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**State of Vermont**  
**Office of the Secretary of State**

**Office of Professional Regulation**  
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**James C. Condos, Secretary of State**  
**Christopher D. Winters, Deputy Secretary**  
**S. Lauren Hibbert, Director**

January 19, 2021

Senator Jeannette White, Chair, Senate Committee on Government Operations  
Senator Anthony Pollina, Vice Chair, Senate Committee on Government Operations  
Representative Sarah Copeland Hanzas, Chair, House Committee on Government Operations  
Representative John Gannon, Vice Chair, House Committee on Government Operations  
Vermont State House  
115 State Street  
Montpelier, VT 05633-2228

Dear Sen. White, Sen. Pollina, Rep. Copeland Hanzas, and Rep. Gannon:

The Office of Professional Regulation (“OPR”) seeks your assistance in clarifying the Vermont boxing statutes (31 V.S.A. Chapter 21), particularly regarding the regulation of mixed martial arts fighting. Please find, enclosed, a summary of the reasons OPR is seeking this clarification, as well as a synopsis of the statutory concerns and OPR’s recommendations for addressing these concerns.

I am happy to provide additional information and answer questions on this matter. Please do not hesitate to contact me.

Sincerely,

Lauren Hibbert, Director  
Office of Professional Regulation

**SUMMARY**  
**MIXED MARTIAL ART REGULATION**  
JANUARY 19, 2021

**Summary:** OPR is currently authorized to regulate boxing, the statutory definition of which includes MMA. However, because many of the standards in the statutes are specific to boxing and because OPR lacks certain enforcement authority, we are unable to ensure compliance with safe practices for MMA fights and fighters.

**Applicable Statutes:** 31 V.S.A. Chapter 21

**Background**

OPR began receiving complaints in 2019 about mixed martial arts fights being held in Vermont. These fights were held without oversight or any licenses. In many instances, fights took place in dangerous conditions. We received reports of a ring breaking while competitors were engaged in a fight, children fighting each other in “fight nights” with intoxicated adults looking on, and fights continuing without a referee “calling” the match despite one competitor being clearly unconscious.

**Legislative Requests**

1. **Clarification of Statutes’ Application to MMA:** OPR is asking the Committee to propose and the General Assembly to adopt legislation that clarifies the application of the boxing statutes to MMA, martial arts and kickboxing, and that establishes a comprehensive and relevant approach to regulating these sports.
  - a) *Proposal:* OPR recommends revising the statutes to incorporate references to sport-specific rules and governing agencies or to grant OPR authority to develop sport-specific rules.
  - b) *Current Law:*
    - i. Vermont law currently requires MMA fighters, promoters, and participants to register with OPR and to comply with laws written to regulate boxing matches. The definition of “boxing match” or “match” was updated in 2011 (eff. 2012) to include mixed martial arts, kickboxing, and other martial arts. Act 116, Sec. 65 (2012). However, the 2011 amendments did not update the rest of the statutes to incorporate MMA-specific (or kickboxing-specific) requirements. This has resulted in the statutory standards specific to *boxing* matches being applied impracticably to *MMA* matches, if standards are applied at all.
      - A. Example 1: Amateur MMA fights (the type that many of the Vermont promoters claim to be holding) are to be conducted in

accordance with the “United States Amateur Boxing, Inc., the national governing body for amateur boxing of the U.S. Olympic Committee or its successor as the nationally designated governing body for amateur boxing.” 31 V.S.A. § 1102(b)(1). Similarly, professional MMA fights must be held in accordance with the “uniform rules of the Association of Boxing Commissions.” 31 V.S.A. § 1102(d). These rules are inapplicable, and sometimes contradictory to, the rules for conducting MMA fights.

B. Example 2: For a professional match, an MMA fighter must possess an identification card issued by the National Boxer Registry. However, this Registry does not serve any purpose for MMA fighters. The Registry, established by federal law, includes information about fighter fitness and suspensions, and is intended to be a nationally accessible resource preventing boxers who are suspended in one state from simply moving to another state and registering to fight. While it may make sense to have something comparable for MMA fighters (there are private resources but not a public database), the National Boxer Registry does not include information about MMA fighters. Thus, requiring MMA fighters to register on the National Boxer Registry and submit their information to OPR prior to fights does not serve the purpose intended by the statutory requirement.

ii. Amateur Matches: Current law exempts amateur boxing matches from licensure and OPR oversight, though the law does provide an exemption, allowing OPR to assume jurisdiction over an amateur match “upon a finding that the health and safety of the boxers and participants in an amateur match are not being sufficiently safeguarded...” 31 V.S.A. § 1102(b). “Amateur” matches are defined in the statutes as “a match held under the supervision of a school, college, or university; under the supervision of United States Amateur Boxing, Inc. or its successor as the nationally designated governing body for amateur boxing; or, for any other amateur match, under the supervision of a nationally designated governing body.”

A. It is OPR’s understanding that the intent of this provision is to permit training, sparring and testing for student athletes, both in the academic setting and in private businesses (e.g., testing for belt levels at a martial arts dojo). OPR recommends that such an exemption remain in any amended statutes.

2. Enforcement Role of OPR: OPR seeks guidance from the legislature on what role it envisions OPR playing in the regulation of MMA, martial arts, and kickboxing.

- a) *Proposal*: OPR recommends that the General Assembly authorize OPR to engage a third-party sanctioning body to monitor fights and submit documentation thereof to national databases. OPR further recommends that it continue to be authorized to regulate the licensure of boxing, MMA, martial arts, and kickboxing (including inspection and enforcement functions).
  - b) *Summary*: There are several functions of MMA regulation: monitoring fights to ensure compliance with state laws, updating national and international databases to protect against interstate violations of law, and licensing MMA fighters, promoters and participants (including inspection of matches and enforcement).
    - i. Some states defer to third-party sanctioning bodies to fulfill the monitoring of fights and to update national databases. These states retain the licensing function, assigning it to a state agency. This is OPR's preferred regulatory structure.
      - A. If the General Assembly adopted such a structure, OPR could identify the third-party sanctioning body and its functions in rules or the General Assembly could do so in statute. OPR would continue in its role as the licensing, enforcement, and, even, inspection agency but would not need to monitor and document each fight. This form of regulation would use OPR's existing resources and structure, thereby creating an efficient and effective regulatory program.
    - ii. Some states have sports commissions, the sole responsibility of which is to monitor sporting events and participants in sporting events, and to update national databases with fight results and the condition of fighters.
      - A. This would be a challenging role for OPR to play under our current structure and with existing resources. Such regulation would require staff present at every MMA event, documentation of fighter statistics, monitoring of health records, and regular updates to national fight databases. OPR currently does not have the staff or the knowledge base to perform such functions.
3. Lack of Authority: OPR seeks clarification about its authority to suspend or cancel fights.
- a) *Proposal*: OPR is asking for guidance from the General Assembly regarding whether it wishes OPR to act as the enforcement authority for fight suspension and cancellation. If OPR is to fulfill this role, OPR recommends that the General Assembly grant the Agency the unambiguous authority to suspend or cancel fights and an enforcement mechanism to do so.
  - b) *Current Law*: The statutes authorize the OPR director to "suspend a match immediately if there is a serious and immediate danger to the public, boxers, promoters, or participants." 31 V.S.A. § 1102(a). However, OPR's enforcement



authority does not provide a mechanism for suspending such fights. Our current authority facilitates retrospective disciplinary action in response to violations of the laws, rather than proactive prevention of such harms. OPR can discipline or revoke a license, if the match promoter, fighters, or participants have such a license and engage in unprofessional conduct. Additionally, OPR can bring (and has brought) unauthorized practice charges against individuals who are promoting or engaging in fights without a license. However, we do not have a mechanism, other than seeking an injunction from the Superior Court, to suspend or cancel a fight.