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GOVERNOR



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EXECUTIVE DIRECTOR

ARIZONA BOXING AND MMA COMMISSION

Arizona Boxing and MMA Commission

This inspection/audit is conducted under the authority of Arizona Revised Statutes §§5-221 through 5-240. As part of this inspection/audit you are being provided with a copy of the Small Business Bill of rights as enumerated below:

Small Business Bill of Rights

You are entitled to all of the rights established in A.R.S. §41-1001.01 and A.R.S. §41-1009(A)(1)-(7), as well as A.R.S. §§5.221-240). Copies of these statutes and rules are attached hereto.

If you have any questions or concerns regarding this inspection/audit, please contact the Arizona Department of Racing either in writing or by phone, directed to the following agency-designated employee:

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In the event that you have made a reasonable effort to resolve any problems with the agency and have not been successful, you may contact the Office of Ombudsman-Citizen's Aide:

Arizona Ombudsman-Citizen's Aid
Phoenix Arizona 85014
(602) 277-7292

1-800-872-2879 (Arizona outside Phoenix metro area)
Fax: (602) 277-7312
E-mail: ombuds@azoca.gov

Arizona Revised Statutes; Chapter 2, Article 2

5-221. Definitions

In this article, unless the context otherwise requires:

1. "Boxing" means the act of attack and defense with the fists, using padded gloves, that is practiced as a sport. Where applicable, boxing includes kickboxing.
2. "Commission" means the Arizona state boxing and mixed martial arts commission.
3. "Contest" means any boxing or mixed martial arts bout, event, contest, match or exhibition between two persons.
4. "Department" means the Arizona department of racing.
5. "Director" means the director of the Arizona department of racing.
6. "Executive director" means the executive director of the commission.
7. "Kickboxing" means a form of boxing, including muay thai pursuant to rules and regulations of the United States muay thai association or another muay thai sanctioning body that is approved by the commission, in which blows are delivered with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.
8. "Mixed martial arts" means any form of competition or contest, other than boxing or kickboxing, in which blows are delivered and in which the competitors use any combination of tactics including boxing, wrestling, striking, kicking, martial arts and submission techniques.
9. "Professional" means any person who competes for any money prize or a prize that exceeds the value of thirty-five dollars or teaches or pursues or assists in the practice of boxing or mixed martial arts as a means of obtaining a livelihood or pecuniary gain.
10. "Tough man contest" means any boxing match consisting of one minute rounds, between two or more persons who use their hands, wearing padded gloves that weigh at least twelve ounces, or their feet, or both, in any manner. Tough man contest does not include kickboxing or any recognized martial arts competition.

5-222. Application of this chapter

A. This chapter does not apply to any amateur boxing or mixed martial arts contest conducted by the following:

1. Any school, community college, college or university or an association or organization composed exclusively of schools, community colleges, colleges or universities when each contestant is a student enrolled in a school, community college, college or university. As used in this section, "school, community college, college or university" means every school, community college, college or university and every other school, community college, college or university determined by the state board of education, community college districts as defined in section 15-1401 or the Arizona board of regents to be maintained primarily for the giving of general academic education.
 2. A government unit or agency of the United States, this state or a subdivision of this state or a unit of the United States armed forces or the national guard if all contestants are members of that unit of the armed forces or the national guard.
 3. An amateur athletic program that is authorized by and sanctioned under the rules, regulations and policies of a national governing body that is recognized by the United States olympic committee in which all contestants are amateur contestants.
 4. Kickboxing events that are sanctioned by and conducted under the direct supervision of the United States muay thai association or another muay thai sanctioning body that is approved by the commission if all contestants are amateur contestants.
 5. Any bona fide private school whose primary purpose is instruction and training in the martial arts, if:
 - (a) The contests held in conjunction with the instruction and training are amateur.
 - (b) The contests are of a sparring nature with no official decisions awarded.
 - (c) At least one contestant in each contest has been a member in good standing of the sponsoring private school for at least sixty continuous days before the contest.
 - (d) An admission fee or a mandatory donation or other form of payment is not charged for attendance.
 6. Any bona fide private school whose primary purpose is instruction in karate, if the contests held in conjunction with the instruction are amateur.
- B. An amateur mixed martial arts competitor shall not be licensed as a professional mixed martial arts competitor until the person has completed five or more verified amateur contests that are regulated by the commission or by a sanctioning body that is approved by the commission. The five-contest requirement prescribed by this subsection may be waived by the commission or by the executive director.

5-223. Arizona state boxing and mixed martial arts commission; appointment; terms; compensation; conflict of interest; emergency ringside meetings

- A. The Arizona state boxing and mixed martial arts commission shall consist of three members appointed by the governor pursuant to section 38-211. The term of office of commissioners is three years. The term of one member shall expire on the third Monday in January each year.
- B. Two members of the commission constitute a quorum for conducting business. A concurrence of two members is necessary to render a decision by the commission. Emergency ringside meetings held immediately prior and subsequent to a scheduled contest for the purpose of determining whether or not there has been a violation of the rules and regulations of the commission or the provisions of this chapter shall be exempt from the provisions of title 38, chapter 3, article 3.1.
- C. The commissioners shall receive compensation as determined pursuant to section 38-611 for each day they act in their official capacity, not to exceed one hundred days each year.

D. A commissioner shall not during his term of office promote, sponsor or have any financial interest in a boxer, a boxing contest or in the premises leased for a boxing contest.

5-224. Division of boxing and mixed martial arts regulation; powers and duties

A. A division of boxing and mixed martial arts regulation is established in the Arizona department of racing to provide staff support for the Arizona state boxing and mixed martial arts commission. Subject to title 41, chapter 4, article 4, the director of the department shall appoint an executive director to perform the duties prescribed in this article. The resources for the Arizona state boxing and mixed martial arts commission shall come from monies appropriated to the department of racing from the racing regulation fund established by section 5-113.01 or from other sources prescribed in section 5-225, subsection D.

B. The commission shall obtain from a physician licensed to practice in this state rules and standards for the physical examination of boxers and referees. A schedule of fees to be paid physicians by the promoter or matchmaker for the examination shall be set by the commission.

C. The commission may adopt and issue rules pursuant to title 41, chapter 6 to carry out the purposes of this chapter.

D. The commission shall hold regular meetings at least quarterly and in addition may hold special meetings. Except as provided in section 5-223, subsection B, all meetings of the commission shall be open to the public and reasonable notice of the meetings shall be given pursuant to title 38, chapter 3, article 3.1

E. The commission shall:

1. Make and maintain a record of the acts of the division, including the issuance, denial, renewal, suspension or revocation of licenses.

2. Keep records of the commission open to public inspection at all reasonable times.

3. Assist the director in the development of rules to be implemented pursuant to section 5-104, subsection T.

4. Conform to the rules adopted pursuant to section 5-104, subsection T.

F. The commission may enter into intergovernmental agreements with Indian tribes, tribal councils or tribal organizations to provide for the regulation of boxing and mixed martial arts contests on Indian reservations. Nothing in this chapter shall be construed to diminish the authority of the department of gaming

5-225. Regulation of boxing contests, tough man contests and mixed martial arts

A. All boxing contests are subject to the provisions of this chapter and to rules adopted pursuant to this chapter. The commission shall for every contest that is subject to regulation by the commission:

1. Direct a person authorized by the commission or by the executive director to be present.

2. Direct the person authorized to report results, including suspensions, to a national registry.

B. All tough man contests, including amateur tough man contests, are subject to the provisions of this chapter. Every contestant in a tough man contest shall wear headgear approved by the commission.

C. Mixed martial arts, including amateur mixed martial arts, are subject to the provisions of this chapter and to rules adopted pursuant to this chapter, including rules adopted for boxing that are not inconsistent with specific mixed martial arts contest provisions and rules. Contestants in mixed martial arts shall not strike other contestants in the spinal column or in the back of the head. The commission shall use rules for mixed martial arts that are consistent with the mixed martial arts unified rules adopted by the New Jersey state athletic control board under New Jersey administrative code title 13, chapter 46, subchapter 24A, except that a cage may have one entry door and have a vinyl or rubberized floor covering if approved by a representative of the commission. Nothing in this subsection prevents a promoter of a mixed martial arts event in this state from adopting more restrictive rules for that particular event than would otherwise be allowed. In addition to the applicable provisions of the mixed martial arts unified rules adopted by the New Jersey state athletic control board under New Jersey administrative code title 13, chapter 46, subchapter 24A, amateur mixed martial arts bouts shall consist of three rounds of three minutes per round and the amateur contestants shall not strike with elbows to the head of a grounded opponent, use twisting leg submissions, use linear kicks to the knee joint or use foot stomps. Amateur mixed martial arts bouts shall be clearly designated as such in all promotional materials and at the event.

D. The commission may establish a uniform nonrefundable fee for mixed martial arts and boxing events in an amount determined by the commission that shall be paid to the commission by a promoter when submitting an event application. In determining the amount of the fee, the executive director may consider factors including whether the event is televised, whether the event will be transmitted on pay-per-view, the amount of time likely to be expended in processing the event application and the complexity of the application. The commission may establish a nonrefundable fee that shall be paid to the commission by a promoter if the promoter submits a request to change a previously approved event date. Monies that are derived from the fees charged pursuant to this subsection and monies derived from intergovernmental tribal agreements shall be available to the commission for the administration and regulation of mixed martial arts and boxing, and those monies are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

E. Weigh-ins for all contests shall not be more than twenty-four hours before the scheduled time of the event or less than three hours before the scheduled time of the event. A representative of the commission shall attend and supervise all weigh-ins. The weigh-in period shall be one hour.

5-227. Jurisdiction of commission

A. The commission shall:

1. Except for the financial and accounting functions delegated to the director pursuant to section 5-104, have sole direction, management, control and jurisdiction over all boxing and mixed martial arts contests held within this state unless exempt from the application of this chapter by section 5-222.

2. Have sole control, authority and jurisdiction over all licenses required by this chapter.

B. The commission shall grant a license to an applicant if in the judgment of the commission the financial responsibility, experience, character and general fitness of the applicant are such that his participation is consistent with the public interest, convenience or necessity and the best interests of

boxing and in conformity with the purposes of this chapter. The commission may delegate the commission's licensing authority to the commission's executive director.

5-228. Persons required to procure licenses; requirements; background information; fee; bond

A. All referees, judges, matchmakers, promoters, trainers, ring announcers, timekeepers, ringside physicians, inspectors, mixed martial arts contestants, boxers, managers and seconds are required to be licensed by the commission. The commission shall not permit any of these persons to participate in the holding of any contest unless the person has first procured a license.

B. Before participating in the holding of any boxing or mixed martial arts contest, a corporation, its officers and directors and any person holding twenty-five per cent or more of the ownership of the corporation shall obtain a license from the commission. Such a corporation must be authorized to do business under the laws of this state.

C. The commission shall require referees, judges, matchmakers, promoters and managers to furnish fingerprints and background information pursuant to section 41-1750, subsection G before licensure. The commission shall charge a fee for fingerprints and background information in an amount determined by the commission. The commission may require referees, judges, matchmakers, promoters and managers to furnish fingerprints and background information pursuant to section 41-1750, subsection G before license renewal if the commission determines the fingerprints and background information are necessary. The fee may include a reasonable charge for expenses incurred by the commission or the department of public safety. For such purpose the commission and the department of public safety may enter into an intergovernmental agreement pursuant to title 11, chapter 7, article 3. The fee shall be credited pursuant to sections 35-148 and 41-1750.

D. Before the commission issues a license to a promoter, matchmaker or corporation, the applicant shall:

1. Provide the commission with a copy of any agreement between any contestant and the applicant that binds the applicant to pay the contestant a certain fixed fee or percentage of the gate receipts.

2. Show on the application the owner or owners of the applicant entity and the per cent interest if they hold twenty-five per cent or more interest in the applicant.

3. Provide the commission with a copy of the latest financial statement of the entity.

4. Provide the commission with a copy of the insurance contract required by this chapter.

E. Before the commission issues a license to a promoter, the applicant shall deposit with the department a cash bond or surety bond in an amount set by the commission. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations pursuant to this chapter and the rules adopted pursuant to this chapter.

F. Before the commission issues a license to a boxer or a mixed martial arts contestant, the applicant shall submit to the commission the results of a current medical examination performed by a physician licensed pursuant to title 32, chapter 13 or 17 on forms furnished or approved by the commission. In addition to the medical examination, the following information must be submitted:

1. The results of an ophthalmological examination that is recorded on forms furnished or approved by the commission.

2. Negative test results for the human immunodeficiency virus, the hepatitis B surface antigen and the hepatitis C antibody.

3. For persons over the age of thirty-six years, the results of a stress test that is administered by a physician licensed pursuant to title 32, chapter 13 or 17 accompanied by a clearance letter and the results of an electrocardiogram that demonstrates normal cardiovascular function. These results shall be completed within twenty-four months before the person submits the license application.

4. For persons over forty years of age, if recommended by an examining physician, the results of a brain magnetic resonance imaging scan.

5. For female contestants, a pregnancy test that demonstrates a negative result. A pregnancy test that demonstrates a negative result shall also be submitted to the commission by a female contestant before each weigh-in.

6. Any other examination or testing ordered by the commission.

G. Unless otherwise prescribed in subsection F of this section, the medical examinations and tests prescribed in subsection F of this section must be completed after December 15 of the year before the year that the license is issued or before December 15 of the same year that the license is issued.

All medical examinations and tests, license applications, national identification card applications, photographs and any other required documents must be completed and received by the commission staff no later than 4:30 p.m. on the day that begins forty-eight hours before the scheduled event. An exception to the forty-eight hour requirement prescribed in this subsection may be granted by the executive director if a person is a late substitute or is traveling from outside this state and demonstrates good cause for not meeting the forty-eight hour requirement.

5-229. Promoters; licenses; bond; proof of financial responsibility

A. The commission may in its discretion withhold the granting of a license to a promoter until the applicant furnishes proof of his financial responsibility to promote contests in accordance with section 5-104.02, subsection B and the rules adopted by the director. The commission may issue a license to conduct, hold or give boxing contests to any qualified person or to a corporation duly authorized to do business under the laws of this state.

B. In addition to the cash bond or surety bond required pursuant to section 5-228, subsection E, the commission may require a promoter to deposit with the department prior to each contest a cash bond or surety bond in an amount set by the commission as a guarantee for the fulfillment of the promoter's contract obligations for that contest, the payment of licenses and taxes on gross receipts of that contest and reimbursement to ticket purchasers if the contest is not held as advertised.

5-230. License fees; expiration; renewal

A. The commission may establish and issue annual licenses and may establish and collect fees for those licenses.

B. A license expires December 31 at midnight in the year of its issuance and may be renewed on filing an application for renewal of a license with the commission and payment of the license fee prescribed in subsection A. The application for renewal of a license shall be on a form provided by the commission. There is a thirty day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted

with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the commission has renewed the license. If the licensee fails to apply to the commission within the thirty day grace period the licensee must apply for a new license pursuant to subsection A.

5-231. Financial interest in boxer prohibited

A person shall not have, either directly or indirectly, any financial ownership interest in a boxer competing on premises owned or leased by the person, or in which the person is otherwise interested.

5-232. Age of participants

A person who is under eighteen years of age shall not participate in any boxing or mixed martial arts contest.

5-233. Contestants and referees; physical examination; attendance of physician; payment of fees; insurance

A. All boxers, mixed martial arts contestants and referees shall be examined by a physician licensed pursuant to title 32, chapter 13 or 17 before entering the ring, and the examining physician shall immediately file with the commission a written report of the examination. The physician's report of the examination shall include specific mention as to the condition of the boxer's or mixed martial arts contestant's heart and general physical condition. The physician's report may include specific mention as to the condition of the boxer's or mixed martial arts contestant's nerves and brain as required by the commission. The cost of the examination is payable by the person conducting the contest or exhibition. All boxers and mixed martial arts contestants shall receive a post-bout physical examination from a physician licensed pursuant to title 32, chapter 13 or 17 and may be suspended from participation in additional contests for a period of time based on the evaluation by the examining physician.

B. Every person holding or sponsoring any contest shall have in attendance at every contest regulated by the commission at least one physician who is licensed pursuant to title 32, chapter 13 or 17 and who is assigned by the commission or the executive director. The commission may establish a schedule of fees to be paid to each physician by the person or by the promoter.

C. The commission shall:

1. Require insurance coverage for a boxer to provide for medical, surgical and hospital care for injuries sustained in the ring in an amount of twenty thousand dollars with twenty-five dollars deductible and payable to the boxer as beneficiary.
2. Require life insurance for a boxer in the amount of fifty thousand dollars payable in case of accidental death resulting from injuries sustained in the ring.

D. The cost of the insurance required by this section and any deductible amount that exceeds twenty-five dollars is payable by the promoter.

5-233. Contestants and referees; physical examination; attendance of physician; payment of fees; insurance

A. All boxers, mixed martial arts contestants and referees shall be examined by a physician licensed pursuant to title 32, chapter 13 or 17 before entering the ring, and the examining physician shall immediately file with the commission a written report of the examination. The physician's report of the examination shall include specific mention as to the condition of the boxer's or mixed martial arts contestant's heart and general physical condition. The physician's report may include specific mention as to the condition of the boxer's or mixed martial arts contestant's nerves and brain as required by the commission. The cost of the examination is payable by the person conducting the contest or exhibition. All boxers and mixed martial arts contestants shall receive a post-bout physical examination from a physician licensed pursuant to title 32, chapter 13 or 17 and may be suspended from participation in additional contests for a period of time based on the evaluation by the examining physician.

B. Every person holding or sponsoring any contest shall have in attendance at every contest regulated by the commission at least one physician who is licensed pursuant to title 32, chapter 13 or 17 and who is assigned by the commission or the executive director. The commission may establish a schedule of fees to be paid to each physician by the person or by the promoter.

C. The commission shall:

1. Require insurance coverage for a boxer to provide for medical, surgical and hospital care for injuries sustained in the ring in an amount of twenty thousand dollars with twenty-five dollars deductible and payable to the boxer as beneficiary.
2. Require life insurance for a boxer in the amount of fifty thousand dollars payable in case of accidental death resulting from injuries sustained in the ring.

D. The cost of the insurance required by this section and any deductible amount that exceeds twenty-five dollars is payable by the promoter.

5-234. Attendance by peace officers; duty of chief of police or sheriff

If a boxing contest is held within the corporate limits of a city or town, the chief of police shall assign not less than one officer to attend the contest, and if a boxing contest is held outside the corporate limits of a city or town, the county sheriff shall assign not less than one of his deputies to attend. The officer or deputy shall be charged with the duty of preventing disturbances amounting to breach of the peace by spectators. The cost of providing such officer or deputy shall be paid by the promoter.

5-235.01. Disciplinary action; grounds; civil penalty; emergency suspension; injunction

A. The commission may take any one or a combination of the following disciplinary actions:

1. Revoke a license.
2. Suspend a license.
3. Impose a civil penalty in an amount of not to exceed one thousand dollars per violation of this chapter.

B. The commission may take disciplinary action or refuse to issue or renew a license for any of the following causes:

1. Committing an act involving dishonesty, fraud or deceit with the intent to substantially benefit oneself or another or substantially injure another.
2. Advertising by means of known false, misleading, deceptive or fraudulent statements through any communication medium.

3. Violating this chapter or any rule adopted pursuant to this chapter.

4. Making oral or written false statements to the commission.

5. Failing to complete the license application as prescribed by the commission.

C. The commission may conduct tests for the use of alcohol and drugs determined by the commission to impair contestants. Notwithstanding any other provision of this article, the commission may immediately suspend the license, immediately revoke the license or immediately impose a civil penalty not to exceed five hundred dollars, or any combination of these actions, against a contestant who tests positive for alcohol and drugs, who refuses or fails to take a test for alcohol and drugs under rules adopted by the commission or who refuses or fails to take a test for alcohol and drugs after a test is requested by the commission or the executive director. All civil penalties assessed pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund. The rules adopted pursuant to this subsection may include appropriate definitions for drugs determined by the commission to impair contestants.

D. In case of emergency, a member of the commission, on his own motion or on the verified complaint of any person charging a violation of this chapter or of the rules promulgated by the commission, may suspend for a period of not to exceed ten days any license until final determination by the commission, if in his opinion the action is necessary to protect the public welfare and the best interests of boxing.

E. The commission, the attorney general or a county attorney may apply to the superior court in the county in which acts or practices of any person that constitute a violation of this chapter or the rules adopted pursuant to this chapter are alleged to have occurred for an order enjoining those acts or practices.

5-236. Violation; classification

A person is guilty of a class 2 misdemeanor and may be subject to license revocation, denial or suspension if the person:

1. Conducts, holds, sponsors, sanctions or gives boxing or other contests that are subject to regulation by the commission or participates in any contest that is subject to regulation by the commission without first having procured an appropriate license or approval as prescribed in this article.

2. Violates any provision of this chapter or any rule or regulation adopted pursuant to this chapter.

5-237. Selection of referees

The commission shall select and assign referees. The matchmaker may protest the assignment of a referee and in such event the commission shall furnish a list of all licensed referees within the state to the protesting matchmaker. The protesting matchmaker shall have the right to select another referee from such list.

5-238. Sham boxing; withholding a purse

A. The commission may withhold all or part of a purse or other monies payable to any contestant, manager or second if in the judgment of the commission a boxing contestant is participating in a sham or fake boxing contest or is otherwise not competing honestly or to the best of his ability.

B. If the commission withholds a purse or part of a purse or other monies the commission shall give notice to all interested parties and hold a hearing upon the matter within ten days.

C. If the commission determines that a contestant, manager or second is not entitled to a purse, part of a purse or other monies the promoter shall turn such monies over to the director to be applied pursuant to section 5-104.02, subsection C.

5-239. Judicial review

Except as provided in section 41-1092.08, subsection H, final decisions of the commission are subject to judicial review pursuant to title 12, chapter 7, article 6.

5-240. Reciprocity

Notwithstanding section 5-228, a person is entitled to receive a license under this chapter if he complies with the requirements of each of the following:

1. Submits to the commission under oath an application for a license on a form supplied by the commission.

2. Is licensed in another state in which the licensing requirements are at least substantially equivalent to those of this state and which grants similar reciprocal privileges to persons licensed under this chapter.

3. Pays the prescribed fees.