SPOTLIGHT
Sparring or Regulated Unarmed Combat Contests or Events
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Michigan's Unarmed Combat Regulatory Act, MCL 338.3601 *et seq*. (the "Unarmed Combat Act"), with limited exceptions,[1] prohibits persons from promoting professional or amateur unarmed combat contests or events in Michigan without a license issued by the Department of Licensing and Regulatory Affairs (the "Department").[2] Additionally, before licensed promoters can present a professional or amateur unarmed combat event, the promoter must receive approval for the event from the Department.[3]

By contrast, the Unarmed Combat Act does not give the Department the authority to regulate sparring or training sessions that take place between amateur or professional contestants. Because the purpose of sparring is to mimic the techniques used in contests and because sparring can, at times, involve intense exchanges, it is important to differentiate between activity that constitutes an unarmed combat contest or event and activity that constitutes sparring. The Department will not permit persons to avoid its regulatory oversight by labeling engagements that would otherwise constitute contests or events as "sparring sessions" or "hard sparring."

Background

Michigan's regulation of professional boxing first began with Public Act 328 of 1919. Before this legislation, it was a criminal offense to engage in any form of prize fighting.[4] In one instance, a trial court described the criminal offense of prize fighting to a jury as:

> "[W]here two persons, by an agreement . . . meet together in a ring, or its equivalent, in the presence of other persons, present as spectators, and for money or other valuable property strike at and against each other with their hands and fists . . . whether the same is for 'points,' so called, or for personal conquest alone, and whether for a limited number of rounds or to a finish, provided that the arrangement or agreement was such that a 'knock-out,' so called, shall be deemed to be a point in favor of the contestant inflicting the same and against the person suffering therefrom . . . ."[5]

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[1] These exceptions include: 1) professional or amateur wrestling, MCL 338.3612(1)(a), 2) amateur events conducted by or participated in exclusively by an agency of the United States government or by a school, college, or university, MCL 338.3612(1)(b), 3) amateur boxing events sponsored by or under the supervision of the United States Olympic Committee, USA Boxing, Golden Gloves Association of America Inc., National Association of Police Athletic League, National Collegiate Boxing Association, Native American Sports Council, and Silver Gloves Association, MCL 338.3612(1)(c) & (1)(d), and 4) boxing elimination contests that meet the requirements of MCL 338.3650, MCL 338.3612(2).

[2] MCL 338.3630.

[3] MCL 338.3654a.

[4] *People v Taylor*, 96 Mich 576; 56 NW2d 27 (1893), and *Kelly v SEG Sports Corp*, unpublished opinion of the Michigan Supreme Court, issued June 4, 1997 (Docket No. 96-622862 CZ).

[5] *Taylor*, 96 Mich at 579.

Public Act 403 of 2004 rendered contests and events conducted under that Act exempt from this criminal prohibition. Public Act 196 of 2007 added the regulation of professional unarmed combat sports such as mixed martial arts, and Public Act 183 of 2015 added the regulation of amateur unarmed combat sports to the Unarmed Combat Act. While the criminal offense of prize fighting was eliminated by Public Act 98 of 2010, the Unarmed Combat Act explicitly states that it is a misdemeanor to promote a professional boxing or professional or amateur mixed martial arts contest or event without a license.[6] The Unarmed Combat Act also grants the Department the authority to issue cease and desist orders to prevent persons from violating the law or continuing to violate the law by conducting contests or events without its approval.[7] It is also a violation of the Unarmed Combat Act to aid or abet others in unlicensed activity.[8]

The Unarmed Combat Act defines an "event" as "a program of unarmed combat that is planned for a specific date and time . . . ."[9] It defines a "contest" as "an individual bout between 2 boxers, 2 mixed martial artists, or 2 individuals engaged in other unarmed combat subject to this act."[10] While the Act does not specifically define "bout," Merriam Webster's Dictionary defines "bout" as "an athletic match."

Factors

In determining whether an engagement is a contest or event subject to its regulatory oversight or simply a training or sparring session, the Department examines whether a contestant's primary purpose in participating in the engagement is to overwhelm his or her opponent so that, whether by knockout or clearly superior display of abilities, he or she is identified the winner or whether a contestant's primary purpose in participating in the engagement is simply to improve his or her athletic and fighting skills. In making this determination, the Department considers the following factors:

1. **Whether there is a declared winner and loser.** While not, in and of itself, dispositive, the presence of any official pronouncement identifying a winner and loser heavily suggests that the engagement is a contest or event.

2. **For Professionals, whether the contestants will be paid a purse or other prize.** The presence of a purse or prize money to the contestants suggests that the engagement is a contest or event. This can be any form of renumeration, i.e. food, lodging, etc. However, this factor is not applicable to determinations regarding amateur mixed martial arts engagements.

3. **Whether the engagement seeks to attract spectators.** While devout fans may have an interest in attending a training or sparring session, the presence of spectators suggests that the engagement is a contest or event. This is especially so if the price of admission resembles the price a spectator would

[6] MCL 338.3649a.
[7] MCL 338.3643.
[8] MCL 338.3647(1)(t).
[9] MCL 338.3610(m).
[10] MCL 338.3610(g).

pay to watch contestants of comparable caliber compete in a contest or event. The Department will review advertising on the internet and social media as well as flyers and billboards. It is a violation of the Unarmed Combat Act to engage in false advertising.[11]

4. **Whether the contestants will be wearing additional protective equipment.** The presence of additional protective gear is a strong indication that the purpose of the engagement is to strengthen the contestants' skills as opposed to overwhelming and defeating an opponent at a contest or event.

5. **The location of the engagement.** Engagements taking place in gyms or fitness centers are more likely to be considered true training or sparring sessions, assuming other factors also suggest this conclusion. Engagements taking place at event centers or nightclubs may be considered contests or events.

6. **Whether there will be officials present at the engagement.** The presence of individuals assigned as judge, referee, or timekeeper, whether licensed or not, suggests that the engagement is a contest or event.

7. **Whether the event will feature choreographed light displays, music, an announcer, or other fanfare typically associated with unarmed combat contests.** While admittedly a lesser factor, the presence of any fanfare that members of the public would generally associate with unarmed combat contests or events suggests that the engagement falls within the Department's regulatory authority.

[11] MCL 338.3647(1)(k).