

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0299.01 Jennifer Berman x3286

SENATE BILL 17-148

SENATE SPONSORSHIP

Priola, Kerr

HOUSE SPONSORSHIP

Garnett,

Senate Committees

Business, Labor, & Technology

House Committees

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.

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.

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, (6), (13.5), and (15); and **add** (11.5) as follows:

2 **12-10-103. Definitions.** As used in this ~~article~~ ARTICLE 10, unless
3 the context otherwise requires:

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

8 (11.5) "OFFICE DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE OF
9 BOXING CREATED IN SECTION 12-10-104.

10 (13.5) "Place of training" means a facility where alcohol
11 beverages are not permitted, an admission fee is not charged for
12 nonstudents, instructors of particular disciplines train students in the art
13 of ~~physical disciplines~~ BOXING, and students pay a fee to be enrolled in
14 classes and receive instruction.

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

16 (I) A physical contest, match, tournament, exhibition, or bout, or
17 any activity that involves physical contact between two or more
18 individuals engaging in combative skills using the hands, feet, or body,
19 whether or not prizes or purses are awarded at the event or promised in
20 future events or spectator admission fees are charged or received; and

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

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

27 (I) Activities occurring under a martial arts instructor at a place of

1 training or other types of instructor-student or student-student contact
2 occurring under the supervision of an instructor at a place of training; OR

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

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

7 **12-10-105. Colorado state boxing commission - creation.**

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

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

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

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

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

27 (B) The two nonvoting advisory members shall advise the

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

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

8 **SECTION 3.** In Colorado Revised Statutes, 12-10-106, **amend**
9 (1) introductory portion, (1)(f), (1)(j), and (1)(k); and **add** (1)(l) as
10 follows:

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

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

23 (l) PROCEDURES TO:

24 (I) ALLOW THE DIRECTOR TO DENY OR SUSPEND A PARTICIPANT
25 LICENSE FOR A NONDISCIPLINARY REASON, SUCH AS A MEDICAL OR
26 ADMINISTRATIVE REASON, INCLUDING THE FOLLOWING REASONS LISTED
27 IN THE FEDERAL "PROFESSIONAL BOXING SAFETY ACT OF 1996", 15

1 U.S.C. SEC. 6301 ET SEQ.:

2 (A) A RECENT KNOCKOUT OR SERIES OF CONSECUTIVE LOSSES;

3 (B) AN INJURY;

4 (C) A REQUIRED MEDICAL PROCEDURE; OR

5 (D) A PHYSICIAN'S DENIAL OF CERTIFICATION;

6 (II) AUTHORIZE THE DIRECTOR TO LIFT A LICENSE DENIAL OR
7 SUSPENSION IMPOSED FOR A NONDISCIPLINARY REASON IF THE
8 PARTICIPANT OR A REPRESENTATIVE OF THE PARTICIPANT SUFFICIENTLY
9 DEMONSTRATES:

10 (A) THAT THE PARTICIPANT'S MEDICAL OR PHYSICAL CONDITION
11 HAS IMPROVED TO A DEGREE THAT THE NONDISCIPLINARY LICENSE DENIAL
12 OR SUSPENSION IS NO LONGER WARRANTED; OR

13 (B) THAT THE NONDISCIPLINARY LICENSE DENIAL OR SUSPENSION
14 WAS NEVER WARRANTED; AND

15 (III) ALLOW THE DIRECTOR TO REPORT A NONDISCIPLINARY
16 PARTICIPANT LICENSE SUSPENSION TO A NATIONAL RECORD-KEEPER
17 APPROVED BY THE DIRECTOR.

18 **SECTION 4.** In Colorado Revised Statutes, **amend** 12-10-107 as
19 follows:

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

25 (2) The OFFICE director ~~shall~~ MUST:

26 (a) Be of good character and not have been convicted of any
27 felony or match-related offense, notwithstanding ~~the provisions of section~~

1 24-5-101; ~~C.R.S.~~; and

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

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

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

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

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

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

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

21 (c) ~~Repealed.~~

22 (d) ~~(Deleted by amendment, L. 2010, (HB 10-1245), ch. 131, p.~~
23 ~~434, § 9, effective July 1, 2010.)~~

24 (e) ~~Repealed.~~

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

1 ~~(g) Repealed.~~

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

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

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

8 **SECTION 5.** In Colorado Revised Statutes, 12-10-107.1, **amend**
9 (1)(d), (1)(e), (1)(f), and (2)(c)(I); and **add** (1)(g) and (1)(h) as follows:

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

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

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

25 or

26 (f) ~~Uses~~ PROVIDES FALSE INFORMATION IN ANY APPLICATION OR
27 ATTEMPTS TO OBTAIN A LICENSE BY fraud, DECEPTION, misrepresentation,

1 or ~~deceit in applying for or attempting to apply for licensure.~~

2 CONCEALMENT;

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

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

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

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

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

20 **SECTION 6.** In Colorado Revised Statutes, **amend** 12-10-108 as
21 follows:

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

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

12 **SECTION 7.** In Colorado Revised Statutes, **amend** 12-10-111 as
13 follows:

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

16 ~~(2) Prior to such~~ BEFORE ITS repeal, THE DEPARTMENT OF
17 REGULATORY AGENCIES SHALL REVIEW the office and the commission
18 ~~shall be reviewed as provided for~~ in ACCORDANCE WITH section
19 24-34-104. ~~C.R.S.~~

20 **SECTION 8.** In Colorado Revised Statutes, 24-34-104, **repeal**
21 (12)(a)(VIII); and **add** (27)(a)(V) as follows:

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

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

1 (27) (a) The following agencies, functions, or both, will repeal on
2 September 1, 2026:

3 (V) THE OFFICE OF BOXING, INCLUDING THE COLORADO STATE
4 BOXING COMMISSION, CREATED IN ARTICLE 10 OF TITLE 12.

5 **SECTION 9. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.