**South Carolina General Assembly**

118th Session, 2009-2010

**A57, R90, H3042**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Merrill, Parker, Huggins, H.B. Brown, Anderson, J.E. Smith, Miller, M.A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, D.C. Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield, Ott, Hutto, G.R. Smith, Millwood, Whipper and Bannister

Document Path: l:\council\bills\ms\7041zw09.docx

Companion/Similar bill(s): 115

Introduced in the House on January 13, 2009

Introduced in the Senate on March 3, 2009

Passed by the General Assembly on May 13, 2009

Became law without Governor's signature, June 3, 2009

Summary: Mixed martial arts

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/9/2008 House Prefiled

 12/9/2008 House Referred to Committee on **Labor, Commerce and Industry**

 1/13/2009 House Introduced and read first time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑31

 1/13/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C01-13-09.docx)‑31

 2/4/2009 House Member(s) request name added as sponsor: Huggins

 2/5/2009 House Member(s) request name added as sponsor: H.B.Brown, Anderson, J.E.Smith, Miller, M.A.Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, D.C.Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer

 2/10/2009 House Member(s) request name added as sponsor: Bedingfield

 2/18/2009 House Member(s) request name added as sponsor: Ott

 2/18/2009 House Committee report: Favorable **Labor, Commerce and Industry** [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-18-09.docx)‑5

 2/19/2009 Scrivener's error corrected

 2/24/2009 House Member(s) request name added as sponsor: Hutto, G.R.Smith, Millwood

 2/24/2009 House Requests for debate‑Rep(s). Duncan, Crawford, Weeks, Erickson, Bedingfield, Lowe, Ballentine, and Sandifer [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-24-09.docx)‑30

 2/24/2009 House Requests for debate removed‑Rep(s). Bedingfield [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-24-09.docx)‑34

 2/26/2009 House Member(s) request name added as sponsor: Whipper, Bannister

 2/26/2009 House Requests for debate removed‑Rep(s). Duncan [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-26-09.docx)‑120

 2/26/2009 House Read second time [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-26-09.docx)‑134

 2/26/2009 House Roll call Yeas‑57 Nays‑8 [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-26-09.docx)‑136

 2/26/2009 House Motion to reconsider tabled [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-26-09.docx)‑136

 2/26/2009 House Unanimous consent for third reading on next legislative day [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-26-09.docx)‑136

 2/27/2009 House Read third time and sent to Senate [HJ](file:///h%3A%5CHJ%20Archive%5C2009%5C02-27-09.docx)‑2

 3/3/2009 Senate Introduced and read first time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-03-09.docx)‑10

 3/3/2009 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C03-03-09.docx)‑10

 5/7/2009 Senate Committee report: Favorable **Labor, Commerce and Industry** [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-07-09.docx)‑16

 5/12/2009 Senate Read second time [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-12-09.docx)‑17

 5/13/2009 Senate Read third time and enrolled [SJ](file:///h%3A%5CSJ%20Archive%5C2009%5C05-13-09.docx)‑16

 5/27/2009 Ratified R 90

 6/3/2009 Became law without Governor's signature

 6/11/2009 Effective date 06/03/09

 6/12/2009 Act No. 57

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p%3A%5Cpprever%5C2009-10%5C3042_20081209.docx)

[2/18/2009](file:///p%3A%5Cpprever%5C2009-10%5C3042_20090218.docx)

[2/19/2009](file:///p%3A%5Cpprever%5C2009-10%5C3042_20090219.docx)

[5/7/2009](file:///p%3A%5Cpprever%5C2009-10%5C3042_20090507.docx)

(A57, R90, H3042)

**AN ACT TO AMEND SECTIONS 40‑81‑20, 40‑81‑50, 40‑81‑70, 40‑81‑230, 40‑81‑280, 40‑81‑430, AND 40‑81‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION, SO AS TO PROVIDE FOR THE REGULATION OF MIXED MARTIAL ARTS COMPETITIONS BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40‑81‑445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40‑81‑530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.**

Be it enacted by the General Assembly of the State of South Carolina:

**Definitions**

SECTION 1. A. Section 40‑81‑20(26) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “(26) ‘Promoter’ means a person, club, corporation, organization, or association which promotes, advertises, presents, conducts, holds, or gives a boxing, kickboxing, mixed martial arts, or wrestling event or exhibition in this State.”

B. Section 40‑81‑20(34) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “(34) ‘Mixed martial arts’ means an event or exhibition, or part thereof, where the contestants are compensated and allowed to use any variation or combination of combative sports or fighting skills, which may include, but are not limited to, boxing, wrestling, kickboxing, or martial art skills.”

**Creation of the commission; appointment; compensation**

SECTION 2. Section 40‑81‑50(A) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “(A) There is created the State Athletic Commission consisting of eight members appointed by the Governor with the advice and consent of the Senate to regulate boxing, kickboxing, wrestling, mixed martial arts, and other combative sports in this State. One member must be appointed from each congressional district of the State and two from the State at large. One of the at‑large appointments shall be a physician licensed and in good standing in the State. The terms of the members are for four years and until their successors are appointed and qualified. Vacancies must be filled by the Governor for the remainder of an unexpired term. The commissioners of the State Athletic Commission may not have any financial interest, direct or indirect, in the promotion, management, or result of any boxing, kickboxing, mixed martial arts, or wrestling event or exhibition.”

**Powers and duties**

SECTION 3. Section 40‑81‑70(D) of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “(D) The commission designee in conjunction with the department representative shall review the Association of Boxing Commissions’ National Registry or any other approved registry along with all additional appropriate information and approve or deny all pairing of contestants.”

**Issuance of licenses**

SECTION 4. Section 40‑81‑230 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “Section 40‑81‑230. The commission shall issue licenses pursuant to this chapter as follows:

 (1) boxer;

 (2) wrestler;

 (3) manager;

 (4) second;

 (5) trainer;

 (6) announcer;

 (7) promoter;

 (8) promoter’s representative;

 (9) referee;

 (10) judge;

 (11) timekeeper;

 (12) matchmaker;

 (13) professional kickboxer;

 (14) mixed martial arts contestant.”

**Kickboxing and mixed martial arts licenses**

SECTION 5. Section 40‑81‑280 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “Section 40‑81‑280. In order to be licensed as a professional kickboxer or mixed martial arts contestant for an event or exhibition, an applicant:

 (1) must be between the ages of eighteen and thirty‑five, unless the commission by a majority vote waives this requirement as to an individual applicant over the age of thirty‑five;

 (2) shall submit a completed application with payment of the prescribed fee; and

 (3) shall submit documentation, on a commission‑approved form, that the applicant has undergone a comprehensive physical examination by a licensed physician subsequent to his last match or fifteen days before an event or exhibition in this State. The examining physician shall indicate on the approved form that the applicant is physically able to participate or compete. The comprehensive physical exam shall include a clinical, neurological, neurophysiological, and ophthalmologic examination that may include, but is not limited to, an EEG, EKG, and CAT scan by a licensed physician. If, at the time of these examinations, there is any indication of brain injury, or for any other reason the physician considers appropriate, the applicant shall undergo further neurological and neurophysiological examinations by a specialized physician including, but not limited to, a computerized tomography or medically equivalent procedure. The commission shall not issue a license to an applicant until all examinations are completed and the physician determines that the kickboxer is eligible to participate or compete;

 (4) shall submit evidence that the applicant has been tested not more than one year before the scheduled event or exhibition and is not infected with the human immunodeficiency virus and shall show proof of immunity for Hepatitis B and Hepatitis C; and

 (5) shall submit any additional documentation required by the commission.”

**Licensure fees**

SECTION 6. Section 40‑81‑430 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “Section 40‑81‑430. The following licensure fees must be established by the department, in conjunction with the commission, and adjusted in accordance with Section 40‑1‑50(d):

 (1) promoter;

 (2) promoter’s representative;

 (3) referee;

 (4) manager;

 (5) wrestler;

 (6) matchmaker;

 (7) boxer;

 (8) kickboxer;

 (9) trainer;

 (10) second;

 (11) timekeeper;

 (12) announcer;

 (13) judge;

 (14) event permit for boxing;

 (15) event permit for wrestling;

 (16) mixed martial arts contestant and event.”

**Unlawful events or exhibitions**

SECTION 7. Section 40‑81‑480 of the 1976 Code, as added by Act 28 of 2003, is amended to read:

 “Section 40‑81‑480. Events or exhibitions in which weapons are used are unlawful in this State. A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished in accordance with the provisions of Section 40‑81‑200.”

**Compliance with rules of sanctioning body**

SECTION 8. Chapter 81, Title 40 of the 1976 Code is amended by adding:

 “Section 40‑81‑445. The department and commission shall require that mixed martial arts events comply with the rules of a recognized professional organization or sanctioning body recognized by the commission except where those rules conflict with the laws of this State in which case the laws of this State shall apply.”

**Repealed**

SECTION 9. Section 40‑81‑530 of the 1976 Code is repealed.

**Time effective**

SECTION 10. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Became law without the signature of the Governor -- 6/3/09.

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