to the contestant, and for at least \$50,000.00 if the contestant dies as a result of injuries received in a contest or event, with the proceeds payable to the contestant's estate.

(2) A promoter shall pay the policy premium and deductible regarding any medical or hospital expenses for a contestant's injuries.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3656 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3656 Number of rounds; weight of contest gloves; certification of physical condition.

Sec. 56. (1) A professional boxing contest or exhibition shall be of not more than 10 rounds in length, except a boxing contest or exhibition which involves a national or international championship may last not more than 12 rounds in the determination of the department. The contestants shall wear during a contest gloves weighing at least 8 ounces each. Rounds shall be not longer than 3 minutes, with not less than 1-minute rest between rounds.

(2) A professional or participant in a contest or exhibition shall be certified to be in proper physical condition by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner before participating in a contest or exhibition. The department shall designate any medical test that may be required to determine if the individual is in proper physical condition.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3657 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3657.amended

338.3657 Duties of physician.

Sec. 57. (1) A licensed physician shall be in attendance at each contest or exhibition. The physician shall observe the physical condition of the contestants and advise the referee or judges with regard to the health of those contestants. The physician shall examine each contestant before entering the ring.

(2) The licensed physician shall file with the commission the report of the physical examination of a contestant not later than 24 hours after termination of the contest or exhibition.

(3) If, in the opinion of the physician, the health or safety of a contestant requires that the contest or exhibition in which he or she is participating be terminated, the physician shall notify the referee. The referee shall terminate the contest or exhibition.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3657.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3657.amended Duties of physician.

Sec. 57. (1) A licensed physician shall attend each contest. The physician shall observe the physical condition of the contestants and advise the referee or judges with regard to the health of those contestants. The physician shall examine each contestant before he or she enters the ring.

(2) The physician described in subsection (1) shall file with the commission the report of the physical examination of each contestant within 24 hours after the contest or event ends.

(3) If, in the opinion of a physician described in subsection (1), the health or safety of a contestant requires the termination of the contest in which he or she is competing, the physician shall notify the referee and the referee shall terminate the contest.

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

***** 338.3658 THIS SECTION IS AMENDED EFFECTIVE FEBRUARY 10, 2016: See 338.3658.amended *****

338.3658 Loss of consciousness; physical examination required; cost.

Sec. 58. (1) If a contestant or participant loses consciousness during or as a result of a contest or exhibition in which he or she participates, he or she shall not again be eligible to participate in a contest or exhibition in this state unless examined by a physician appointed by the commission and unless the physician certifies the contestant's or participant's fitness to participate.

(2) The contestant or participant shall pay the cost of the examination conducted under subsection (1).

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008.

***** 338.3658.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 10, 2016 *****

338.3658.amended Loss of consciousness; physical examination required; cost.

Sec. 58. (1) If a contestant loses consciousness during or as a result of a contest in which he or she competes, he or she is not eligible to participate in another contest in this state until he or she is examined by a physician appointed by the commission and that physician certifies the contestant's fitness to participate in that contest.

(2) The contestant shall pay the cost of the examination conducted under subsection (1).

History: 2004, Act 403, Eff. Feb. 20, 2005;—Am. 2007, Act 196, Eff. Mar. 27, 2008;—Am. 2015, Act 183, Eff. Feb. 10, 2016.

CHAPTER 6

***** 338.3660 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016 *****

338.3660 Repeal of Article 8 of 1980 PA 299, MCL 339.801 to 339.814 and MCL 338.2249.

Sec. 60. (1) Article 8 of the occupational code, 1980 PA 299, MCL 339.801 to 339.814, is repealed 90 days after the date this act is enacted.

(2) Section 49 of the state license fee act, 1979 PA 152, MCL 338.2249, is repealed on the effective date of the rules promulgated under sections 22(2)(d) and 35.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3661 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016 *****

338.3661 Retention of rules.

Sec. 61. Except as rescinded, rules promulgated under former article 8 of the occupational code, 1980 PA 299, MCL 339.801 to 339.814, retain authorization under this act.

History: 2004, Act 403, Eff. Feb. 20, 2005.

338.3661a Trade secret or commercial, financial, or proprietary information; definition.

Sec. 61a. A record or portion of a record, material, information, or other data received, prepared, used, or retained by the department or commission under this act that includes a trade secret or commercial, financial, or proprietary information of a licensee or license applicant, and that the licensee or applicant requests in writing be treated as confidential by the department or commission, is not subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. As used in this section, "trade secret or commercial, financial, or proprietary information" means information that has not been publicly disseminated or that is

unavailable from other sources, the release of which might cause the licensee or applicant significant competitive harm.

History: Add. 2012, Act 546, Imd. Eff. Jan. 2, 2013.

***** 338.3662 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3662 Effective date.

Sec. 62. This act takes effect 90 days after the date it is enacted.

History: 2004, Act 403, Eff. Feb. 20, 2005.

***** 338.3663 THIS SECTION IS REPEALED BY ACT 183 OF 2015 EFFECTIVE FEBRUARY 10, 2016

338.3663 Conditional effective date.

Sec. 63. This act does not take effect unless House Bill No. 4336 of the 92nd Legislature is enacted into law.

History: 2004, Act 403, Eff. Feb. 20, 2005.

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