

CHAPTER 183

PROFESSIONS AND OCCUPATIONS

SENATE BILL 17-148

BY SENATOR(S) Priola, Kerr, Crowder, Garcia, Moreno, Todd;
also REPRESENTATIVE(S) Garnett, Arndt, Becker K., Gray, Valdez, Young, Duran.

AN ACT

CONCERNING THE CONTINUATION OF THE OFFICE OF BOXING IN THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2016 SUNSET REPORT OF THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-10-103, **amend** the introductory portion, (2), (3), (6), (11), (13.5), and (15); and **add** (9.5) and (11.5) as follows:

12-10-103. Definitions. As used in this ~~article~~ ARTICLE 10, unless the context otherwise requires:

(2) "Boxing" means fighting, striking, forcing an opponent to submit, or disabling an opponent, including the disciplines of kickboxing, ~~and~~ mixed martial arts, AND MARTIAL ARTS.

(3) "Commission" means the Colorado ~~state boxing~~ COMBATIVE SPORTS commission created in section 12-10-105.

(6) "Director", "DIRECTOR OF THE DIVISION", OR "DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS" means the director of the ~~office of boxing created in section 12-10-104~~ DIVISION OF PROFESSIONS AND OCCUPATIONS WITHIN THE DEPARTMENT OR HIS OR HER DESIGNEE.

(9.5) "MARTIAL ARTS" MEANS ANY OF SEVERAL ARTS OF COMBAT OR SELF-DEFENSE THAT ARE WIDELY PRACTICED AS SPORT.

(11) "Office" means the office of ~~boxing~~ COMBATIVE SPORTS created in section

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

12-10-104.

(11.5) "OFFICE DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF COMBATIVE SPORTS CREATED IN SECTION 12-10-104.

(13.5) "Place of training" means a facility where alcohol beverages are not permitted, an admission fee is not charged for nonstudents, instructors of particular disciplines train students in the art of ~~physical disciplines~~ BOXING, and students pay a fee to be enrolled in classes and receive instruction.

(15) (a) "Toughperson fighting" means:

(I) A physical contest, match, tournament, exhibition, or bout, or any activity that involves physical contact between two or more individuals engaging in combative skills using the hands, feet, or body, whether or not prizes or purses are awarded at the event or promised in future events or spectator admission fees are charged or received; and

(II) ~~The A contest, match, tournament, exhibition, bout, or activity, AS DESCRIBED IN SUBSECTION (15)(a)(I) OF THIS SECTION, THAT IS NOT RECOGNIZED BY AND NOT SANCTIONED BY ANY STATE, REGIONAL, OR NATIONAL BOXING SANCTIONING AUTHORITY THAT IS RECOGNIZED BY THE EXECUTIVE DIRECTOR. OF THE DEPARTMENT OF REGULATORY AGENCIES.~~

(b) "Toughperson fighting" does not mean:

(I) Activities occurring under a martial arts instructor at a place of training or other types of instructor-student or student-student contact occurring under the supervision of an instructor at a place of training; OR

(II) ~~"Toughperson fighting" does not mean~~ A sanctioned boxing event approved by the commission.

SECTION 2. In Colorado Revised Statutes, **amend** 12-10-104 as follows:

12-10-104. Office of combative sports - creation. There is hereby created, within the division of professions and occupations in the department of regulatory agencies, the office of ~~boxing~~ COMBATIVE SPORTS. The office of ~~boxing~~ COMBATIVE SPORTS and the Colorado ~~state boxing~~ COMBATIVE SPORTS commission, created in section 12-10-105, shall exercise their respective powers and perform their respective duties and functions as specified in this ~~article~~ ARTICLE 10 under the department of regulatory agencies as if the ~~same~~ POWERS, DUTIES, AND FUNCTIONS were transferred to the department by a **type 2** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24. ~~C.R.S.~~

SECTION 3. In Colorado Revised Statutes, 12-10-105, **amend** (1), (2)(a), and (2)(b) as follows:

12-10-105. Colorado combative sports commission - creation. (1) There is hereby created, within the office of ~~boxing~~ COMBATIVE SPORTS, the Colorado ~~state boxing~~ COMBATIVE SPORTS commission. The commission shall regulate matches in Colorado.

(2) (a) The commission ~~shall consist~~ CONSISTS of five voting members and two nonvoting advisory members. All members ~~shall~~ MUST be residents of Colorado, be of good character and not have been convicted of any felony or match-related offense, notwithstanding ~~the provisions of~~ section 24-5-101, C.R.S., and be appointed as follows:

(I) THE GOVERNOR SHALL APPOINT three voting members. ~~shall be appointed by the governor. One shall serve for an initial term of three years, one for an initial term of two years, and one for an initial term of one year.~~

(II) THE PRESIDENT OF THE SENATE SHALL APPOINT one voting member. ~~shall be appointed by the president of the senate for an initial term of one year.~~

(III) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT one voting member. ~~shall be appointed by the speaker of the house of representatives for an initial term of one year.~~

(IV) (A) Two nonvoting advisory members who are licensed physicians shall be appointed, one by the speaker of the house of representatives and one by the president of the senate. ~~Both nonvoting members shall be appointed for an initial term of one year.~~

(B) The two nonvoting advisory members shall advise the commission on matters concerning the health and physical condition of boxers and health issues relating to the conduct of matches. The nonvoting members may prepare and submit to the commission for its consideration and approval any rules that in their judgment will safeguard the physical welfare of the participants engaged in boxing.

(b) ~~The terms for all members except the initial appointees shall be three~~ MEMBERS' TERMS ARE FOUR years.

SECTION 4. In Colorado Revised Statutes, 12-10-106, **amend** (1) introductory portion, (1)(f), (1)(j), and (1)(k); and **add** (1)(l) as follows:

12-10-106. General powers and duties of the commission - rules. (1) In addition to any other powers specifically granted to the commission in this ~~article~~ ARTICLE 10, the commission shall issue ~~such~~ rules as ~~are~~ necessary for the regulation of the conduct, promotion, and performance of live boxing matches in this state. ~~Such~~ THE rules ~~shall~~ MUST be consistent with this ~~article~~ ARTICLE 10, THE FEDERAL "PROFESSIONAL BOXING SAFETY ACT OF 1996", 15 U.S.C. SEC. 6301 ET SEQ., and ANY OTHER applicable federal law. ~~and shall~~ THE COMMISSION'S RULES MUST include:

- (f) Guidelines for compensation of ~~participants and~~ licensees;
- (j) Responsibilities of participants; ~~including female boxers; and~~
- (k) Regulation of facilities; AND
- (l) PROCEDURES TO:

(I) ALLOW THE DIRECTOR TO DENY OR SUSPEND A PARTICIPANT LICENSE FOR A NONDISCIPLINARY REASON, SUCH AS A MEDICAL OR ADMINISTRATIVE REASON, INCLUDING THE FOLLOWING REASONS LISTED IN THE FEDERAL "PROFESSIONAL BOXING SAFETY ACT OF 1996", 15 U.S.C. SEC. 6301 ET SEQ.:

- (A) A RECENT KNOCKOUT OR SERIES OF CONSECUTIVE LOSSES;
- (B) AN INJURY;
- (C) A REQUIRED MEDICAL PROCEDURE; OR
- (D) A PHYSICIAN'S DENIAL OF CERTIFICATION;

(II) AUTHORIZE THE DIRECTOR TO LIFT A LICENSE DENIAL OR SUSPENSION IMPOSED FOR A NONDISCIPLINARY REASON IF THE PARTICIPANT OR A REPRESENTATIVE OF THE PARTICIPANT SUFFICIENTLY DEMONSTRATES:

(A) THAT THE PARTICIPANT'S MEDICAL OR PHYSICAL CONDITION HAS IMPROVED TO A DEGREE THAT THE NONDISCIPLINARY LICENSE DENIAL OR SUSPENSION IS NO LONGER WARRANTED; OR

(B) THAT THE NONDISCIPLINARY LICENSE DENIAL OR SUSPENSION WAS NEVER WARRANTED; AND

(III) ALLOW THE DIRECTOR TO REPORT A NONDISCIPLINARY PARTICIPANT LICENSE SUSPENSION TO A NATIONAL RECORD-KEEPER APPROVED BY THE DIRECTOR.

SECTION 5. In Colorado Revised Statutes, **amend** 12-10-107 as follows:

12-10-107. Office director - appointment - qualification - powers and duties - director of division's powers and duties. (1) The OFFICE director ~~shall be~~ is appointed by, AND SERVES UNDER THE SUPERVISION OF, the director of the division. ~~and shall be under the supervision of the director of the division.~~

(2) The OFFICE director ~~shall~~ MUST:

(a) Be of good character and not have been convicted of any felony or match-related offense, notwithstanding ~~the provisions of section 24-5-101; C.R.S.;~~ and

(b) Not be engaged in any other profession or occupation that could present a conflict of interest with the duties of OFFICE director. ~~of the office.~~

(3) (a) In addition to the duties imposed upon the OFFICE director elsewhere in this ~~article~~ ARTICLE 10, the OFFICE director shall, IN ACCORDANCE WITH THIS ARTICLE 10 AND THE RULES OF THE COMMISSION:

~~(a)~~ (I) Direct and supervise the administrative and technical activities of the commission; ~~and~~

(II) Supervise and administer the operation of matches; ~~in accordance with the~~

~~provisions of this article and the rules of the commission;~~ AND

(III) AS DEEMED NECESSARY BY THE DIRECTOR OF THE DIVISION, ADVISE AND MAKE RECOMMENDATIONS TO THE DIRECTOR OF THE DIVISION WITH REGARD TO THE DIRECTOR OF THE DIVISION'S FUNCTIONS.

(b) IN ADDITION TO THE DUTIES IMPOSED UPON THE DIRECTOR OF THE DIVISION ELSEWHERE IN THIS ARTICLE 10, THE DIRECTOR OF THE DIVISION SHALL:

~~(b)~~ (I) Attend meetings of the commission or appoint a designee to attend in the director's place;

~~(c) Repealed.~~

~~(d) (Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p. 434, § 9, effective July 1, 2010.)~~

~~(e) Repealed.~~

~~(f)~~ (II) Advise the commission and recommend to the commission such rules and other procedures as the director deems necessary and advisable to improve the conduct of boxing;

~~(g) Repealed.~~

~~(h)~~ (III) Furnish any documents of the commission that may be required by the state auditor in the performance of audits performed in conformance with part 1 of article 3 of title 2; ~~C.R.S.;~~ AND

~~(i) to (k) Repealed.~~

~~(l)~~ (IV) Enforce this ~~article~~ ARTICLE 10 and investigate allegations of activity that ~~may~~ MIGHT violate this ~~article~~ ARTICLE 10.

SECTION 6. In Colorado Revised Statutes, 12-10-107.1, **amend** (1)(d), (1)(e), (1)(f), and (2)(c)(I); and **add** (1)(g) and (1)(h) as follows:

12-10-107.1. Grounds for discipline. (1) The director may deny, suspend, revoke, place on probation, or issue a letter of admonition against a license or an application for a license if the applicant or licensee:

(d) Is ~~addicted to or dependent upon~~ AN EXCESSIVE OR HABITUAL USER OR ABUSER OF alcohol or ~~any controlled substance~~ HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED SUBSTANCE, as defined in section 18-18-102 (5), ~~C.R.S., or is a habitual user of said controlled substance, if the use, addiction, or dependency is a danger to other participants or officials~~ IF THE USE, ADDICTION, OR DEPENDENCY IS A DANGER TO OTHER LICENSEES;

(e) Has incurred disciplinary action related to professional boxing in another jurisdiction. Evidence of such disciplinary action ~~shall be~~ IS prima facie evidence for denial of a license or other disciplinary action if the violation would be grounds

for ~~such~~ disciplinary action in this state. ~~or~~

(f) ~~Uses~~ PROVIDES FALSE INFORMATION IN ANY APPLICATION OR ATTEMPTS TO OBTAIN A LICENSE BY fraud, DECEPTION, misrepresentation, or ~~deceit in applying for or attempting to apply for licensure~~; CONCEALMENT;

(g) IS GUILTY OF CONDUCT, OR IS INCOMPETENT OR NEGLIGENT IN A MANNER, THAT:

(I) IS DETRIMENTAL TO A CONTEST OR EXHIBITION OF BOXING, INCLUDING UNSPORTSMANLIKE CONDUCT ENGAGED IN BEFORE, DURING, OR AFTER A CONTEST OR EXHIBITION OF BOXING; OR

(II) RESULTS IN INJURY, OR CREATES AN UNREASONABLE RISK OF HARM, TO A PERSON; OR

(h) FAILS TO COMPLY WITH A LIMITATION, RESTRICTION, OR CONDITION THAT THE DIRECTOR OR ANY OTHER STATE OR NATIONAL REGULATORY AUTHORITY RESPONSIBLE FOR REGULATING BOXING PLACES ON THE LICENSEE OR APPLICANT.

(2) (c) (I) ~~When~~ THE DIRECTOR SHALL SEND a letter of admonition ~~is sent by certified~~ FIRST-CLASS mail to a licensee ~~the director~~ AND shall include in the letter a notice that the licensee has the right to request in writing, within twenty days after receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which the letter of admonition is based.

SECTION 7. In Colorado Revised Statutes, **amend** 12-10-108 as follows:

12-10-108. Immunity. Any member of the commission; the director; THE OFFICE DIRECTOR; the commission's staff; the director's staff; THE OFFICE DIRECTOR'S STAFF; any person acting as a witness or consultant to the commission, ~~or~~ director, OR OFFICE DIRECTOR; any witness testifying in a proceeding authorized under this ~~article~~; ARTICLE 10; and any person who lodges a complaint pursuant to this ~~article shall be~~ ARTICLE 10 IS immune from liability in any civil action brought against him or her for acts occurring while acting in his or her capacity as commission member, director, OFFICE DIRECTOR, staff, consultant, or witness, respectively, if ~~such~~ THE individual was acting in good faith within the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the matter as to which he or she acted, and acted in the reasonable belief that the action taken by him or her was warranted by the facts. Any person participating in good faith in lodging a complaint or participating in any investigative or administrative proceeding pursuant to this ~~article shall be~~ ARTICLE 10 IS immune from any civil or criminal liability that may result from such participation.

SECTION 8. In Colorado Revised Statutes, **amend** 12-10-111 as follows:

12-10-111. Repeal of article. ~~(+)~~ This ~~article~~ ARTICLE 10 is repealed, effective ~~July 1, 2017~~ SEPTEMBER 1, 2026.

~~(2) Prior to such~~ BEFORE ITS repeal, THE DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW the office and the commission ~~shall be reviewed as provided for in~~

ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

SECTION 9. In Colorado Revised Statutes, 24-34-104, **repeal** (12)(a)(VIII); and **add** (27)(a)(V) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (12) (a) The following agencies, functions, or both, will repeal on July 1, 2017:

(VIII) ~~The office of boxing, including the Colorado state boxing commission, created in article 10 of title 12, C.R.S.;~~

(27) (a) The following agencies, functions, or both, will repeal on September 1, 2026:

(V) THE OFFICE OF COMBATIVE SPORTS, INCLUDING THE COLORADO COMBATIVE SPORTS COMMISSION, CREATED IN ARTICLE 10 OF TITLE 12.

SECTION 10. Appropriation. For the 2017-18 state fiscal year, \$10,000 is appropriated to the department of regulatory agencies for use by the division of professions and occupations. This appropriation is from the division of professions and occupations cash fund created in section 24-34-105 (2)(b)(I), C.R.S. To implement this act, the division may use this appropriation for personal services.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 3, 2017