

THE SENATE

S.B. NO. 768

TWENTY-THIRD LEGISLATURE, 2005

S.D. 1

STATE OF HAWAII

H.D. 1

A BILL FOR AN ACT

RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. There have been thirteen deaths nationwide during competitions of unarmed combat since 1981 and six reported cases of serious injury since 1980. Currently, some form of unarmed combat is prohibited in thirteen states and regulated in twenty-four states, although the terminology and definitions for the prohibited or regulated activity vary in each state. Florida and Washington enacted legislation in response to the June, 2003 death of a thirty-year-old Florida woman during a toughman competition. Current Hawaii law prohibits no rules combat, extreme or ultimate fighting, and similar contests pursuant to chapter 440D, Hawaii Revised Statutes.

The purpose of this Act is to:

- (1) Enforce the ban on no rules combat, extreme or ultimate fighting, and similar contests for the protection and safety of contestants in competitions of unarmed combat; and
- (2) Establish requirements for exemptions to this prohibition.

SECTION 2. Chapter 440D, Hawaii Revised Statutes, is amended by adding six new sections to be appropriately designated and to read as follows:

"§440D- Definitions. As used in this chapter:

"Department" means the department of commerce and consumer affairs.

"Director" means the director of commerce and consumer affairs.

"No rules combat, extreme or ultimate fighting" means a match or exhibition performed in this state, in which the contestants:

- (1) Are permitted to use a combination of combative contact techniques, including punches, kicks, chokes, joint locks, and other maneuvers, with or without the use of weapons; and
- (2) Have received or are to receive, directly or indirectly, any money, prize, reward, purse, or other compensation, or promise thereof, for the expenses of training, for taking part in the contest, or for winning the contest.

The term does not include a match or exhibition involving the exclusive use of boxing, wrestling, kickboxing, or martial arts.

§440D- No rules combat, extreme or ultimate fighting, and other similar competitions prohibited; exemption. (a) No person shall hold, promote, or participate as a contestant in any no rules combat, extreme or ultimate fighting, or other similar competition.

(b) No rules combat, extreme or ultimate fighting, and other similar competitions shall not be prohibited if the match or exhibition is scheduled or held:

- (1) Between medically fit and adult contestants who are not disqualified from competing in another jurisdiction at the time of the match or exhibition;
- (2) Pursuant to the promoter's rules or restrictions for the match or exhibition that protect the safety of contestants;
- (3) Under the direction and control of an adult referee in the ring who has at least one year's experience in refereeing a match or exhibition

involving a combination of combative techniques and who has passed a physical examination by a licensed physician, including an eye examination, within two years prior to the match or exhibition;

- (4) Under the medical supervision of a physician licensed pursuant to chapter 453 or 460 who is present at ringside; and
- (5) In a manner that will promote maximum safety for the contestants, to the extent feasible.

§440D- Exemption. (a) At least thirty days prior to a match or exhibition, a promoter shall provide to the department information and documents, as prescribed by the department, together with a review and enforcement fee of \$500, to establish that the match or exhibition is not prohibited by this chapter. If the department determines prior to the match or exhibition that the match or exhibition is prohibited by this chapter, the department shall refund the \$500 review and enforcement fee to the promoter.

(b) Within seven days following a match or exhibition that is not prohibited by this chapter, the promoter of the match or exhibition shall provide the department with an unedited video record of the match or exhibition in a format prescribed by the department.

§440D- Violation and penalty; rebuttable presumption. (a) In addition to any other applicable remedy, a person who violates this chapter shall be subject to a fine of not more than \$10,000 for each offense. Each day's violation or failure to comply shall be deemed a separate offense. The fines shall be levied and collected by the department.

(b) The submission of false information or documents by a promoter to the department under this chapter shall constitute a violation of this chapter.

(c) In any proceeding involving an allegation of a violation of this chapter by a promoter or contestant, there shall be a rebuttable presumption that a violation has occurred, and the promoter or contestant shall have the burden of overcoming the presumption.

§440D- Injunctive relief. The department may bring an action in any court of this State to enjoin a person from continuing any violation of this chapter or doing any acts in furtherance thereof, and for any other relief that the court deems appropriate.

§440D- Rules. The director may adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this chapter."

SECTION 3. Section 440D-1, Hawaii Revised Statutes, is repealed.

~~["§440D-1] No rules combat, extreme or ultimate fighting, or similar contests prohibited.~~ (a) No person shall hold, promote, or participate as a contestant in no rules combat, extreme or ultimate fighting, or similar contests.

~~(b) In addition to any other applicable judicial remedy, a person who violates this section shall be subject to section 436B-26.5 and a fine of not more than \$10,000 for each offense. Each day's violation or failure to comply shall be deemed a separate offense. The fines shall be levied and collected by the department.~~

~~(c) As used in this section, "no rules combat, extreme or ultimate fighting, or similar contest" means a match or exhibition performed in this State, in which the contestants:~~

- ~~(1) Are permitted to use a combination of combative contact techniques, including punches, kicks, chokes, joint locks, and other maneuvers, with or without the use of weapons, that place contestants at an unreasonably high risk of bodily injury or death; and~~
- ~~(2) Have received, directly or indirectly, any money, prize, reward, purse, or other compensation, or promise thereof, for the expenses of training, for taking part in the contest, or for winning the contest.~~

~~The term does not include a contest involving the exclusive use of boxing, wrestling, kickboxing, or martial arts.~~

~~(d) In any proceeding before the department involving a violation of this section, there shall be a rebuttable presumption that a violation has occurred and a promoter or contestant shall have the burden of overcoming the presumption.~~

~~(c) For the purposes of this section, "department" means the department of commerce and consumer affairs."]~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Signed into law on May 16, 2005, as Act 54)