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SB-1456 State Athletic Commission Act. (2023-2024)

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Senate Bill No. 1456

CHAPTER 486

An act to amend Sections 18602, 18613, 18645, 18845, and 18881 of, and to add Sections 18645.1, 18704, and 18708 to, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1456, Ashby. State Athletic Commission Act.

Existing law, the Boxing Act, also known as the State Athletic Commission Act, the violation of which is a misdemeanor, grants the State Athletic Commission jurisdiction over all professional and amateur boxing, professional and amateur kickboxing, all forms and combinations of forms of full contact martial arts contests, including mixed martial arts, and matches or exhibitions conducted, held, or given within this state. Existing law prescribes the composition of the commission and requires the commission to appoint an executive officer. Existing law authorizes the commission to employ other personnel for the administration of the act, as specified. Existing law repeals these provisions establishing the commission, requiring it to appoint an executive officer, and authorizing it to employ other personnel on January 1, 2025.

This bill would extend that repeal date to January 1, 2029.

Existing law establishes the Advisory Committee on Medical and Safety Standards within the commission and requires the committee to consist of 6 licensed physicians and surgeons appointed by the commission.

This bill would require the committee to include at least one licensed physician and surgeon certified in neurology by a specialty board that is a member board of the American Board of Medical Specialties.

Existing law prohibits a person from engaging in the promotion of, or participating in, a boxing or martial arts contest, match, or exhibition without a license, and requires the commission to prescribe standards as necessary for the licensure of those persons, as specified. Existing law requires an applicant for a license as a professional athlete or contestant, or for renewal of a license, to be examined by a licensed physician and surgeon, as specified. Existing regulations generally require an applicant for a license or renewal to complete various medical examinations, including specified blood tests.

This bill would require the commission to establish a review and approval process for applicants or licensees who test positive for hepatitis C, as specified. The bill would preclude the applicant or licensee from being prohibited from competing on the basis of testing positive for hepatitis C if they have been approved by the commission under that review and approval process.

Existing law requires a promoter to have a licensed physician approved by the commission in attendance at every contest, as specified. Existing regulations generally require the continued presence of at least 2 commission-appointed ringside physicians at all matches and an onsite ambulance staffed by at least one paramedic, as specified.

This bill would require the onsite ambulance to transport to a trauma center without delay a professional or amateur fighter who requires immediate medical care as ordered by a ringside physician.

Existing law requires the commission to recognize and enforce contracts between boxers or martial arts fighters and managers and between boxers or martial arts fighters and licensed clubs, as specified. Existing regulations require all contestants to be paid in full according to their contracts and prohibits the contracted purse amount paid to a boxer from being less than \$100 per round.

This bill would require a professional fighter licensed under the act to be entitled to a minimum purse of \$200 per round fought and would authorize the commission to raise the minimum purse amount by regulation.

Existing law requires the commission to establish a pension plan for professional boxers in this state and to establish the method by which the pension plan will be financed, as specified. To finance the pension plan, existing regulations require the promoter to contribute \$0.88 on every ticket, except as specified, up to a maximum contribution of \$4,600 per show. Existing law requires all contributions to finance the pension plan to be deposited in the State Treasury and credited to the Boxers' Pension Fund, which is continuously appropriated to be used exclusively for the purposes and administration of the pension plan.

This bill would revise the above-referenced statutory provisions governing the method of financing the pension plan by, among other things, including an assessment in the amount of \$1 on each ticket sold for a professional boxing contest held in the state, up to a maximum contribution of \$10,000 per contest. Because the bill would increase the amount of moneys to be deposited in a continuously appropriated fund, the bill would make an appropriation.

By imposing additional requirements under the act, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 18602 of the Business and Professions Code is amended to read:

18602. (a) Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of seven members. Five members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, and one member shall be appointed by the Speaker of the Assembly.

The members of the commission appointed by the Governor are subject to confirmation by the Senate pursuant to Section 1322 of the Government Code.

No person who is currently licensed, or who was licensed within the last two years, under this chapter may be appointed or reappointed to, or serve on, the commission.

(b) In appointing commissioners under this section, the Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall make every effort to ensure that at least four of the members of the commission shall have experience and demonstrate expertise in one of the following areas:

(1) A licensed physician or surgeon having expertise or specializing in neurology, neurosurgery, head trauma, or sports medicine. Sports medicine includes, but is not limited to, physiology, kinesiology, or other aspects of sports medicine.

(2) Financial management.

(3) Public safety.

(4) Past experience in the activity regulated by this chapter, either as a contestant, a referee or official, a promoter, or a venue operator.

(c) Each member of the commission shall be appointed for a term of four years. All terms shall end on January 1. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term. No commission member may serve more than two consecutive terms.

(d) Notwithstanding any other provision of this chapter, members first appointed shall be subject to the following terms:

(1) The Governor shall appoint two members for two years, two members for three years, and one member for four years.

(2) The Senate Committee on Rules shall appoint one member for four years.

(3) The Speaker of the Assembly shall appoint one member for four years.

(e) (1) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

(2) Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 18613 of the Business and Professions Code is amended to read:

18613. (a) (1) The commission shall appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the commission and vested in the executive officer by this chapter. The appointment of the executive officer is subject to the approval of the Director of Consumer Affairs.

(2) The commission may employ a chief athletic inspector. If the commission employs a chief athletic inspector, the chief athletic inspector shall exercise the powers and perform the duties delegated by the commission and authorized by the executive officer related to the regulation of events under this chapter.

(3) The commission may employ an assistant chief athletic inspector. If the commission employs an assistant chief athletic inspector, the assistant chief athletic inspector shall assist the chief athletic inspector in exercising the powers and performing the duties delegated by the commission and authorized by the executive officer related to the regulation of events under this chapter.

(4) The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

(b) (1) (A) Pursuant to Section 820.2 of the Government Code, the executive officer appointed pursuant to this section shall not be liable for discretionary acts taken while performing duties pursuant to this chapter.

(B) This paragraph is declaratory of existing law and does not constitute a change in existing law.

(2) The approval of contests and the assignment of officials for contests by the executive officer under this chapter shall be considered discretionary acts pursuant to Section 820.2 of the Government Code.

(c) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 3. Section 18645 of the Business and Professions Code is amended to read:

18645. (a) There is hereby created within the jurisdiction of the State Athletic Commission an Advisory Committee on Medical and Safety Standards.

(b) The committee shall consist of six licensed physicians and surgeons appointed by the commission, including at least one licensed physician and surgeon certified in neurology by a specialty board that is a member board of the American Board of Medical Specialties. The commission may call meetings of those physicians and surgeons at such times and places as it deems appropriate for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests.

(c) It shall require a majority vote of the commission to appoint a person to the committee. Each appointment shall be at the pleasure of the commission for a term not to exceed four years.

(d) A majority of the appointed members of the committee shall constitute a quorum for the purposes of meeting.

SEC. 4. Section 18645.1 is added to the Business and Professions Code, to read:

18645.1. (a) (1) The commission shall establish, by regulation, a review and approval process for applicants or licensees under this chapter who test positive for hepatitis C pursuant to the required blood tests described in Section 280 of Title 4 of the California Code of Regulations.

(2) The commission may consult with the Advisory Committee on Medical and Safety Standards to establish the review and approval process described in paragraph (1).

(b) An applicant or licensee under this chapter shall not be prohibited from competing in any contest, match, or exhibition on the basis of testing positive for hepatitis C, pursuant to Section 280 of Title 4 of the California Code of Regulations, if the applicant or licensee has been approved by the commission under subdivision (a).

SEC. 5. Section 18704 is added to the Business and Professions Code, to read:

18704. (a) Subject to subdivision (b), a professional fighter licensed under this chapter shall be entitled to a minimum purse of two hundred dollars (\$200) per round fought.

(b) The commission may raise the minimum purse amount by regulation.

SEC. 6. Section 18708 is added to the Business and Professions Code, to read:

18708. If a professional or amateur fighter licensed under this chapter or subject to the requirements of this chapter requires immediate medical care as ordered by a ringside physician, the onsite ambulance assigned to the contest, match, or exhibition shall transport the fighter to a trauma center without delay.

SEC. 7. Section 18845 of the Business and Professions Code is amended to read:

18845. (a) The commission, its executive officer, or any other employee duly authorized by the executive officer may issue subpoenas for the attendance of witnesses, giving of testimony, or the production of documents before the commission, any member thereof, the executive officer, or any other duly authorized employee with the same effect as if they were issued in an action in the superior court. They may also administer oaths in all matters appertaining to their duties or connected with the administration of the affairs of the commission.

(b) No witness shall be obliged to attend at a place out of the county in which the witness resides unless the distance is less than 150 miles from the witness's residence, except the commission or its designee may endorse on a subpoena an order requiring the attendance of such witness upon a showing that the testimony of such witness is material and necessary.

(c) Disobedience of a subpoena may be punished as a contempt by the superior court.

SEC. 8. Section 18881 of the Business and Professions Code is amended to read:

18881. (a) The commission shall, consistent with the purposes of this article, establish a pension plan for professional boxers who engage in boxing contests in this state.

(b) (1) The commission shall, consistent with the purposes of this article, establish the method by which the pension plan will be financed, including those who shall contribute to the financing of the pension plan.

(2) The method of financing the pension plan shall include an assessment in the amount of one dollar (\$1) on each ticket sold for a professional boxing contest held in the state, up to a maximum contribution of ten thousand dollars (\$10,000) per contest.

(3) The method for financing the pension plan may include a contribution by boxers, managers, promoters, or any one or more of these persons, in an amount sufficient to finance the pension plan.

(c) Any pension plan established by the commission shall be actuarially sound.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.