

=====

LC005170

=====

IN GENERAL ASSEMBLY

RELATING TO SPORTS, RACING, AND ATHLETICS -- GAMING AND ATHLETICS
LICENSING

(Business Regulation)

1 SECTION 1. The title of Chapter 41-1 of the General Laws entitled "Division of Racing
2 and Athletics" is hereby amended to read as follows:

DIVISION OF GAMING AND ATHLETICS LICENSING

SECTION 2. Sections 41-1-1 and 41-1-3 of the General Laws in Chapter 41-1 entitled "Division of Racing and Athletics" are hereby amended to read as follows:

9 ~~41-1-1. Division of racing and athletics—Duties~~ Division of gaming and athletics
10 licensing-- Duties -- Within the department of business regulation there shall be a division of
11 ~~racing~~ gaming and athletics licensing. The division shall supervise the enforcement of all laws
12 relating to the regulation and control of racing and athletics, and may in the first instance make
13 decisions and issue orders, subject to appeal to the racing and athletics hearing board. The
14 division shall exercise all powers and duties prescribed by chapters 3, 3.1, 4, 5, 7, and 11 of this
15 title, and all other acts relative to the regulation and supervision of horse racing, dog racing, and
16 athletics, heretofore performed by the commission on horse racing and athletics. The division
17 shall exercise all powers and duties prescribed by chapters 3, 3.1, 4, 5, 7, and 11 of this title, and
18 all other acts relative to the regulation and supervision of horse racing, dog racing, and athletics,

1 heretofore performed by the commission on horse racing and athletics. The division shall comply
2 with RI general laws § 42-14-14 in the conduct of any investigation related to any license
3 application, permit and/or registration related to Chapters 3, 3.1, 4, 7 and 11 of this title. The
4 division may comply with RI general laws § 42-14-14 in the conduct of any investigation related
5 to any license application, permit and/or registration related to chapters 5 and 5.2 of this title.
6 Such investigation shall require the applicant to apply to the bureau of criminal identification of
7 the Rhode Island state police or the Rhode Island department of the attorney general for a
8 nationwide criminal records check with fingerprinting. The applicant shall be responsible for
9 payment of the costs of said criminal records check. The Rhode Island state police or the Rhode
10 Island department of the attorney general, as applicable, shall send the results of such criminal
11 records check to the division. Once said results are sent to and received by the Rhode Island
12 Lottery, the Rhode Island state police and the Rhode Island department of attorney general shall
13 promptly destroy said fingerprint record(s). On or before February 1, 2011, the agency shall adopt
14 rules and regulations establishing criteria to be used in determining whether based upon a
15 criminal records check an application will be approved.

16 **41-1-3. Construction of references -- Continuity of functions.** -- (a) Whenever in any
17 general or public law, and more particularly in this title, the words "commission on horse racing
18 and athletics", or the word "commission" in reference to the commission shall appear, the words
19 shall be deemed to refer to and mean the division of racing and athletics in the department of
20 business regulation. The division shall be deemed and held to constitute a continuation of the
21 former commission on horse racing and athletics. The governor is authorized to transfer or
22 reallocate by executive order the whole or any part of the appropriation of the former commission
23 on horse racing and athletics to the department and the division.

24 (b) Whenever [in any general law or public law](#) the words "division of racing and
25 athletics " shall appear, the words shall be deemed to mean the division of ~~commercial licensing~~
26 ~~and racing~~ [gaming](#) and athletics [licensing](#) in the department of business regulation.

27 SECTION 3. Sections 41-3.1-3 and 41-3.1-4 of the General Laws in Chapter 41-3.1
28 entitled "Dog Racing in Burrillville, Lincoln, and West Greenwich" are hereby amended to read
29 as follows:

30 **41-3.1-3. Regulation of operations.** -- (a) The division of ~~racing~~ [gaming](#) and athletics
31 [licensing](#) is hereby authorized to license dog racing in the towns of Burrillville, Lincoln, and
32 West Greenwich. The operation of a dog track shall be under the division's supervision. The
33 division is hereby authorized to issue rules and regulations for the supervision of the operations,
34 and the regulations are to be issued prior to commencement of licensing hearings.

(b) Any license granted under the provisions of this chapter shall be subject to the rules and regulations promulgated by the division and shall be subject to suspension or revocation for any cause which the division shall deem sufficient after giving the licensee a reasonable opportunity for a hearing at which he or she shall have the right to be represented by counsel. If any license is suspended or revoked, the division shall state the reasons for the suspension or revocation and cause an entry of the reasons to be made on the record books of the division.

(c) The division of ~~commercial licensing and racing~~ gaming and athletics licensing in the department of business regulation shall be prohibited from licensing dog racing and/or the operation of a dog track upon which dog racing occurs in the town of Lincoln. Any license having been issued and in effect as of the effective date of this section shall be null and void and any licensee shall be prohibited from operating thereunder; provided, however, that the following entities shall be deemed pari-mutuel licensees as defined in § 42-61.2-1 et seq. and licensees as defined in § 41-11-1 et seq.: (1) Any entity having been issued a license to operate a dog track prior to December 31, 2008; and (2) Any entity having been issued a license to operate a dog track prior to December 31, 2008 that after such date is reorganized under a confirmed plan of reorganization pursuant to chapter 11 of title 11 of the United States Bankruptcy Code (11 U.S.C. §§ 101 -- 1532); and provided, further, that in the case of a reorganized licensee under clause (2) above, its application for a Facility Permit license is approved and issued by the department of business regulation in the event of a proposed change in control of the entity. Nothing herein shall limit the ability of the department of business regulation, in connection with a proposed change in control, to investigate and subject to the regulatory due diligence process, any holder of an ownership interest regardless of percentage of ownership held.

41-3.1-4. Powers and duties of racing and athletics division Powers and duties of gaming and athletics licensing division. -- In addition to the other powers conferred upon the division, the division of ~~racing~~ gaming and athletics licensing shall carry out the provisions of this chapter, and to that end, the division may:

(1) Personally or by agent, supervise and check the making of pari-mutuel pools and wages and the distribution therefrom;

(2) Fix and set the dates within which any dog track may be operated; provided, however, there shall be at least one hundred twenty-five (125) days annually of the operation; and

(3) Require any applicant for a permit to operate a dog track to file an application under oath setting forth:

(i) The full name of the person, firm, corporation, or association, and if a corporation, the name of the state under which it is incorporated, as well as the names of the officers and directors

of the corporation, and their places of residence, or if an association, the name and residence of the members of the association;

(ii) The exact location where it is desired to operate a dog track;

(iii) Whether or not the dog track is owned or leased, and if leased, the name, residence, and address of the owners or lessees, or if the owner or lessee be a corporation, the name and address of the officers and directors thereof;

(iv) A statement of the assets and liabilities of the person, firm, corporation, or association making application for the permit; and

(v) Such other information as the division may require.

SECTION 4. Sections 41-4-1, 41-4-9, 41-4-9.1, 41-4-10, 41-4-11 and 41-4-12 of the General Laws in Chapter 41-4 entitled "Mutuel Betting and License Fees" are hereby amended to read as follows:

41-4-1. Meets at which betting authorized -- Types of mutuels. -- (a) The division of ~~rac~~ing gaming and athletics licensing may permit at racing events, licensed under the provisions of chapter 3 of this title betting under pari-mutuel system, so-called, or auction mutuel system, so-called, except as otherwise provided in this chapter.

(b) Events run under Class A shall be conducted under the pari-mutuel system only.

(c) Events run under Classes B, C, and E shall be conducted under the pari-mutuel or auction mutuel system as the division may determine.

41-4-9. Accounting system -- Supervision of betting. -- The division of ~~rac~~ing gaming and athletics licensing shall devise a system of accounting and shall supervise betting at a track in a manner so that the rights of the state are protected, and shall collect all fees and licenses under such rules and regulations as it shall prescribe.

41-4-9.1. Licensing of concessioners, vendors, and pari-mutuel totalizator companies. -- (a) All persons, firms, partnerships, associations, or corporations desiring to operate any concession allied to any dog racing track, shall apply for a license to the division of ~~rac~~ing gaming and athletics licensing, on such forms and in such a manner as prescribed by regulations of the division. The division by regulations shall establish other occupational licensing for all employees of the concessions, all pari-mutuel employees, and all persons employed in any other capacity by the race track management, and for other persons engaged in racing activities at any dog racing track.

(b) All persons, firms, associations, or corporations employed by the management of a dog racing track in providing pari-mutuel totalizator computer services for pari-mutuel computations, shall apply for a license to the division of ~~rac~~ing gaming and athletics licensing

1 upon such forms and in such manner prescribed by regulations of the division. All employees of
2 the pari-mutuel totalizator computer companies shall be licensed by the division on forms
3 prescribed by regulations of the division.

4 (c) In determining whether to grant a license pursuant to this section the division may
5 require the applicant to submit information as to: financial standing and credit; moral character;
6 criminal record, if any; previous employment; corporate, partnership or association affiliations;
7 ownership of personal assets; and such other information as it deems pertinent to the issuance of
8 the license. The division may reject for good cause an application for a license, and it may
9 suspend or revoke for good cause any license issued by it after a hearing held in accordance with
10 chapter 35 of title 42 and subject to further appeal procedures provided by § 41-2-3.

11 (d) The division shall issue a three (3) year license commencing with license year 2007.
12 The division shall implement a graduated system in 2007 where one third of licenses due to
13 expire shall be renewed for one year, a second third of licenses due to expire shall be renewed for
14 two (2) years, and the final third of licenses due to expire shall be renewed for three (3) years,
15 with licensing fees prorated accordingly. As said licenses become due for renewal, licenses shall
16 be renewed for a three (3) year period of time. All licenses issued shall be in accordance with
17 regulations and the following schedule:

18	(1) For gaming facility employees:	
19	(A) Key employees	\$300.00
20	(B) Operation employees	\$150.00
21	(C) Service employees	\$75.00
22	(2) For gaming facility non-employees:	
23	(A) Concessionaires and vendors:	\$750.00
24	(B) Occupational licenses:	
25	Owners	450.00
26	Trainers	150.00
27	Assumed names	150.00
28	Kennel people	75.00
29	(C) Concessionaire and vendor's employees	75.00
30	(D) Pari-mutuel totalizator companies	750.00
31	(E) Pari-mutuel totalizator company employees	150.00

32 (e) All individual applicants for licensing under this section shall be fingerprinted, and,
33 upon obtaining the license, shall wear upon his or her outer apparel a photo identification badge,
34 issued or authorized by the division of ~~racine~~ gaming and athletics [licensing](#) under rules and

1 regulations promulgated by the division.

2 (f) The cost of the licensing pursuant to this section shall be paid by the employer of the
3 licensee, and shall include one hundred and fifty percent (150%) of the total salaries and benefits
4 for the state employees engaged in the licensing at each facility. The fund shall be deposited as
5 restricted receipts for the use of the state and shall be in addition to any taxes and fees otherwise
6 payable to the state.

7 **41-4-10. Unclaimed winnings.** -- The amount of unclaimed money, as determined by the
8 division of ~~raeing~~ gaming and athletics licensing, now held or which shall hereafter be held by
9 any licensee, on account of outstanding and un-cashed winning tickets shall, at the expiration of
10 one year after the close of the meeting during which the tickets were issued, be collected
11 forthwith from the licensee by the division and shall be paid over to the general treasurer for the
12 use of the state and all unclaimed money shall be held in an escrow account by the licensee until
13 collected by the division.

14 **41-4-11. Entry of premises for inspection of operations.** -- The division of ~~raeing~~
15 gaming and athletics licensing may authorize members of the division or duly authorized deputies
16 to enter upon the premises at any racing event for the purpose of inspecting books and records,
17 supervising and examining cashiers, ticket sellers, pool sellers, and other persons handling money
18 at the event and such other supervision as may be necessary for the maintenance of order at the
19 event.

20 **41-4-12. Monthly statement of receipts -- Payments to treasurer.** -- The division of
21 ~~raeing~~ gaming and athletics licensing shall, on or before the tenth day of each month, prepare and
22 file with the general treasurer a full and complete statement of its receipts from all sources, and
23 shall turn over to the general treasurer all moneys in its possession.

24 SECTION 5. Sections 41-5-1, 41-5-3, 41-5-3.1, 41-5-3.2, 41-5-3.3, 41-5-3.4, 41-5-3.5,
25 41-5-3.6, 41-5-3.7, 41-5-5, 41-5-6, 41-5-7, 41-5-7.1, 41-5-9, 41-5-10, 41-5-11, 41-5-11.1, 41-5-
26 11.2, 41-5-12, 41-5-13.1, 41-5-15, 41-5-17, 41-5-19, 41-5-20, 41-5-21 and 41-5-24 of the General
27 Laws in Chapter 41-5 entitled "Boxing and Wrestling" are hereby amended to read as follows:

28 **41-5-1. License required for boxing exhibitions -- Amateur exhibitions exempt.** -- (a)
29 No boxing or sparring match or exhibition for a prize or a purse, or at which an admission fee is
30 charged, either directly or indirectly, in the form of dues or otherwise, shall take place or be
31 conducted in this state unless licensed by the division of ~~raeing~~ gaming and athletics licensing in
32 accordance with this chapter; provided, however, that the provisions of this chapter shall not
33 apply to any boxing or sparring match or exhibition in which the contestants are amateurs and
34 which is conducted under the supervision and control of:

(1) Any educational institution recognized by the board of governors for higher education and the board of regents for elementary and secondary education of this state, or

(2) Any religious or charitable organization or society engaged in the training of youth and recognized as such by the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) of this state.

(b) For the purposes of this section an "amateur" shall be deemed to mean a person who engages in boxing or sparring contests or exhibitions for which no cash prizes are awarded to the participants, and for which the prize competed for, if any, shall not exceed in value the sum of twenty-five dollars (\$25.00).

41-5-3. Application for license. -- The division of ~~raeing~~ [gaming](#) and athletics [licensing](#), in the discretion of its chairperson or other officer charged with the enforcement of this chapter, may require any person applying for a license to furnish such information and references as it may desire. Applications for the license shall be accompanied by a fee of not less than ten dollars (\$10.00) nor more than eight hundred dollars (\$800), as the division shall fix. Voluntary or unincorporated associations shall not be entitled to receive a license, and applications in their behalf shall be made in the name of one or more officers thereof.

41-5-3.1. Required information on application. -- (a) In addition to such other information and references as the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) may require, an application for a license under § 41-5-1 ~~shall be sworn to by the applicant under oath upon the pains and penalties of perjury and~~ [which](#) shall include:

(1) A card or schedule of all persons who will perform as boxers in the boxing or sparring match or exhibition for which the license is sought;

(2) The full legal name of each person, every professional or stage name used by him or her, and his or her date of birth and social security number;

(3) A current passport type photograph of each person;

(4) The complete fight record of each person for the nine (9) months prior to the boxing or sparring match or exhibition for which the license is sought, including the full legal name of his or her opponent, any professional or stage name used by his or her opponent at the time of the match or exhibition, and the date, place, and result of the match or exhibition;

(5) An itemization of the gross receipts and the expenses anticipated by the applicant in the conduct of the boxing or sparring match or exhibition for which the license is sought;

(6) A detailed summary of the contractual agreement between the applicant and each person who will perform as a boxer in the boxing or sparring match or exhibition for which the license is sought, including, among other things, the pecuniary gain or other consideration to be paid to or on behalf of each person by reason of his or her performance in the match or

1 exhibition; and

2 (7) The name, date of birth, and social security number of the person who will collect,
3 hold, and transmit to the general treasurer on behalf of the applicant the sums mentioned in § 41-
4 5-15.

5 (b) Notwithstanding the issuance of a license to an applicant under § 41-5-1, the license
6 shall not be valid unless the holder thereof shall file with the division a sworn supplementary
7 application updating the original application. The supplementary application shall be filed not
8 more than thirty-six (36) nor less than twelve (12) hours prior to the starting time for the first
9 event in the match or exhibition for which the holder has been licensed. In the event that the
10 licensed match or exhibition is scheduled to be held on a day which is not an ordinary business
11 day for the division, the supplementary application shall be filed with the division not less than
12 six (6) hours prior to the close of the last ordinary business day for the division next before the
13 scheduled day of the match or exhibition.

14 **41-5-3.2. License issued only to ring equipment owner.** -- No license shall be issued by
15 the division of ~~rac~~ing gaming and athletics [licensing](#) under § 41-5-1 to an applicant unless the
16 applicant is the sole owner of the ring equipment to be used in the conduct of the boxing or
17 sparring match or exhibition for which the license is sought. The division shall require that
18 satisfactory proof of ownership accompany each application. Sole ownership includes any lease
19 or rental agreement under which the applicant enjoys control and custody of the ring equipment
20 substantially equivalent to that of a sole owner.

21 **41-5-3.3. Insurance required.** -- No license issued by the division of ~~rac~~ing gaming and
22 athletics [licensing](#) under § 41-5-1 shall be valid unless the license holder shall:

23 (1) Within thirty-six (36) hours of the starting time for the first event in the licensed
24 boxing or sparring match or exhibition have in force such contracts or policies of public liability
25 insurance and such other contracts or policies of insurance in such amounts as the division shall
26 reasonably require in connection with the conduct of the match or exhibition, and

27 (2) Within twenty-four (24) hours of the starting time furnish to the division satisfactory
28 proof that the insurance is in force.

29 **41-5-3.4. Promotion prohibited until license issued.** -- (a) No boxing or sparring match
30 for which a license is required under § 41-5-1 shall be advertised, announced, or otherwise
31 publicly promoted until:

32 (1) The license therefor has been issued by the division of ~~rac~~ing gaming and athletics
33 [licensing](#); or

34 (2) The division approves the promotion after a substantially complete application for

1 the license has been filed with the division.

2 (b) A violation of this section shall be adequate ground for the denial or revocation of a
3 license.

4 **41-5-3.5. Inspections of premises and equipment required.** -- (a) No license shall be
5 issued under § 41-5-1 unless the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) shall have
6 inspected the building where the boxing or sparring match or exhibition is to be conducted and
7 determined that the building is suitable for the proposed boxing or sparring match or exhibition.
8 In determining suitability the division shall consider the proposed location for the ring, the
9 adequacy of the shower and dressing facilities for the performers, and all other matters relevant to
10 the public welfare. The division shall re-inspect the premises within forty-eight (48) hours of the
11 starting time for the first event in the licensed match or exhibition and for good cause may
12 determine that the premises are no longer suitable, in which case the license for the match or
13 exhibition shall be revoked absolutely or subject to reinstatement upon such terms and conditions
14 as the division deems appropriate.

15 (b) At least four (4) hours prior to the starting time for the first event in a licensed boxing
16 or sparring match or exhibition, the division shall examine all equipment to be used by the
17 performers during the match or exhibition, including ring equipment, gloves, and protector cups.
18 In the event that for good cause the division determines that the conduct of the match or
19 exhibition with the equipment is not consistent with the highest regard for the safety and well-
20 being of the performers or the public, the license for the match or exhibition shall be revoked
21 absolutely or subject to reinstatement upon such terms and conditions as the division deems
22 appropriate.

23 **41-5-3.6. Substitutions.** -- (a) No substitution of boxers may be made within twenty-
24 three (23) hours of the starting time for the first event in the boxing or sparring match or
25 exhibition. If one or more of the boxers listed on the licensee's application fails to appear for his
26 or her examination in the office of the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) as
27 prescribed in § 41-5-11, or to enter the ring and perform, and substitution is not permitted under
28 this section or any other section of this chapter, the contest or contests in which the boxer or
29 boxers were to appear shall be cancelled and notice of the cancellation shall be made to the public
30 at the earliest practicable time.

31 (b) Any person who paid an admission fee prior to the making of the notice shall, at his
32 or her election, be entitled to an immediate refund of the admission fee unless the principal draw
33 in the match or exhibition appeared and performed prior to the making of the notice.

34 **41-5-3.7. Closed circuit television.** -- No closed circuit television shows of matches or

exhibitions shall be permitted in the state unless the promoter has first obtained a permit from the division of ~~raeing~~ gaming and athletics [licensing](#). A promoter shall submit the application on a form provided by the division and the application shall contain information pertaining to the dates, locations, and cities in which the matches shall be shown.

41-5-5. Separate license for each match -- Approval of city or town authorities. --

The division of ~~raeing~~ gaming and athletics [licensing](#) shall, subject to the provisions of this chapter, issue a separate license for each boxing or sparring match and exhibition; provided, however, that no license shall be issued by the division without the approval of the town council, police commissioner, board of police commissioners, or other licensing board of the city or town in which the boxing or sparring match or exhibition is to be held.

41-5-6. Surety bond filed by licensee. -- No license as provided in § 41-5-1 shall be

granted unless the licensee has executed and filed with the division of ~~raeing~~ gaming and athletics [licensing](#) a bond in such penal sum and with such surety or sureties as shall be satisfactory to the division, running to the state, conditioned upon the payment to the state of the sums mentioned in § 41-5-15, and upon faithful compliance by the licensee with the provisions of this chapter, the rules and regulations of the division, and with such other laws of the state as may be applicable to anything done by the licensee in pursuance of the license.

41-5-7. License required for participants and officials in professional matches. -- (a)

No person shall act, except at a purely amateur match or exhibition, directly or indirectly, as physician, first aid instructor, referee, judge, timekeeper, professional boxer or as manager, trainer or second of a boxer, at a boxing or sparring match or exhibition unless licensed by the division of ~~raeing~~ gaming and athletics [licensing](#). For the purposes of this chapter a "professional boxer" is defined as one who competes for a money prize or teaches or pursues or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain.

(b) In addition to the license requirements set forth in the preceding paragraph the division of ~~raeing~~ gaming and athletics [licensing](#) shall have the authority to select referees for boxing, sparring, or exhibition matches.

41-5-7.1. Required information on boxer's application for license -- Medical examination. -- (a) After a license is granted under § 41-5-1 for a boxing or sparring match or

exhibition, no person shall perform as a boxer in the match or exhibition unless he or she shall have been licensed by the division of ~~raeing~~ gaming and athletics [licensing](#) at least twenty-four (24) hours prior to the starting time for the first event in the match or exhibition. In addition to such other information and references as the division may require, an application to be licensed as a boxer shall be sworn to by the applicant under oath upon the pains and penalties of perjury and

1 shall include:

2 (1) A detailed summary of the contractual agreement between the applicant and the
3 licensee for the boxing or sparring match or exhibition for which the applicant seeks to be
4 licensed as a boxer, including, among other things, the pecuniary gain or other consideration to be
5 paid to or on behalf of the applicant by reason of his or her performance in the match or
6 exhibition;

7 (2) A detailed description of every illness, injury, or other incapacity suffered by the
8 licensee within six (6) months of the boxing or sparring match or exhibition for which the
9 applicant seeks to be licensed as a boxer, including the dates of each illness, injury, or other
10 incapacity, the name and address of all persons who treated or examined the applicant, the nature
11 of the treatment prescribed (including the generic name for any medications or medicines
12 prescribed), and whether the applicant has recovered;

13 (3) The complete fight record of the applicant for the twelve (12) months prior to the
14 boxing or sparring match or exhibition for which the applicant seeks to be licensed as a boxer,
15 including the full legal name of his or her opponent, any professional or stage name used by his
16 or her opponent at the time of the match or exhibition, and the date, place, and results of the
17 match or exhibition;

18 (4) The date and circumstances of any disqualification, sanction, or denial of permission
19 to box imposed against the applicant by any state authority governing boxing within nine (9)
20 months of the boxing or sparring match for which the applicant seeks to be licensed as a boxer;

21 (5) The full legal name of the applicant, every professional or stage name used by him or
22 her, and his or her date of birth and social security number; and

23 (6) A current passport type photograph of the applicant.

24 (b) Notwithstanding the issuance of a license to an applicant, the license shall not be
25 valid unless the holder thereof shall file with the division a sworn supplementary application
26 updating his or her original application. The supplementary application shall be filed not more
27 than forty-eight (48) nor less than twenty-four (24) hours prior to the starting time for the first
28 event in the match or exhibition for which the holder has been licensed; provided, however, that
29 no supplementary application shall be required when an original application has been filed within
30 such time; provided further, however, that in no event shall an original or supplementary
31 application be filed with the division less than six (6) hours of the closing of business on the last
32 ordinary business day of the division next occurring before the day on which the match or
33 exhibition is scheduled to be conducted.

34 (c) Every application for a license under § 41-5-7 by a person seeking to be licensed as a

1 boxer shall be accompanied by the report of a physician duly licensed by the division. The report
2 shall certify whether the applicant is fit to perform as a boxer and shall be based on a recently
3 conducted complete examination of the applicant. The report shall contain a complete medical
4 history of the applicant and the results of such tests conducted by or on behalf of the examining
5 physician as the medical history of the applicant warrants or as are material to the physician's
6 certification.

7 **41-5-9. Attendance of judges -- Decision. --** The division of ~~rac~~ing gaming and athletics
8 [licensing](#) may, in its discretion, require the attendance at any boxing or sparring match or
9 exhibition of three (3) judges licensed by the division whose duty it shall be to render a decision
10 at the termination of the boxing or sparring match or exhibition. The decision shall be reached by
11 the judges using the "ten point must system" as the standard of judgment for all decisions.

12 **41-5-10. Fees of officials. --** The fees of the referee and other licensed officials, as
13 established by this chapter, shall be fixed by the division of ~~rac~~ing gaming and athletics [licensing](#),
14 and shall be paid by the licensed organization prior to the exhibition.

15 **41-5-11. Physician and first aid instructor or licensed practical nurse in attendance -**
16 **- Examination of participants before match. --** (a) At any boxing or sparring match or
17 exhibition there shall be in attendance, at ringside, a duly licensed physician, whose duty it shall
18 be to observe the physical condition of the boxers and to advise the referee or judges with regard
19 thereto, and a duly licensed first aid instructor, or licensed practical nurse, whose duty it shall be
20 to assist the physician and to render such aid to boxers as circumstances may require. Any
21 competent physician who has had not less than three (3) years' experience as a medical
22 practitioner may be licensed. Any person holding a valid certification as a first aid instructor
23 issued by any state chapter of the American Red Cross association and who is competent as such
24 may be licensed.

25 (b) The fee for the physician in attendance and the first aid instructor in attendance, shall
26 be fixed by the division of ~~rac~~ing gaming and athletics [licensing](#), and shall be paid by the licensee
27 conducting the match or exhibition. The fees shall be tendered to the division at the time the
28 license for the match or exhibition is issued under § 41-5-1, to be held by the division in escrow
29 until the services are rendered.

30 (c) No boxer shall be permitted to box unless, not more than three (3) hours before, a
31 physician, licensed under this chapter, shall certify, in writing, that the boxer is physically fit to
32 engage in the proposed contest. The certification shall be based in part on an examination of the
33 boxer by a duly licensed physician in the office of the division on the morning of the match or
34 exhibition or at least six (6) hours before the boxer is scheduled to enter the ring, whichever is

1 earlier. The physician's fee, as fixed by the division, shall be paid by the licensee conducting the
2 match or exhibition prior to the issuance of the certification by the physician. In the event that a
3 boxer cannot be certified as physically fit to engage in the proposed contest, then such fact shall
4 be made known to the public prior to the acceptance of an admission fee or the tender of an
5 admission ticket for the match or exhibition. Any person who pays an admission fee prior to the
6 disclosure that the boxer is not certified as physically fit shall, at his or her election, be entitled to
7 an immediate refund of the admission fee. The examinations required by this section shall include
8 an examination of the boxer's vision and eye condition.

9 **41-5-11.1. Drug and H.I.V. testing. --** All contestants in a professional boxing or
10 professional kickboxing match shall submit to drug and H.I.V. testing under such rules and
11 regulations and for such drugs as the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) shall
12 prescribe. The costs of the drug testing shall be paid by the contestant and/or promoter for the
13 boxing or kickboxing match.

14 **41-5-11.2. Health insurance. --** All contestants in a boxing or sparring match shall carry
15 such health insurance as the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) shall prescribe, and
16 shall furnish satisfactory proof of insurance to the division prior to participating in any boxing or
17 sparring match.

18 **41-5-12. Duration of matches -- Gloves -- Maximum participation by contestant. --**
19 Boxing or sparring matches or exhibitions shall not exceed twelve (12) rounds in length, and no
20 round shall exceed three (3) minutes. The contestants shall wear during the contest gloves
21 weighing ten (10) ounces for contestants one hundred fifty-four (154) pounds or greater and eight
22 (8) ounce gloves for contestants less than one hundred fifty-four (154) pounds. The gloves shall
23 be of the webbed thumb variety. No contestant shall participate in more than twelve (12) such
24 rounds during any period of twenty-four (24) hours. A rest period of at least sixty (60) seconds
25 shall separate each round. In the event that a boxer's mouthpiece or other protective gear is
26 damaged, there may be an interruption of the round when there is a lull in the action as
27 determined by the referee. Protective headgear shall not be required, provided, however, that
28 upon written application filed by both participating boxers not less than twenty-four (24) hours
29 prior to a match or exhibition, the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) may review
30 the match or exhibition to be performed and may waive such provisions of this section as the
31 division deems appropriate for the particular event to be performed. The application shall be
32 subscribed to before a notary public or two (2) witnesses who shall affix their respective
33 signatures and addresses thereto under the pain and penalty of perjury.

34 **41-5-13.1. Physical knockouts. --** (a) Any boxer suffering a physical knockout during a

1 boxing or sparring match or exhibition licensed under § 41-5-1 shall, at the request of his or her
2 manager or the division of ~~raeing~~ gaming and athletics [licensing](#), undergo a magnetic resonant
3 imaging (MRI) or computerized tomography (CT) test scan within twenty-four (24) hours of the
4 request. Failure to comply with the request within the prescribed time shall cause the boxer's
5 license under § 41-5-7 to be revoked by operation of law and shall render the boxer permanently
6 ineligible for future licensing under § 41-5-7.

7 (b) The license under § 41-5-7 of any boxer suffering five (5) physical knockouts in any
8 twelve (12) month period shall be revoked by operation of law and the boxer shall be
9 permanently ineligible for future licensing under § 41-5-7.

10 (c) Every boxer suffering a physical knockout, at the discretion of the division of ~~raeing~~
11 gaming and athletics [licensing](#), shall be ineligible to perform in a boxing or sparring match or
12 exhibition licensed under § 41-5-1 until sixty (60) days have elapsed following the date of the
13 knockout. The license under § 41-5-7 of every boxer shall be revoked by operation of law
14 whenever he or she suffers a physical knockout.

15 (d) Every boxer suffering a physical knockout during a boxing or sparring match or
16 exhibition licensed under § 41-5-1 shall submit to an examination by the physician in attendance
17 immediately following his or her removal from the ring and shall within two (2) hours of the
18 knockout submit to a complete examination at a local hospital named by the physician in
19 attendance.

20 **41-5-15. Tax on admissions -- Accounting and payment -- State inspector. --** (a)

21 Every licensee holding or conducting any professional boxing or sparring match or exhibition
22 shall, after its conclusion, pay to the general treasurer for the use of the state a sum equal to five
23 percent (5%) of the total gross receipts from the sale of tickets and from admission fees;
24 provided, however, that every licensee holding or conducting any amateur boxing or sparring
25 match or exhibition shall, at its conclusion, pay to the general treasurer a sum equal to five
26 percent (5%) of the gross receipts up to one thousand dollars (\$1,000) and five percent (5%) of
27 the balance of the gross receipts; provided, further, however, that if the match or exhibition is
28 conducted as an incidental feature in an event or entertainment of a different character, the
29 portion of the total receipts shall be paid to the state as the division of ~~raeing~~ gaming and athletics
30 [licensing](#) may determine or as may be fixed by rule adopted under § 41-5-22. Within seventy-two
31 (72) hours after the conclusion of the match or exhibition, the licensee shall furnish to the
32 division a report, sworn under oath upon the pains and penalties of perjury, showing the exact
33 number of tickets sold and admission fees collected for the contest, and the gross receipts thereof,
34 and such other data as the division may require. All fees for licenses and other income of the

1 division shall be turned over to the general treasurer for the use of the state. No licensee shall
2 distribute more than fifty (50) complimentary tickets in any one event.

3 (b) For each match or exhibition the division, through its inspector and upon the
4 conclusion of the collection of admission fees for the match or exhibition, may examine the box
5 office admission figures, the admission statements maintained by or on behalf of the licensee, and
6 such other data as the division may direct. Forthwith upon the conclusion of the match or
7 exhibition the licensee shall tender to the state inspector the sums mentioned in this section.
8 Written acceptance of the tender shall be signed by the inspector and counter-signed by the
9 licensee or an agent of the licensee.

10 **41-5-17. Suspension or revocation of license.** -- Any license granted under this chapter
11 may be revoked or suspended by the division of ~~rac~~ing gaming and athletics [licensing](#) for a
12 violation of any of the provisions of this chapter or of any other law of the state or of any rule or
13 regulation adopted by the division or whenever the licensee has, in the judgment of the division,
14 been guilty of any act or offense detrimental to the public interest.

15 **41-5-19. Witnesses and evidence before division.** -- The division of ~~rac~~ing gaming and
16 athletics [licensing](#) shall have power to administer oaths, summon and examine witnesses, and
17 order the production and examination of books, accounts, papers, and records of any club or
18 organization conducting a boxing or sparring match or exhibition.

19 **41-5-20. Injunction and abatement of unauthorized matches.** -- The superior court
20 shall have jurisdiction in equity upon any information filed by the division of ~~rac~~ing gaming and
21 athletics [licensing](#), the attorney general of the state, the police authorities of the city or town in
22 which the boxing or sparring match or exhibition is held or is announced to be held, or of any five
23 (5) legal voters of the state, stating that a certain building, tenement, or place is used for boxing or
24 sparring matches or exhibitions by an individual, group, partnership, club, corporation, or
25 association which is not licensed under this chapter, or contrary to the terms of this chapter, or
26 that a boxing or sparring match or exhibition is being advertised or announced, or has been
27 advertised or announced to take place in a certain building or place, or that a certain individual,
28 club, corporation, or association is selling, exchanging, or giving away tickets, tokens, or symbols
29 purporting to entitle the holder to the right or privilege of attending a certain boxing or sparring
30 match or exhibition which is not licensed by the division and is contrary to this chapter, to enjoin
31 and abate the unauthorized match as a common nuisance.

32 **41-5-21. Application of chapter to wrestling matches.** -- (a) The division of ~~rac~~ing
33 [gaming](#) and athletics [licensing](#) shall have and exercise the same authority, supervision, and
34 control over wrestling and exhibitions as is conferred upon the division by this chapter over

1 boxing and sparring matches and exhibitions, and the provisions of this chapter, except those of §
2 41-5-12, shall apply in all respects to wrestling matches and exhibitions to the same extent and
3 with the same force and effect as they apply to boxing and sparring matches.

4 (b) Whenever in this chapter, except in § 41-5-12, the words "boxing or sparring match
5 or exhibition" or the plural form thereof are used, they shall be construed to include the words
6 "wrestling match or exhibition" or the plural form thereof, and the word "boxer" shall be
7 construed to include "wrestler," unless the context otherwise requires, and any person holding,
8 conducting, or participating in a wrestling match or exhibition shall be subject to the same duties,
9 liabilities, licensing requirements, penalties, and fees as are imposed by this chapter upon any
10 person holding, conducting, or participating in a boxing or sparring match or exhibition.

11 (c) For the purpose of this chapter a "professional wrestler" is defined as one who
12 competes for a money prize or teaches or pursues or assists in the practice of wrestling as a means
13 of obtaining a livelihood or pecuniary gain.

14 (d) The division of ~~raeing~~ [gaming](#) and athletics [licensing](#) may waive the provisions of
15 this chapter within its discretion in the case of wrestling as a form of pre-determined
16 entertainment.

17 **41-5-24. Appropriations and disbursements.** -- The general assembly shall annually
18 appropriate such sum as it may deem necessary to carry out the provisions of this chapter, and to
19 compensate members and employees; the state controller is hereby authorized and directed to
20 draw his or her orders upon the general treasurer for the sum so appropriated, or so much thereof
21 as may be necessary upon receipt by him or her of proper vouchers approved by the division of
22 ~~raeing~~ [gaming](#) and athletics [licensing](#).

23 SECTION 6. Sections 41-5.2-2, 41-5.2-3, 41-5.2-4, 41-5.2-5, 41-5.2-6, 41-5.2-23, 41-
24 5.2-24, 41-5.2-27, 41-5.2-28 and 41-5.2-29 of the General Laws in Chapter 41-5.2 entitled
25 "Mixed Martial Arts" are hereby amended to read as follows:

26 **41-5.2-2. License required for mixed martial arts exhibitions.** -- (a) No mixed martial
27 arts match or exhibition for a prize or a purse, or at which an admission fee is charged, either
28 directly or indirectly, in the form of dues or otherwise, shall take place or be conducted in this
29 state unless licensed by the division of ~~raeing~~ [gaming](#) and athletics [licensing](#) in accordance with
30 this chapter.

31 **41-5.2-3. Application for license.** -- (a) The division of ~~raeing~~ [gaming](#) and athletics
32 [licensing](#), at the discretion of its chairperson or other officer charged with the enforcement of this
33 chapter, may require any person applying for a license to furnish such information and references
34 as it may desire. Applications for the license shall be accompanied by a fee of not less than ten

dollars (\$10.00) nor more than eight hundred dollars (\$800), as the division shall fix. Voluntary or unincorporated associations shall not be entitled to receive a license, and applications in their behalf shall be made in the name of one or more officers thereof.

(b) The division of ~~rac~~ing gaming and athletics licensing is further authorized to request additional information and references as the division may require.

41-5.2-4. Insurance required. -- No license issued by the division of ~~rac~~ing gaming and athletics licensing under § 41-5.2-2 shall be valid unless the license holder shall:

(1) Within thirty-six (36) hours of the starting time for the first event in the licensed boxing or sparring match or exhibition have in force such contracts or policies of public liability insurance and such other contracts or policies of insurance in such amounts as the division shall reasonably require in connection with the conduct of the match or exhibition; and

(2) Within twenty-four (24) hours of the starting time furnish to the division satisfactory proof that the insurance is in force.

41-5.2-5. Drug and H.I.V. testing. -- All contestants in a professional mixed martial arts match shall submit to drug and H.I.V. testing under such rules and regulations and for such drugs as the division of ~~rac~~ing gaming and athletics licensing shall prescribe. The costs of the drug testing shall be paid by the contestant and/or promoter for the mixed martial arts match.

41-5.2-6. Health insurance. -- All contestants in a mixed martial arts match shall carry such health insurance as the division of ~~rac~~ing gaming and athletics licensing shall prescribe, and shall furnish satisfactory proof of insurance to the division prior to participating in any mixed martial arts match.

41-5.2-23. Bond procedure. -- All mixed martial arts events shall be subject to the bond requirements determined by the division of ~~rac~~ing gaming and athletics licensing.

41-5.2-24. Inspectors. -- All mixed martial arts events shall be subject to the presence, duties and compensation of inspectors as required by the division of ~~rac~~ing gaming and athletics licensing.

41-5.2-27. Tax on admissions. -- (a) Every licensee holding or conducting any professional mixed martial arts event or exhibition shall, after its conclusion, pay to the general treasurer for the use of the state a sum equal to five percent (5%) of the total gross receipts from the sale of tickets and from admission fees; provided, however, that every licensee holding or conducting a professional mixed martial arts event or exhibition shall, at its conclusion, pay to the general treasurer a sum equal to five percent (5%) of the gross receipts up to one thousand dollars (\$1,000) and five percent (5%) of the balance of the gross receipts; provided, further, however, that if the match or exhibition is conducted as an incidental feature in an event or entertainment of

1 a different character, the portion of the total receipts shall be paid to the state as the division of
2 ~~rac~~ing gaming and athletics [licensing](#) may determine or as may be fixed by rule adopted under §
3 41-5.2-25. Within seventy-two (72) hours after the conclusion of the match or exhibition, the
4 licensee shall furnish to the division a report, sworn under oath upon the pains and penalties of
5 perjury, showing the exact number of tickets sold and admission fees collected for the contest,
6 and the gross receipts thereof, and such other data as the division may require. All fees for
7 licenses and other income of the division shall be turned over to the general treasurer for the use
8 of the state. No licensee shall distribute more than fifty (50) complimentary tickets in any one
9 event.

10 (b) For each match or exhibition the division, through its inspector and upon the
11 conclusion of the collection of admission fees for the match or exhibition, may examine the box
12 office admission figures, the admission statements maintained by or on behalf of the licensee, and
13 such other data as the division may direct. Upon the conclusion of the match or exhibition the
14 licensee shall tender to the state inspector the sums mentioned in this section. Written acceptance
15 of the tender shall be signed by the inspector and counter-signed by the licensee or an agent of the
16 licensee.

17 **41-5.2-28. Suspension or revocation of license. --** Any license granted under this
18 chapter may be revoked or suspended by the division of ~~rac~~ing gaming and athletics [licensing](#) for
19 a violation of any of the provisions of this chapter or of any other law of the state or of any rule or
20 regulation adopted by the division or whenever the licensee has, in the judgment of the division,
21 been guilty of any act or offense detrimental to the public interest.

22 **41-5.2-29. Physical knockouts. --** (a) Any contestant suffering a physical knockout
23 during a mixed martial arts match shall, at the request of his or her manager or the division of
24 ~~rac~~ing gaming and athletics [licensing](#), undergo a magnetic resonant imaging (MRI) or
25 computerized tomography (CT) test scan within twenty-four (24) hours of the request. Failure to
26 comply with the request within the prescribed time shall cause the contestant's license to be
27 revoked by operation of law and shall render the contestant permanently ineligible for future
28 licensing under this chapter.

29 (b) The license of any contestant suffering five (5) physical knockouts in any twelve (12)
30 month period shall be revoked by operation of law and the contestant shall be permanently
31 ineligible for future licensing as a contestant under this chapter.

32 (c) Every contestant suffering a physical knockout, at the discretion of the division of
33 ~~rac~~ing gaming and athletics [licensing](#), shall be ineligible to perform in a mixed martial arts match
34 licensed under this chapter until sixty (60) days have elapsed following the date of the knockout.

1 The license of every contestant shall be revoked by operation of law whenever he or she suffers a
2 physical knockout.

3 (d) Every contestant suffering a physical knockout during a mixed martial arts match
4 shall submit to an examination by the physician in attendance immediately following his or her
5 removal from the ring and shall within two (2) hours of the knockout submit to a complete
6 examination at a local hospital named by the physician in attendance.

7 SECTION 7. Section 41-10-1 of the General Laws in Chapter 41-10 entitled "Off Track
8 Betting" is hereby amended to read as follows:

9 **41-10-1. License required for off track betting.** -- No person, association, or
10 corporation shall hold or conduct off track betting on any racing event for any stake, purse, or
11 reward, except such person, association, or corporation as shall be licensed by the division of
12 ~~rac~~ing gaming and athletics [licensing](#) as provided by this chapter and as approved by the voters as
13 required by this chapter.

14 SECTION 8. Section 41-11-2 of the General Laws in Chapter 41-11 entitled "Simulcast
15 Programs from Licensed Betting Facilities" is hereby amended to read as follows:

16 **41-11-2. Simulcast.** -- (a) Notwithstanding the provisions of § 41-4-2 as to location of
17 programs only, a licensee may enter into a contract with any licensed racing association to
18 simulcast programs from the facility on certain racing days.

19 (b) A licensee may simulcast programs a maximum of two hundred seventy (270) days
20 in a state fiscal calendar year.

21 (c) A licensee shall obtain a permit from the division of ~~rac~~ing gaming and athletics
22 [licensing](#).

23 (d) A licensee may accept pari-mutuel wagering on the simulcast at the licensed facility
24 and not at any other location.

25 (e) (1) When the program is a dog race, the licensee shall compensate the owners of dog
26 kennels who are under contract with the licensee at the time of the program. The compensation
27 shall be equal to that percentage of the pari-mutuel handle paid to the owners pursuant to the
28 contract then existing between the licensee and the owners.

29 (2) A licensee licensed pursuant to chapter 7 of title 41 who receives simulcasts of dog
30 races intrastate shall compensate the owners of dog kennels who are under contract with a
31 licensee licensed pursuant to chapter 3.1 of title 41 at the time of the simulcast an amount equal to
32 the percentage of the pari-mutuel handle being paid to the dog kennel owners pursuant to their
33 contracts with the licensee licensed pursuant to chapter 3.1 of title 41.

34 SECTION 9. Section 41-5-23 of the General Laws in Chapter 41-5 entitled "Boxing and

1 Wrestling" is hereby repealed.

2 ~~41-5-23. Annual report to general assembly. — The division of racing and athletics~~
3 ~~shall make an annual report to the general assembly on or before the first Wednesday in February,~~
4 ~~together with any recommendations for legislation, which it may deem desirable.~~

5 SECTION 10. This act shall take effect upon passage.

=====
LC005170
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO SPORTS, RACING, AND ATHLETICS -- GAMING AND ATHLETICS
LICENSING

1 This act would amend the provisions of the general laws referring to the division of
2 "racing and athletics" to change the term to the division of "gaming and athletics licensing" to
3 more properly refer to the actual statutory jurisdiction of the division, and would eliminate the
4 requirement that the division make an annual report to the general assembly.

5 This act would take effect upon passage.

=====
LC005170
=====