

BILL ANALYSIS

Senate Research Center
83R6248 DDT-F

S.B. 618
By: Carona
Business & Commerce
3/1/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The combative sports industry became regulated in Texas in 1933. As part of the current regulatory structure, which is codified in Chapter 2052 (Combative Sports) of the Occupations Code, a variety of participants in the combative sports industry, including ringside timekeepers and physicians, must hold a license with the Texas Department of Licensing and Regulation (TDLR).

The ringside timekeeper position is low-risk, as timekeepers operate under the direct supervision of TDLR event supervisors during combative sports events. Furthermore, the licensing program is small, as approximately 47 people are licensed at this time, and TDLR has never received any timekeeper complaints.

A ringside physician is defined under current law as an individual who is licensed by both the Texas Medical Board (TMB) and TDLR. However, the TDLR licensing requirement is perfunctory since TDLR only reviews a ringside physician application to ensure that the applicant is in fact licensed by TMB, which does not give TDLR the discretion it needs to ensure that ringside physicians are qualified for the specific task of overseeing a combative sports event.

S.B. 618 repeals the requirement that ringside physicians and timekeepers obtain a license from TDLR in order to participate in combative sports events. In place of the ringside physician licensing program, S.B. 618 revises the definition of, and regulations concerning, ringside physicians to allow TDLR to assign, by agreement, individuals with an unrestricted and unlimited TMB license to combative sports events. Furthermore, S.B. 618 will allow the Texas Commission of Licensing and Regulation to adopt rules establishing selection criteria and procedures for the assignment of individuals who agree to act as ringside physicians and timekeepers for combative sports events.

As proposed, S.B. 618 amends current law relating to the elimination of the licensing and registration requirements for ringside physicians and timekeepers for combative sports events.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 2052.052, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2052.002(20), Occupations Code, to redefine "ringside physician" in this section.

SECTION 2. Amends Section 2052.052(b), Occupations Code, to authorize the Texas Commission of Licensing and Regulation (TCLR) to adopt certain rules, including rules establishing selection criteria and procedures for the assignment of individuals who agree to act as ringside physicians and timekeepers for combative sports events, rather than rules establishing practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician.

SECTION 3. Amends Section 2052.107, Occupations Code, to delete existing text prohibiting a person, unless the person holds a license or registration issued under this chapter, from acting as a combative sports timekeeper or ringside physician. Makes nonsubstantive changes.

SECTION 4. (a) Provides that a disciplinary or administrative proceeding pending under Chapter 51 (Texas Department of Licensing and Regulation) or 2052 (Combative Sports), Occupations Code, that is related to a violation of licensing or registration requirements for a timekeeper or ringside physician under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act is dismissed.

(b) Authorizes an administrative penalty assessed by TCLR or the executive director of the Texas Department of Licensing and Regulation (executive director) (TDLR) under Chapter 2052, Occupations Code, related to a violation of Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date, to be collected as provided by Chapter 51, Occupations Code.

(c) Provides that the change in law made by this Act does not affect the pending prosecution of an offense under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act is any element of the offense occurred before that date.

(d) Requires TDLR, as soon as practicable after the effective date of this Act, to return a prorated portion of the fee paid to TDLR for the issuance or renewal of the registration or license to a person who holds a valid registration as a ringside physician or timekeeper issued under Chapter 2052, Occupations Code, as that chapter existed immediately before the effective date of this Act.

SECTION 5. Effective date: September 1, 2013.