

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 17-0299.01 Jennifer Berman x3286

SENATE BILL 17-148

SENATE SPONSORSHIP

Priola, Kerr

HOUSE SPONSORSHIP

Garnett,

Senate Committees

Business, Labor, & Technology
Finance
Appropriations

House Committees

Business Affairs and Labor
Appropriations

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE OFFICE OF BOXING IN THE
102 DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE
103 DEPARTMENT OF REGULATORY AGENCIES, AND, IN CONNECTION
104 THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE
105 2016 SUNSET REPORT OF THE DEPARTMENT OF REGULATORY
106 AGENCIES AND MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Business, Labor, and Technology

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
April 13, 2017

SENATE
3rd Reading Unamended
March 10, 2017

SENATE
Amended 2nd Reading
March 9, 2017

Committee. The bill implements the recommendations contained in the department of regulatory agencies' (department) sunset report on the office of boxing (office) within the division of professions and occupations in the department and the Colorado state boxing commission (commission) within the office.

Sections 7 and 8 of the bill implement *recommendation 1* of the sunset report to continue the office, including the commission, until 2026.

Sections 4 and 6 implement *recommendation 2* of the sunset report to vest the director of the division of professions and occupations (director) within the department with all licensing and enforcement authority, as well as the authority to recognize boxing sanctioning authorities, and to limit the authority of the director of the office of boxing (office director) to the day-to-day operations of the office. **Section 1** updates definitions to further effectuate *recommendation 2* of the sunset report.

Section 2 implements *recommendation 3* of the sunset report to change the commission members' terms from 3 years to 4 years.

Section 3 implements *recommendation 4* of the sunset report to provide the director with the authority to issue a nondisciplinary denial or suspension of a license for medical or administrative reasons and the authority to lift such denial or suspension if sufficient evidence has been provided that the denial or suspension is no longer needed. Section 1 updates definitions to further effectuate *recommendation 4* of the sunset report.

Section 5 implements *recommendation 5* of the sunset report to update the grounds for discipline to:

- ! Reword the ground for discipline concerning excessive drinking or drug use to comport with the language used for other regulated professions and occupations;
- ! Create a ground for discipline for unsportsmanlike or dangerous conduct; and
- ! Create a ground for discipline for a licensee's failure to comply with a license restriction.

Section 5 also implements *recommendation 6* of the sunset report to change the requirement that the director send a letter of admonition by certified mail to a requirement that the director send a letter of admonition by first-class mail.

Sections 1, 2, 3, and 5 implement *recommendation 7* of the sunset report to make technical changes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-10-103, **amend**

1 the introductory portion, (2), (3), (6), (11), (13.5), and (15); and add (9.5)
2 and (11.5) as follows:

3 **12-10-103. Definitions.** As used in this ~~article~~ ARTICLE 10, unless
4 the context otherwise requires:

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

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

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

14 (9.5) "MARTIAL ARTS" MEANS ANY OF SEVERAL ARTS OF COMBAT
15 OR SELF-DEFENSE THAT ARE WIDELY PRACTICED AS SPORT.

16 (11) "Office" means the office of boxing COMBATIVE SPORTS
17 created in section 12-10-104.

18 (11.5) "OFFICE DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF
19 COMBATIVE SPORTS CREATED IN SECTION 12-10-104.

20 (13.5) "Place of training" means a facility where alcohol
21 beverages are not permitted, an admission fee is not charged for
22 nonstudents, instructors of particular disciplines train students in the art
23 of ~~physical disciplines~~ BOXING, and students pay a fee to be enrolled in
24 classes and receive instruction.

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

26 (I) A physical contest, match, tournament, exhibition, or bout, or
27 any activity that involves physical contact between two or more

1 individuals engaging in combative skills using the hands, feet, or body,
2 whether or not prizes or purses are awarded at the event or promised in
3 future events or spectator admission fees are charged or received; and

4 (II) ~~The~~ A contest, match, tournament, exhibition, bout, or
5 activity, AS DESCRIBED IN SUBSECTION (15)(a)(I) OF THIS SECTION, THAT
6 is not recognized by and not sanctioned by any state, regional, or national
7 boxing sanctioning authority that is recognized by the ~~executive~~ director.
8 ~~of the department of regulatory agencies.~~

9 (b) "Toughperson fighting" does not mean:

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

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

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

17 **12-10-104. Office of combative sports - creation.** There is
18 **hereby created, within the division of professions and occupations in the**
19 **department of regulatory agencies, the office of ~~boxing~~ COMBATIVE**
20 **SPORTS. The office of ~~boxing~~ COMBATIVE SPORTS and the Colorado state**
21 **~~boxing~~ COMBATIVE SPORTS commission, created in section 12-10-105,**
22 **shall exercise their respective powers and perform their respective duties**
23 **and functions as specified in this ~~article~~ ARTICLE 10 under the department**
24 **of regulatory agencies as if the ~~same~~ POWERS, DUTIES, AND FUNCTIONS**
25 **were transferred to the department by a **type 2** transfer, as such transfer**
26 **is defined in the "Administrative Organization Act of 1968", article 1 of**
27 **title 24. C.R.S.**

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

3 **12-10-105. Colorado combative sports commission - creation.**

4 (1) There is hereby created, within the office of ~~boxing~~ COMBATIVE
5 SPORTS, the Colorado state ~~boxing~~ COMBATIVE SPORTS commission. The
6 commission shall regulate matches in Colorado.

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

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

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

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

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

26 (B) The two nonvoting advisory members shall advise the
27 commission on matters concerning the health and physical condition of

1 boxers and health issues relating to the conduct of matches. The
2 nonvoting members may prepare and submit to the commission for its
3 consideration and approval any rules that in their judgment will safeguard
4 the physical welfare of the participants engaged in boxing.

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

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

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

- 19 (f) Guidelines for compensation of ~~participants and~~ licensees;
- 20 (j) Responsibilities of participants; ~~including female boxers; and~~
- 21 (k) Regulation of facilities; AND

22 (l) PROCEDURES TO:

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

- 1 (A) A RECENT KNOCKOUT OR SERIES OF CONSECUTIVE LOSSES;
2 (B) AN INJURY;
3 (C) A REQUIRED MEDICAL PROCEDURE; OR
4 (D) A PHYSICIAN'S DENIAL OF CERTIFICATION;
5 (II) AUTHORIZE THE DIRECTOR TO LIFT A LICENSE DENIAL OR
6 SUSPENSION IMPOSED FOR A NONDISCIPLINARY REASON IF THE
7 PARTICIPANT OR A REPRESENTATIVE OF THE PARTICIPANT SUFFICIENTLY
8 DEMONSTRATES:
9 (A) THAT THE PARTICIPANT'S MEDICAL OR PHYSICAL CONDITION
10 HAS IMPROVED TO A DEGREE THAT THE NONDISCIPLINARY LICENSE DENIAL
11 OR SUSPENSION IS NO LONGER WARRANTED; OR
12 (B) THAT THE NONDISCIPLINARY LICENSE DENIAL OR SUSPENSION
13 WAS NEVER WARRANTED; AND
14 (III) ALLOW THE DIRECTOR TO REPORT A NONDISCIPLINARY
15 PARTICIPANT LICENSE SUSPENSION TO A NATIONAL RECORD-KEEPER
16 APPROVED BY THE DIRECTOR.

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

19 **12-10-107. Office director - appointment - qualification -**
20 **powers and duties - director of division's powers and duties.** (1) The
21 OFFICE director ~~shall be~~ IS appointed by, AND SERVES UNDER THE
22 SUPERVISION OF, the director of the division. ~~and shall be under the~~
23 ~~supervision of the director of the division.~~

- 24 (2) The OFFICE director ~~shall~~ MUST:
25 (a) Be of good character and not have been convicted of any
26 felony or match-related offense, notwithstanding ~~the provisions of section~~
27 24-5-101; ~~C.R.S.~~; and

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

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

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

9 (II) Supervise and administer the operation of matches; ~~in~~
10 ~~accordance with the provisions of this article and the rules of the~~
11 ~~commission;~~ AND

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

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

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

20 (c) ~~Repealed.~~

21 (d) ~~(Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p.~~
22 ~~434, § 9, effective July 1, 2010.)~~

23 (e) ~~Repealed.~~

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

27 (g) ~~Repealed.~~

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

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

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

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

9 **12-10-107.1. Grounds for discipline.** (1) The director may deny,
10 suspend, revoke, place on probation, or issue a letter of admonition
11 against a license or an application for a license if the applicant or
12 licensee:

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

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

24 or

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

1 CONCEALMENT;

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

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

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

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

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

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

21 **12-10-108. Immunity.** Any member of the commission; the
22 director; THE OFFICE DIRECTOR; the commission's staff; the director's staff;
23 THE OFFICE DIRECTOR'S STAFF; any person acting as a witness or
24 consultant to the commission, ~~or~~ director, OR OFFICE DIRECTOR; any
25 witness testifying in a proceeding authorized under this ~~article~~, ARTICLE
26 10; and any person who lodges a complaint pursuant to this ~~article shall~~
27 ~~be~~ ARTICLE 10 IS immune from liability in any civil action brought against

1 him or her for acts occurring while acting in his or her capacity as
2 commission member, director, OFFICE DIRECTOR, staff, consultant, or
3 witness, respectively, if ~~such~~ THE individual was acting in good faith
4 within the scope of his or her respective capacity, made a reasonable
5 effort to obtain the facts of the matter as to which he or she acted, and
6 acted in the reasonable belief that the action taken by him or her was
7 warranted by the facts. Any person participating in good faith in lodging
8 a complaint or participating in any investigative or administrative
9 proceeding pursuant to this ~~article shall be~~ ARTICLE 10 IS immune from
10 any civil or criminal liability that may result from such participation.

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

13 **12-10-111. Repeal of article.** ~~(1)~~ This ~~article~~ ARTICLE 10 is
14 repealed, effective ~~July 1, 2017~~ SEPTEMBER 1, 2026.

15 ~~(2) Prior to such~~ BEFORE ITS repeal, THE DEPARTMENT OF
16 REGULATORY AGENCIES SHALL REVIEW the office and the commission
17 ~~shall be reviewed as provided for~~ in ACCORDANCE WITH section
18 24-34-104. C.R.S.

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

21 **24-34-104. General assembly review of regulatory agencies**
22 **and functions for repeal, continuation, or reestablishment - legislative**
23 **declaration - repeal.** (12) (a) The following agencies, functions, or both,
24 will repeal on July 1, 2017:

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

27 (27) (a) The following agencies, functions, or both, will repeal on

1 September 1, 2026:

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

5 **SECTION 10. Appropriation.** For the 2017-18 state fiscal year,
6 \$10,000 is appropriated to the department of regulatory agencies for use
7 by the division of professions and occupations. This appropriation is from
8 the division of professions and occupations cash fund created in section
9 24-34-105 (2)(b)(I), C.R.S. To implement this act, the division may use
10 this appropriation for personal services.

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