

COMBATIVE SPORTS
Occupations Code
Title 13. Sports, Amusements, and Entertainment
Subtitle B. Sports, Chapter 2052
Administered by the Texas Department of Licensing and Regulation
(Effective September 1, 2007)

TABLE OF CONTENTS

| | |
|---|----------|
| SUBCHAPTER A. GENERAL PROVISIONS..... | 1 |
| SEC. 2052.001. LEGISLATIVE DECLARATION. | 1 |
| SEC. 2052.002. DEFINITIONS. | 1 |
| SEC. 2052.003. APPLICABILITY OF OTHER LAW. | 2 |
| SUBCHAPTER B. POWERS AND DUTIES..... | 2 |
| SEC. 2052.051. ADMINISTRATION OF CHAPTER. | 2 |
| SEC. 2052.052. RULES..... | 2 |
| SEC. 2052.053. INVESTIGATIVE AUTHORITY. | 3 |
| SEC. 2052.054. CONTINUING EDUCATION. | 3 |
| SEC. 2052.055. MEDICAL ADVISORY COMMITTEE. | 3 |
| SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS | 3 |
| SEC. 2052.101. PROMOTER LICENSE. | 3 |
| SEC. 2052.102. PROMOTER LICENSE APPLICATION REQUIREMENTS. | 4 |
| SEC. 2052.107. OTHER COMBATIVE SPORTS LICENSES. | 4 |
| SEC. 2052.108. APPLICATION REQUIREMENTS FOR OTHER LICENSES. | 4 |
| SEC. 2052.109. SURETY BOND. | 4 |
| SEC. 2052.110. LICENSE AND BONDING EXCEPTIONS. | 5 |
| SEC. 2052.111. DENIAL OF APPLICATION. | 5 |
| SEC. 2052.113. LICENSE AND PERMIT REQUIRED FOR CLOSED CIRCUIT TELECAST. | 5 |
| SEC. 2052.114. LICENSE, REGISTRATION, AND PERMIT TERM AND RENEWAL. | 5 |
| SEC. 2052.115. PROMOTER RESPONSIBILITIES. | 5 |
| SEC. 2052.116. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION. | 6 |
| SEC. 2052.117. AMATEUR COMBATIVE SPORTS ASSOCIATION REGISTRATION REQUIREMENTS. | 6 |
| SUBCHAPTER D. GROSS RECEIPTS TAX | 6 |
| SEC. 2052.151. IMPOSITION AND RATE OF TAX. | 6 |
| SEC. 2052.152. TAX REPORT AND PAYMENT. | 7 |
| SEC. 2052.153. CLOSED CIRCUIT TELECAST. | 7 |
| SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS..... | 7 |
| SEC. 2052.251. GLOVES. | 7 |
| SEC. 2052.252. REGULATED AMATEUR EVENTS. | 7 |
| SEC. 2052.253. KICKBOXING. | 8 |
| SEC. 2052.254. ELIMINATION TOURNAMENTS. | 8 |
| SUBCHAPTER G. DISCIPLINARY PROCEDURES; CRIMINAL OFFENSE..... | 8 |
| SEC. 2052.3015. PROMOTER PENALTY FOR LATE LICENSE. | 8 |
| SEC. 2052.302. WITHHOLDING OF PURSE AND FORFEITURE OF PURSE. | 8 |
| SEC. 2052.303. CIVIL PENALTY; INJUNCTION. | 9 |
| SEC. 2052.304. PETITION FOR REVIEW. | 9 |
| SEC. 2052.308. APPEAL..... | 9 |
| SEC. 2052.309. CRIMINAL OFFENSE..... | 9 |

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2052.001. Legislative Declaration.

This chapter shall be liberally construed and applied to promote its underlying purposes.

Sec. 2052.002. Definitions.

In this chapter:

- (1) "Amateur" means a person who has never received or competed for any purse or other thing of value, including reimbursement for expenses related to training or to participation in a combative sports event, that exceeded the maximum amount established by an amateur combative sports association.
- (2) "Amateur combative sports association" means an organization that has nonprofit status under the laws of this state or under federal law and that produces, arranges, advertises, conducts, or stages combative sports events in which all the contestants are amateurs.
- (3) "Boxing" means to compete with the fists.
- (4) "Combative sports" means sports, including boxing, kickboxing, martial arts, and mixed martial arts, in which participants voluntarily engage in full contact to score points, to cause an opponent to submit, or to disable an opponent in a contest, match, or exhibition. The term does not include student training or exhibition of students' skills conducted by martial arts schools, or association of schools, where the students' participation is for health and recreational purposes rather than competition and where the intent is to use only partial contact.
- (5) "Commission" means the Texas Commission of Licensing and Regulation.
- (6) "Contest" means a combative sports engagement in which the participants strive earnestly to win.
- (7) "Department" means the Texas Department of Licensing and Regulation.
- (8) "Elimination tournament" means a combative sports contest in which contestants compete in a series of matches until not more than one contestant remains in any weight category. The term does not include an event described by Section 2052.110.
- (9) "Executive director" means the executive director of the department.
- (10) "Exhibition" means a combative sports skills demonstration.
- (11) "Event" means a contest, match, or exhibition.
- (11-a) "Event coordinator" means a person who performs any function to arrange, conduct, or stage a combative sports event promoted by another person, other than a permanent full-time employee of the promoter of the event. The term does not include an employee of an event coordinator.
- (12) "Judge" means a person who is responsible for scoring the performances of the participants in a match.
- (13) "Kickboxing" means to compete by delivering blows with the fists, arms, feet, legs, or any combination thereof.

- (14) "Martial arts" means any one of the individual disciplines described by rule adopted by the commission in which the contestants engage in unarmed combat using the applicable techniques to grapple with, kick, or strike an opponent to win a contest by causing an opponent to submit or by scoring points against or disabling an opponent.
- (15) "Match" means any contest or exhibition.
- (16) "Mixed martial arts" means unarmed combat involving the use of a combination or techniques from different disciplines of the martial arts including grappling, kicking, and striking and may include the use of full, unrestrained physical force.
- (17) "Professional combative sports contestant" means a person who competes in a combative sports event in this state conducted for a purse or compensation.
- (18) "Promoter" means any person who produces, arranges, advertises, conducts, or stages a combative sports event.
- (19) "Referee" means a person who:
 - (A) is present in the ring during a match; and
 - (B) exercises general supervision of the match.
- (20) "Ringside physician" means an individual licensed to practice medicine in this state who is registered with the department.

Sec. 2052.003. Applicability of Other Law.

Section 51.401 does not apply to this chapter.

SUBCHAPTER B. POWERS AND DUTIES

Sec. 2052.051. Administration of Chapter.

The department shall administer this chapter.

Sec. 2052.052. Rules.

- (a) The commission shall adopt reasonable and necessary rules to administer this chapter.
- (b) The commission may adopt rules:
 - (1) governing boxing, kickboxing, martial arts, or mixed martial arts contests and exhibitions;
 - (2) establishing reasonable qualifications for an applicant seeking a license or registration from the department under this chapter;
 - (3) recognizing a sanction, medical suspension, or disqualification of a licensee or registrant by a combative sports authority in any state, provided that if licensure or registration is denied based on those actions, an applicant has an opportunity for a hearing as prescribed by rule;
 - (4) establishing practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician;

- (5) requiring a contestant to present with an application for licensure or license renewal documentation of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by commission rule and providing that a contestant's failure to provide the required blood test results disqualifies the contestant
- (6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule;
- (7) requiring that a contestant present with an application for licensure renewal documentation of the results of a physical examination, including an ophthalmologic examination, and providing for disqualification of a contestant who is determined by an examining physician to be unfit;
- (8) establishing additional responsibilities for promoters; and
- (9) governing regulated amateur events.

Sec. 2052.053. Investigative Authority.

- (a) The executive director shall investigate allegations of activity that may violate this chapter.
- (b) The executive director may enter, at a reasonable time, a place of business or an establishment in which activity alleged to violate this chapter may occur. The executive director is not required to give advance notice before entering.

Sec. 2052.054. Continuing Education.

- (a) The commission may recognize, prepare, or administer continuing education programs for persons licensed under this chapter.
- (b) Participation in a continuing education program under Subsection (a) is voluntary.
- (c) Section 51.405 does not apply to this chapter.

Sec. 2052.055. Medical Advisory Committee.

- (a) The presiding officer of the commission, with the commission's approval, may appoint a medical advisory committee to advise the department concerning health issues for combative sports event contestants.
- (b) If the commission elects to appoint an advisory committee, the commission by rule shall establish:
 - (1) the number of committee members;
 - (2) qualifications for appointment to the committee; and
 - (3) the purpose and duties of the committee.

SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS

Sec. 2052.101. Promoter License.

A person may not act as a promoter unless the person holds the appropriate license issued under this chapter.

Sec. 2052.102. Promoter License Application Requirements.

- (a) An applicant for a promoter's license under this chapter must apply on a form furnished by the executive director.
- (b) An application must be accompanied by:
 - (1) a license fee in an amount set by the commission; and
 - (2) a surety bond:
 - (A) subject to approval by the executive director; and
 - (B) conditioned on the applicant's payment of the tax imposed under Section 2052.151.
- (c) The executive director shall establish the amount of the surety bond required under Subsection (b). The bond amount may not be less than \$300.

Sec. 2052.107. Other Combative Sports Licenses.

Unless a person holds a license or registration issued under this chapter, the person may not act as a combative sports:

- (1) professional contestant;
- (2) manager of a professional contestant;
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper;
- (7) matchmaker;
- (8) ringside physician; or
- (9) event coordinator.

Sec. 2052.108. Application Requirements For Other Licenses.

- (a) An application for a license under Section 2052.107 must be made on a form furnished by the executive director.
- (b) An application must be accompanied by the required license fee.

Sec. 2052.109. Surety Bond.

- (a) A surety bond required under this subchapter must:
 - (1) be issued by a company authorized to conduct business in this state;
 - (2) comply with the applicable requirements of the Insurance Code;

- (3) be payable to the state for use by the state or a political subdivision that establishes that the boxing or wrestling promoter is liable to it for damages, penalties, taxes, or other expenses resulting from promotional activities conducted in this state; and
 - (4) be open to more than one claim, except that the claims may not exceed the face value of the bond.
- (b) A person required to file a surety bond under this subchapter shall file a new bond annually.
- (c) A company that issues a bond shall notify the department in writing of the cancellation of the bond not later than the 30th day before the date on which the bond is canceled.

Sec. 2052.110. License and Bonding Exceptions.

If the contestants are amateurs, the licensing and bonding requirements of this chapter do not apply to:

- (1) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of educational institutions participate;
- (2) an event which is conducted by a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency and in which only members of military or law enforcement organizations participate; or
- (3) an event which is conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games and in which participants train or compete for advancement to or within the games.

Sec. 2052.111. Denial of Application.

The executive director may deny an application for a license or registration if:

- (1) the applicant does not meet the qualifications for the license or registration; or
- (2) after conducting an investigation and providing an opportunity for a hearing, the executive director determines that the applicant has violated this chapter or a rule adopted under this chapter.

Sec. 2052.113. License and Permit Required for Closed Circuit Telecast.

A person who exhibits in this state a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast in which a fee is charged for admission to the telecast must:

- (1) hold a promoter's license under this chapter; and
- (2) obtain a permit for the closed circuit telecast.

Sec. 2052.114. License, Registration, and Permit Term and Renewal.

- (a) A license, registration, or permit issued under this chapter is valid for one year after the date of issuance.
- (b) The holder of a license, registration, or permit may renew the license, registration, or permit by paying a renewal fee and complying with other renewal requirements prescribed by department rule before the expiration date. The department shall issue a renewal certificate to the holder at the time of renewal.

Sec. 2052.115. Promoter Responsibilities.

For each promoted event, a promoter shall:

- (1) assure that all contestants scheduled to participate are licensed before the event;
- (2) provide that an ambulance, serviced by at least two emergency medical technicians, is present on the premises where the event is held;
- (3) provide for a physical examination of each contestant that complies with rules adopted under this chapter; and
- (4) comply with all commission rules.

Sec. 2052.116. Amateur Combative Sports Association Registration.

A person may not act as an amateur combative sports association unless the person is registered under this chapter.

Sec. 2052.117. Amateur Combative Sports Association Registration Requirements.

- (a) An applicant for registration as an amateur combative sports association must apply on a form acceptable to the executive director.
- (b) An application must be accompanied by:
 - (1) a registration fee in the amount set by the commission;
 - (2) proof of compliance with requirements established by rule for:
 - (A) insurance; and
 - (B) surety bonds, if any;
 - (3) a copy of the rules of the association establishing standards of conduct for contestants and officials; and
 - (4) proof that the association is recognized or organized as a nonprofit organization under the laws of this state or has such status under federal law.
- (c) Rules of the association must be approved by the department.

SUBCHAPTER D. GROSS RECEIPTS TAX

Sec. 2052.151. Imposition and Rate of Tax.

- (a) A tax is imposed on a person who:
 - (1) conducts a combative sports event in which a fee is charged for admission to the event; or
 - (2) exhibits in this state a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast, in which a fee is charged for admission to the telecast.
- (b) The tax is three percent of the gross receipts obtained from the sale of tickets to the event, plus three percent of gross receipts received from sales of broadcast rights or \$30,000, whichever is less.

Sec. 2052.152. Tax Report and Payment.

- (a) A person on whom a tax is imposed under Section 2052.151, not later than three business days after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form acceptable to the department stating:
- (1) the number of tickets sold to the event;
 - (2) the ticket prices charged;
 - (3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and
 - (4) the amount of gross receipts obtained from the event.
- (b) The person shall attach to the report a cashier's check, check, or money order payable to this state in the amount of the tax imposed on the event covered by the report.
- (c) The department may audit a report filed under Subsection (b).

Sec. 2052.153. Closed Circuit Telecast.

A person exhibiting a simultaneous telecast of a live, spontaneous, or current combative sports event on a closed circuit telecast that occurs in Texas which a fee is charged for admission to the exhibition:

- (1) must:
 - (A) be a promoter; and
 - (B) obtain a permit for each telecast exhibited; and
- (2) shall comply with the tax provisions of Sections 2052.151 and 2052.152.

SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS

Sec. 2052.251. Gloves.

A combative sports event contestant shall wear gloves of the type and weight specified by commission rule, unless the commission by applicable rule requires or permits contestants to not wear gloves.

Sec. 2052.252. Regulated Amateur Events.

- (a) This section applies to an amateur combative sports event, other than an event described by Section 2052.110, in which a fee is charged for admission to the event.
- (b) The amateur combative sports association sponsoring or producing the event shall register with the department not later than 30 days before the date the event begins.
- (c) The event may take place only if the executive director approves the event not later than seven days before the date the event begins.

- (d) Each contestant in the event must have been a member of the amateur combative sports association for the 30-day period immediately preceding the date the event begins and must be a member on the date of the event.
- (e) The amateur combative sports association shall determine the amateur standing of the event contestants and shall establish training programs consisting of at least 30 days of training for each contestant.
- (f) The event is subject to the supervision of the executive director.
- (g) Each contestant participating in the event must be examined by a licensed physician within a reasonable time before the event begins. A licensed physician must be present at ringside during the entire event.
- (h) A professional combative sports contestant licensed under this chapter may not participate as a contestant in the event.

Sec. 2052.253. Kickboxing.

A professional kickboxing event must be fought on the basis of the contestants' best efforts.

Sec. 2052.254. Elimination Tournaments.

An elimination tournament may not be conducted in this state.

SUBCHAPTER G. DISCIPLINARY PROCEDURES; CRIMINAL OFFENSE

Sec. 2052.3015. Promoter Penalty for Late License.

A promoter who does not comply with Section 2052.115(1) in a timely manner is subject to a penalty under this chapter for each contestant who obtains a license less than 72 hours before an event in which the contestant is scheduled to participate.

Sec. 2052.302. Withholding of Purse and Forfeiture of Purse.

- (a) The executive director may order a promoter to withhold any purse or other funds payable to the holder of a license or registration under this chapter if it appears more likely than not that the holder has violated this chapter or a rule adopted under this chapter.
- (b) The promoter shall surrender any purse or funds withheld as provided by Subsection (a) to the executive director on demand. Not later than the fifth working day after the event, the department shall 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 to the state. The hearing must be scheduled for a date not later than the 10th day after the date of the notice. Not later than the 10th day after the date of the hearing, the executive director shall enter an order with findings of fact and conclusions of law determining whether all or part of the purse or funds should be forfeited. Any funds not forfeited shall be distributed to the persons entitled to the funds.
- (c) Except as otherwise provided by this subchapter, a proceeding under this section shall be conducted in the manner provided by Chapter 2001, Government Code.
- (d) A person aggrieved by an order entered under this section may appeal the order by filing a petition in a district court in Travis County in the manner provided by Chapter 2001, Government Code.

Sec. 2052.303. Civil Penalty; Injunction.

- (a) A court may assess a civil penalty against a person who violates this chapter or a rule adopted under this chapter. The amount of the penalty may not exceed \$1,000 for each violation.
- (b) The attorney general or the department may file a civil suit to:
 - (1) assess and recover a civil penalty under Subsection (a); or
 - (2) enjoin a person who violates or threatens to violate this chapter or a rule adopted under this chapter from continuing the violation or threat.
- (c) Venue for a suit filed under Subsection (b) is in a district court in Travis County.
- (d) A civil penalty assessed under this section shall be paid to this state.

Sec. 2052.304. Petition For Review.

- (a) A person may seek review of a decision or an order of the executive director or the commission under this chapter by filing a petition for review in a district court in Travis County.
- (b) Chapter 2001, Government Code, governs any proceeding under this section.

Sec. 2052.308. Appeal.

- (a) The petitioner or executive director may appeal a final judgment of a court conducting a review under this subchapter in the same manner as a civil action.
- (b) The executive director is not required to file an appeal bond.

Sec. 2052.309. Criminal Offense.

- (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter.
- (b) An offense under this section is a Class A misdemeanor.