

## **BILL ANALYSIS**

Senate Research Center

S.B. 909  
By: Lucio  
Business & Commerce  
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### **DIGEST AND PURPOSE**

Currently, the Texas Department of Licensing and Regulation (TDLR) is responsible for oversight of combative sports and the safety of combative sports participants. As proposed, S.B. 909 prohibits certain elimination tournaments, clarifies licensing procedures for combative sports event participants, improves safety provisions for contestants, and increases TDLR's enforcement authority.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of licensing and regulation or the commissioner's designated representative is granted to the executive director of the Texas Department of Licensing and Regulation or the executive director's designated representative in SECTION 1 (Sections 2052.052 and 2052.251, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the executive director of the Texas Department of Licensing and Regulation or the executive director's designated representative in SECTION 1 (Section 2052.055, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 2052, Occupations Code, as follows:

#### CHAPTER 2052. COMBATIVE SPORTS

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2052.001. LEGISLATIVE DECLARATION. Requires this chapter to be liberally construed and applied to promote its underlying purposes.

Sec. 2052.002. DEFINITIONS. Deletes the definitions of "championship tournament," "commissioner," "elimination tournament boxing promoter," "elimination tournament contestant," "local tournament," and "regional tournament." Redefines "elimination tournament." Defines "executive director" and "ringside physician." Makes conforming changes relating to numbering of definitions.

##### SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT AND COMMISSIONER

Sec. 2052.051. ADMINISTRATION OF CHAPTER. Requires the Texas Department of Licensing and Regulation (department) to administer this chapter.

Sec. 2052.052. RULES. (a) Requires the executive director of the department, rather than the commissioner of licensing and regulation or the commissioner's designated representative (commissioner), to adopt reasonable and necessary rules to administer this chapter.

(b) Requires the executive director, rather than the commissioner, to adopt certain rules.

Sec. 2052.053. INVESTIGATIVE AUTHORITY. Makes conforming changes relating to the deletion of references to the commissioner.

Sec. 2052.054. CONTINUING EDUCATION. Makes conforming change relating to the deletion of reference to the commissioner.

Sec. 2052.055. MEDICAL ADVISORY COMMITTEE. (a) Authorizes the executive director to appoint a medical advisory committee to advise the department concerning health issues for boxing event contestants.

(b) Requires the executive director before the first appointment of committee members, to adopt rules establishing:

- (1) the number of appointed members;
- (2) qualifications for appointment; and
- (3) the purpose and tasks of the committee.

#### SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS

Sec. 2052.101. BOXING PROMOTER LICENSE. Prohibits a person from acting as a boxing promoter unless the person holds a license issued under this chapter. Deletes reference to an elimination tournament boxing promoter.

Sec. 2052.102. BOXING PROMOTER LICENSE APPLICATION REQUIREMENTS.

(a) Provides that an applicant for a boxing promoter's license under this chapter must apply on a form furnished by the executive director rather than the commissioner.

(b) Requires an application to be accompanied by certain items. Deletes reference to the commission and the commissioner.

(c) Makes a conforming change.

Sec. 2052.103. Deletes text from this section and redesignates text from Section 2052.105.

Sec. 2052.104. Deletes text from this section and redesignates text from Section 2052.106.

Sec. 2052.105. OTHER BOXING LICENSES. Redesignated from text of 2052.107. Adds "ringside physician" to the list of professions a person may not act as, unless the person holds a license or registration issued under this chapter.

Sec. 2052.106. APPLICATION REQUIREMENTS FOR OTHER LICENSES. Redesignated from text of Section 2052.108. Makes conforming changes.

Sec. 2052.107. SURETY BOND. Redesignated from Section 2052.109.

Sec. 2052.108. LICENSE AND BONDING EXCEPTIONS. Redesignated from Section 2052.110. Provides that the licensing and bonding requirements of this subchapter do not apply to:

- (1) a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by certain entities;
- (2) an event conducted by a nonprofit amateur athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director rather than the commissioner;

(3) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of different educational institutions participate;

(4) an event in which only members of a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency participate; or

(5) an event conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games.

Sec. 2052.109. DENIAL OF APPLICATION. Redesignated from Section 2052.111. Makes conforming changes.

Sec. 2052.110. RECIPROCITY AGREEMENT. Redesignated from Section 2052.112. Makes a conforming change.

Sec. 2052.111. LICENSE AND PERMIT REQUIRED FOR CLOSED CIRCUIT BOXING TELECAST. Redesignated from Section 2052.113.

Sec. 2052.112. LICENSE, REGISTRATION, AND PERMIT TERM AND RENEWAL. (a) Provides that a license, registration, or permit issued under this chapter is valid for one year after the date of issuance.

(b) Authorizes the holder of a license, registration, or permit to renew it by paying a renewal fee and complying with other renewal requirements prescribed by department rule before the expiration date. Requires the department to issue a renewal certificate to the holder at the time of renewal.

Sec. 2052.113. PROMOTER RESPONSIBILITIES. Requires a promoter, for each promoted event, to meet certain responsibilities.

#### SUBCHAPTER D. GROSS RECEIPTS TAX

Sec. 2052.151. IMPOSITION AND RATE OF TAX. Makes conforming changes.

Sec. 2052.152. TAX REPORT AND PAYMENT. (a) Requires a person on whom a tax is imposed under Section 2052.151, not later than 72 hours after the end of the event or telecast for which the tax is due, to submit to the department a verified report on a form furnished by the department stating certain information.

Sec. 2052.153. CLOSED CIRCUIT TELECAST. No changes to this section. Deletes Section 2052.154 entitled, CERTAIN AMATEUR EVENTS.

#### SUBCHAPTER E. New Heading: ELIMINATION TOURNAMENTS

Sec. 2052.201. New heading: ELIMINATION TOURNAMENTS PROHIBITED. Prohibits an elimination tournament from being held in this state. Makes conforming changes relating to the prohibition, including the deletion of: Section 2052.202. CONTESTANT PARTICIPATION, Section 2052.203. ELIMINATION TOURNAMENT BOXING PROMOTER RESPONSIBILITIES, Section 2052.204. ELIMINATION TOURNAMENT RINGSIDE PHYSICIAN, Section 2052.205. NEGATIVE PREGNANCY TEST RESULT, Section 2052.206. WEIGHT CATEGORIES, and Section 2052.207. RING REQUIREMENTS.

#### SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS

Sec. 2052.251. BOXING GLOVES. Requires a boxing event contestant to wear eight-ounce boxing gloves unless the executive director, rather than the commissioner, by rule requires or permits a contestant to wear heavier gloves. Makes a conforming change.

Sec. 2052.252. CERTAIN AMATEUR EVENTS. Makes conforming changes.

Sec. 2052.253. KICKBOXING. No change to this section.

#### SUBCHAPTER G. DISCIPLINARY PROCEDURES; CRIMINAL OFFENSE

Sec. 2052.301. New heading: ADMINISTRATIVE PENALTIES AND SANCTIONS. Provides that on a finding of a violation of one or more provisions of this chapter, a rule adopted under this chapter, or a rule adopted under Chapter 51, the executive director may impose administrative sanctions as provided by Subchapter G, Chapter 51, or the Texas Commission of Licensing and Regulation may impose administrative penalties as provided by Subchapter F, Chapter 51. Deletes text regarding the authority of the commissioner to revoke or suspend the license or permit of a license or permit holder.

Sec. 2052.302. New heading: WITHHOLDING OF PURSE AND FORFEITURE OF PURSE. (a) Authorizes the executive director, rather than the commissioner, to order a promoter, rather than a boxer or manager, to withhold any purse, rather than forfeit to this state a purse, or other funds payable to a licensee or registrant if it appears more likely than not that the licensee or registrant has violated this chapter or a rule adopted under this chapter. Deletes the forfeiture amount of not more than \$1,000.

(b) Requires the promoter to surrender any purse or funds withheld as provided by Subsection (a) to the executive director on demand. Requires the department, not later than five working days after the event, to notify in writing the promoter and any person from whom a sum was withheld of the date of a hearing to determine whether all or part of the purse or funds withheld should be forfeited. Requires the hearing to be scheduled for a date not later than 10 days after the date of the notice. Requires the executive director, not later than 10 days after the hearing, to enter an order with findings of fact and conclusions of law determining whether all or part of the purse or funds should be forfeited. Requires any funds not forfeited to be distributed to the persons entitled to the funds.

(c) Requires the proceedings under this section, except as otherwise provided by this subchapter, to be conducted in accordance with the provisions of Chapter 2001, Government Code.

(d) Authorizes any person aggrieved by an order entered under this section to appeal the order by filing a petition in a district court in Travis County in accordance with the provisions of Chapter 2001, Government Code.

Sec. 2052.303. CIVIL PENALTY; INJUNCTION. No changes made to this section.

Sec. 2052.304. PETITION FOR REVIEW. (a) Authorizes a person to seek review of a decision or an order of the executive director or the Texas Commission of Licensing and Regulation, rather than of the commissioner, under this chapter by filing a petition for review in a district court in Travis County. Deletes deadline for filing.

(b) Provides that Chapter 2001, Government Code, governs any proceeding under this section.

Original Sections 2052.305-2052.307 deleted.

Sec. 2052.305. APPEAL. Redesignated from Section 2052.308. (a) Authorizes the petitioner or executive director, rather than the commissioner, to appeal a final judgment of a court conducting a review under this subchapter in the same manner as a civil action.

(b) Provides that the executive director, rather than the commissioner, is not

required to file an appeal bond.

Sec. 2052.306. CRIMINAL OFFENSE. Redesignated from Section 2052.309. No changes made to this section.

SECTION 2. (a) Effective date: January 1, 2004, except as provided by Subsection (b) of this section.

(b) Provides that Section 2052.201, Occupations Code, as amended by this Act, takes effect September 1, 2003.