

**Meeting Notice**  
**SOUTH DAKOTA ATHLETIC COMMISSION**  
Via Teleconference  
July 14, 2017 11:00 a.m. CDT

*Proposed Agenda*

- A. Call to Order
- B. Approval of the Agenda
- C. Open Forum: 5 minutes for the public to address the Commission
- D. Approval of Meeting Minutes of December 2, 2016, April 28, 2017 and April 29, 2017
- E. Financial Report as of June 29, 2017
- F. Old Business
  - 1) Update on MMA Event 2017-003 (LFA/Martin Advisory Group April 29, 2017)
  - 2) Update on MMA Event 2017-005 (LFA August 18, 2017)
  - 3) Administrative Rule Change Proposal
- G. New Business
  - 1) Request for Date Change for MMA Event 2017-006 (Sparta Combat League)
  - 2) Request for MMA Event on November 4, 2017 (Knockout Events)
  - 3) Request for MMA Event on December 2, 2017 (Fury Fights, Inc.)
- H. Other Business
- I. Announcements
- J. Next Meeting: October 20, 2017
- K. Adjourn



## South Dakota Athletic Commission

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### Meeting Minutes South Dakota Athletic Commission Via Teleconference December 2, 2016 11:00 am CST

Chairman Kilmer called the meeting to order at 11:03 am. Stalley called the roll. A quorum was present via telephone.

**Members Present via Telephone:** Mike Kilmer, Lee Lohff, Margaret Gillespie, and Verle Valentine

**Members Absent:** Richard Little

**Others Present via Telephone:** Jennifer Stalley, executive secretary, and Amber Mulder, Department of Labor Legal Counsel

Lohff made a motion to approve the agenda. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff and Gillespie voted aye. Valentine was absent. **MOTION PASSED.**

Kilmer asked for any public comments. There were none.

Lohff made a motion to approve the October 21, 2016 meeting minutes. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff and Gillespie voted aye. Valentine was absent. **MOTION PASSED.**

Lohff made a motion to approve the event application of Knock Out Events for an event in De Smet on March 4, 2017 with the condition that the promoter renew its promoter's license for 2017, provide a letter of irrevocable credit in the amount of \$20,000 and complies with all event deadlines set out in statute and rule. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff and Gillespie voted aye. Valentine was absent. **MOTION PASSED.**

Lohff made a motion to approve the event application of Sparta Combat League for an event in Rapid City on March 11, 2017, with the condition that the promoter be properly licensed by the Commission. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff and Gillespie voted aye. Valentine was absent. **MOTION PASSED.**

Lohff made a motion to approve an event by Resurrection Fighting Alliance in Sioux Falls on April 7, 2017 with the condition that the promoter renews its promoter's license for 2017 and submits the necessary application and fee for the event by January 10, 2017. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff, Gillespie and Valentine voted aye. **MOTION PASSED.**

Lohff made a motion to approve the event application of Fury Fights, Inc. for an event in Watertown on April 8, 2017 with the condition that the promoter renew its promoter's license for 2017, provide a letter of irrevocable credit in the amount of \$20,000 and complies with all event deadlines set out in statute and rule. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff, Gillespie and Valentine voted aye. **MOTION PASSED.**

The Commission's next meeting is scheduled for January 27, 2017.

Lohff made a motion to adjourn. Gillespie seconded the motion. The Commission voted by roll call. Kilmer, Lohff, Gillespie and Valentine voted aye. **MOTION PASSED.**

The meeting adjourned at 11:35 am.

Respectfully Submitted,

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Lee Lohff, Vice Chair

DRAFT

**Meeting Minutes**  
**SOUTH DAKOTA ATHLETIC COMMISSION**  
Best Western Ramkota Plus, Amphitheatre I  
3200 West Maple, Sioux Falls, SD  
April 28, 2017 10:00 a.m. CDT

Chairman Kilmer called the meeting to order at 10:04 am. Stalley called the roll. A quorum was present.

**Members Present:** Mike Kilmer, Lee Lohff, Margaret Gillespie and Verle Valentine

**Members Present via Telephone:** Richard Little

**Others Present:** Jennifer Stalley, executive secretary, and Amber Mulder, Department of Labor Legal Counsel

Valentine made a motion to approve the agenda. Gillespie seconded the motion. **MOTION PASSED.**

Kilmer asked for any public comments. There were none.

Lohff made a motion to approve the March 3, 2017 meeting minutes. Gillespie seconded the motion. **MOTION PASSED.**

Lohff made a motion to approve the March 31, 2017 financial statement. Valentine seconded the motion. **MOTION PASSED.**

Gillespie made a motion to move into executive session at 10:09 a.m. for the purpose of consideration of proposed contested cases and contractual matters and invite Stalley and Mulder to the session. Lohff seconded the motion. **MOTION PASSED.**

Kilmer declared the Commission out of executive session at 11:05 a.m.

Gillespie made a motion to affirm the decision of the referee in March 4, 2017 bout between Doug Jenkins and John Bublich. Little seconded the motion. **MOTION PASSED.** Lohff voted No.

Gillespie made a motion to affirm the decision of the referee in the April 8, 2017 bout between Dino Saracco and Josh Deyer. Lohff seconded the motion. **MOTION PASSED.**

Gillespie made a motion to move into executive session at 11:08 a.m. for the purpose of consideration of proposed contested cases and contractual matters and invite Stalley and Mulder to the session. Lohff seconded the motion. **MOTION PASSED.** Little was absent.

Kilmer declared the Commission out of executive session at 11:22 a.m.

Stalley provided the Commission with an update on MMA Event 2017-001, MMA Event 2017-002, and MMA Event 2017-004.

Lohff made a motion to approve the event application of Sparta Combat League for an event in Rapid City on September 9, 2017 with the condition that the promoter submit the required fees by May 28, 2017. Valentine seconded the motion. **MOTION PASSED.** Little was absent.

Lohff made a motion to defer action on the event application of Fury Fights, Inc. until the next meeting. Valentine seconded the motion. **MOTION PASSED.** Little was absent.

Lohff made a motion to renew the contract with Midwest Solutions for executive services for the Commission under the terms of the current contract. Gillespie seconded the motion. **MOTION PASSED.** Little was absent.

Gillespie made a motion to renew the Commission's membership in the Association of Boxing Commissions. Lohff seconded the motion. **MOTION PASSED.** Little was absent.

The Commission discussed possible items for change or clarification in the administrative rules. The Commission instructed Stalley to draft possible changes for consideration at the next meeting.

Kilmer noted the Commission will meet on April 29, 2017 in conjunction with MMA Event 2017-003 and on July 14, 2017 in Pierre.

Lohff made a motion to adjourn. Gillespie seconded the motion. **MOTION PASSED.** Little was absent.

The meeting adjourned at 11:58 a.m.

Respectfully Submitted,

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Lee Lohff, Vice Chair

**Meeting Minutes**  
**SOUTH DAKOTA ATHLETIC COMMISSION**  
Sanford Pentagon  
2210 W. Pentagon Place, Sioux Falls, South Dakota  
April 29, 2017 4:00 p.m. CDT

Chairman Kilmer called the meeting to order at 4:30 p.m. Stalley called the roll. A quorum was present.

**Members Present:** Mike Kilmer, Lee Lohff, and Verle Valentine

**Members Absent:** Margaret Gillespie and Richard Little

**Others Present:** Jennifer Stalley, executive secretary, and Amber Mulder, Department of Labor Legal Counsel

Lohff made a motion to recess to observe MMA Event 2017-003. Valentine seconded the motion. **MOTION PASSED.**

Lohff made a motion to adjourn. Valentine seconded the motion. **MOTION PASSED.**

The meeting adjourned at 10:30 p.m.

Respectfully Submitted,

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Lee Lohff, Vice Chair

AGENCY: 10 LABOR & REGULATION  
BUDGET UNIT: 1039 SOUTH DAKOTA ATHLETIC COMMISSION

| COMPANY                        | CENTER     | ACCOUNT | BALANCE    | DR/CR  | CENTER DESCRIPTION     |
|--------------------------------|------------|---------|------------|--------|------------------------|
| 6503                           | 1039000887 | 1140000 | 160,194.70 | DR     | BOXING COMMISSION FUND |
| COMPANY/SOURCE TOTAL 6503 887  |            |         | 160,194.70 | DR *   |                        |
| COMP/BUDG UNIT TOTAL 6503 1039 |            |         | 160,194.70 | DR **  |                        |
| BUDGET UNIT TOTAL 1039         |            |         | 160,194.70 | DR *** |                        |

STATE OF SOUTH DAKOTA  
REVENUE SUMMARY BY BUDGET UNIT  
FOR PERIOD ENDING: 06/29/2017

AGENCY 10 LABOR & REGULATION  
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION

| CENTER                                       | COMP       | ACCOUNT                                       | DESCRIPTION              | CURRENT MONTH | YEAR-TO-DATE     |
|--|------------|---|--------------------------|---------------|------------------|
| COMPANY NO 6503                              |            |   |                          |               |                  |
| COMPANY NAME PROFESSIONAL & LICENSING BOARDS |            |   |                          |               |                  |
| 1039000887                                   | 6503       | 4293070                                       | PROMOTER LICENSE         | .00           | 1,200.00         |
| 1039000887                                   | 6503       | 4293071                                       | MATCHMAKER LICENSE       | .00           | 200.00           |
| 1039000887                                   | 6503       | 4293072                                       | MANAGER LICENSE          | .00           | 300.00           |
| ACCT:  | 4293       | BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL) |                          | .00           | 1,700.00 *       |
| 1039000887                                   | 6503       | 4299080                                       | EVENT FEE                | 3,027.90      | 183,326.67       |
| 1039000887                                   | 6503       | 4299081                                       | CONTESTANT REGIST FEE    | .00           | 6,025.00         |
| 1039000887                                   | 6503       | 4299082                                       | JUDGE REGISTRATION FEE   | .00           | 550.00           |
| 1039000887                                   | 6503       | 4299083                                       | REFEREE REGISTRATION FEE | .00           | 300.00           |
| 1039000887                                   | 6503       | 4299084                                       | SECOND REGISTRATION FEE  | .00           | 5,000.00         |
| 1039000887                                   | 6503       | 4299085                                       | TIMEKEEPER REGIST FEE    | .00           | 75.00            |
| 1039000887                                   | 6503       | 4299086                                       | FEDERAL BOXING ID FEE    | .00           | 25.00            |
| 1039000887                                   | 6503       | 4299087                                       | AMATEUR EXEMPTION FEE    | .00           | 100.00           |
| ACCT:  | 4299       | OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)   |                          | 3,027.90      | 195,401.67 *     |
| ACCT:  | 42         | LICENSES, PERMITS & FEES                      |                          | 3,027.90      | 197,101.67 **    |
| 1039000887                                   | 6503       | 4920045                                       | NONOPERATING REVENUES    | .00           | 283.90           |
| ACCT:  | 4920       | NONOPERATING REVENUE                          |                          | .00           | 283.90 *         |
| ACCT:  | 49         | OTHER REVENUE                                 |                          | .00           | 283.90 **        |
| CNTR:  | 1039000887 |   |                          | 3,027.90      | 197,385.57 ***   |
| COMP:  | 6503       |   |                          | 3,027.90      | 197,385.57 ****  |
| B UNIT:                                      | 1039       |   |                          | 3,027.90      | 197,385.57 ***** |

AVAILABLE FUNDS  
AS OF: 06/29/2017  
FY YEAR REMAINING: 0.5%  
PAY DAYS REMAINING: 0

DATE 07/01/2017

BUDGET UNIT 1039

CENTER NAME SOUTH DAKOTA ATHLETIC COMMISSION

| COMP         | ORIGINAL APPROPRIATION | APPROPRIATION TRANSFERS | YEAR-TO-DATE COMMITMENTS | YEAR-TO-DATE ENCUMBRANCES | YEAR-TO-DATE EXPENDITURES | AVAILABLE APPROPRIATIONS | CASH BALANCE |
|--------------|------------------------|-------------------------|--------------------------|---------------------------|---------------------------|--------------------------|--------------|
| 6503-I       | 55,752.00              | 0.00                    | 0.00                     | 0.00                      | 45,131.48                 | 10,620.52                | 160,194.70   |
| BUDGETED TOT | 55,752.00              | 0.00                    | 0.00                     | 0.00                      | 45,131.48                 | 10,620.52                |              |
| ALL COMP TOT | 55,752.00              | 0.00                    | 0.00                     | 0.00                      | 45,131.48                 | 10,620.52                |              |

TOTAL BUDGETED:

| OBJECT OF EXPENDITURE  | AMOUNT BUDGETED | COMMITMENTS YEAR-TO-DATE | ENCUMBRANCES YEAR-TO-DATE | MONTHLY EXPENDITURES | YEAR-TO-DATE EXPENDITURES | BUDGET AVAILABLE | PCT AVL |
|------------------------|-----------------|--------------------------|---------------------------|----------------------|---------------------------|------------------|---------|
| 5101 EMPLOYEE SALARIES | 7,356.00        | 0.00                     | 0.00                      | 22.64                | 3,839.26                  | 3,516.74         | 47.8    |
| 5102 EMPLOYEE BENEFITS | 1,014.00        | 0.00                     | 0.00                      | 5.74                 | 618.20                    | 395.80           | 39.0    |
| 5203 TRAVEL            | 4,500.00        | 0.00                     | 0.00                      | 9.00                 | 3,404.35                  | 1,095.65         | 24.3    |
| 5204 CONTRACTUAL SVCS  | 41,082.00       | 0.00                     | 0.00                      | 1,259.41             | 36,733.86                 | 4,348.14         | 10.6    |
| 5205 SUPPLIES & MATRLS | 1,800.00        | 0.00                     | 0.00                      | 15.08                | 535.81                    | 1,264.19         | 70.2    |
| TOTALS                 | 55,752.00       | 0.00                     | 0.00                      | 1,311.87             | 45,131.48                 | 10,620.52        | 19.0    |

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

| OBJECT OF EXPENDITURE     | AMOUNT BUDGETED | COMMITMENTS YEAR-TO-DATE | ENCUMBRANCES YEAR-TO-DATE | MONTHLY EXPENDITURES | YEAR-TO-DATE EXPENDITURES | BUDGET AVAILABLE | PCT AVL |
|---------------------------|-----------------|--------------------------|---------------------------|----------------------|---------------------------|------------------|---------|
| 5101000 EMPLOYEE SALARIES | 7,356.00        | 0.00                     | 0.00                      | 22.64                | 3,839.26                  | 3,516.74         | 47.8    |
| 5102000 EMPLOYEE BENEFITS | 1,014.00        | 0.00                     | 0.00                      | 5.74                 | 618.20                    | 395.80           | 39.0    |
| 5203000 TRAVEL            | 4,500.00        | 0.00                     | 0.00                      | 9.00                 | 3,404.35                  | 1,095.65         | 24.3    |
| 5204000 CONTRACTUAL SVCS  | 41,082.00       | 0.00                     | 0.00                      | 1,259.41             | 36,733.86                 | 4,348.14         | 10.6    |
| 5205000 SUPPLIES & MATRLS | 1,800.00        | 0.00                     | 0.00                      | 15.08                | 535.81                    | 1,264.19         | 70.2    |
| PS SUBTOTALS              | 8,370.00        | 0.00                     | 0.00                      | 28.38                | 4,457.46                  | 3,912.54         | 46.7    |
| OE SUBTOTALS              | 47,382.00       | 0.00                     | 0.00                      | 1,283.49             | 40,674.02                 | 6,707.98         | 14.2    |
| COMPANY 6503-I TOT        | 55,752.00       | 0.00                     | 0.00                      | 1,311.87             | 45,131.48                 | 10,620.52        | 19.0    |

AGENCY 10 LABOR & REGULATION  
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION  
CENTER-5 10390 SD ATHLETIC COMMISSION

| CENTER                                       | COMP | ACCOUNT  | DESCRIPTION               | CURRENT MONTH | YEAR-TO-DATE |
|--|------|----------|---------------------------|---------------|--------------|
| COMPANY NO 6503                              |      |          |                           |               |              |
| COMPANY NAME PROFESSIONAL & LICENSING BOARDS |      |          |                           |               |              |
| 1039000887                                   | 6503 | 51010100 | F-T EMP SAL & WAGES       | 22.64         | 1,799.26     |
| 1039000887                                   | 6503 | 51010300 | BOARD & COMM MBRS FEES    | .00           | 2,040.00     |
| ACCT: 5101                                   |      |          |                           |               |              |
| EMPLOYEE SALARIES                            |      |          |                           |               |              |
| 1039000887                                   | 6503 | 51020100 | OASI-EMPLOYER'S SHARE     | 22.64         | 3,839.26     |
| 1039000887                                   | 6503 | 51020100 | RETIREMENT-ER SHARE       | 1.73          | 299.78       |
| 1039000887                                   | 6503 | 51020200 | HEALTH/LIFE INS.-ER SHARE | 1.36          | 108.02       |
| 1039000887                                   | 6503 | 51020600 | WORKER'S COMPENSATION     | 2.61          | 207.43       |
| 1039000887                                   | 6503 | 51020800 | UNEMPLOYMENT COMPENSATION | .03           | 2.22         |
| 1039000887                                   | 6503 | 51020900 | UNEMPLOYMENT COMPENSATION | .01           | .75          |
| ACCT: 5102                                   |      |          |                           |               |              |
| EMPLOYEE BENEFITS                            |      |          |                           |               |              |
| ACCT: 51                                     |      |          | PERSONAL SERVICES         | 5.74          | 618.20       |
|  |      |          |                           | 28.38         | 4,457.46     |
| ACCT: 5203                                   |      |          |                           |               |              |
| TRAVEL                                       |      |          |                           |               |              |
| 1039000887                                   | 6503 | 52030200 | AUTO PRIV (IN-ST.) L/RTE  | .00           | 102.12       |
| 1039000887                                   | 6503 | 52030300 | AUTO-PRIV (IN-ST.) H/RTE  | .00           | 1,879.08     |
| 1039000887                                   | 6503 | 52031000 | LODGING/IN-STATE          | .00           | 854.15       |
| 1039000887                                   | 6503 | 52031400 | TAXABLE MEALS/IN-STATE    | .00           | 89.00        |
| 1039000887                                   | 6503 | 52031500 | NON-TAXABLE MEALS/IN-ST   | 9.00          | 480.00       |
| ACCT: 5204                                   |      |          |                           |               |              |
| DUES & MEMBERSHIP FEES                       |      |          |                           |               |              |
| 1039000887                                   | 6503 | 52040200 | MANAGEMENT CONSULTANT     | 9.00          | 3,404.35     |
| 1039000887                                   | 6503 | 52040900 | CENTRAL SERVICES          | .00           | 400.00       |
| 1039000887                                   | 6503 | 52042000 | TELECOMMUNICATIONS SRVCS  | 1,152.57      | 33,925.66    |
| 1039000887                                   | 6503 | 52045300 | OTHER CONTRACTUAL SERVICE | 106.84        | 2,168.28     |
| 1039000887                                   | 6503 | 52049600 |                           | .00           | 139.92       |
| ACCT: 5204                                   |      |          |                           |               |              |
| CONTRACTUAL SERVICES                         |      |          |                           |               |              |
| 1039000887                                   | 6503 | 52050280 | OFFICE SUPPLIES           | 1,259.41      | 36,733.86    |
| 1039000887                                   | 6503 | 52053100 | PRINTING-STATE            | .00           | 268.25       |
| 1039000887                                   | 6503 | 52053500 | POSTAGE                   | 15.08         | 150.73       |
| ACCT: 5205                                   |      |          |                           |               |              |
| SUPPLIES & MATERIALS                         |      |          |                           |               |              |
| 1039000887                                   | 6503 | 5228000  | OPER TRANS OUT -NON BUDGT | 15.08         | 535.81       |
|  |      |          |                           | 44.72         | 259.35       |
| ACCT: 5228                                   |      |          |                           |               |              |
| NONOP EXP/NONBGTD OP TR                      |      |          |                           |               |              |
| ACCT: 52                                     |      |          | OPERATING EXPENSES        | 44.72         | 259.35       |
|  |      |          |                           | 1,328.21      | 40,933.37    |
| COMP: 6503 PROFESSIONAL & LICENSING BOARDS   |      |          |                           |               |              |
| CENTER: 1039000887                           |      |          |                           |               |              |
| B UNIT: 1039                                 |      |          |                           |               |              |
|  |      |          |                           | 1,356.59      | 45,390.83    |
|  |      |          |                           | 1,356.59      | 45,390.83    |
|  |      |          |                           | 1,356.59      | 45,390.83    |

STATE OF SOUTH DAKOTA  
MONTHLY EXPENDITURE REPORT  
FOR PERIOD ENDING: 06/29/2017

AGENCY 10 LABOR & REGULATION  
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION  
CENTER-5 10390 SD ATHLETIC COMMISSION

| COMP | CENTER     | ACCOUNT                                      | DOCUMENT NUMBER | POSTING DATE | JV APPVL # OR PAYMENT # | SHORT NAME | VENDOR NUMBER | VENDOR GROUP | AMOUNT   | DR/CR  |
|------|------------|--|-----------------|--------------|-------------------------|------------|---------------|--------------|----------|--------|
|      |            | COMPANY NO 6503                              |                 |              |                         |            |               |              |          |        |
|      |            | COMPANY NAME PROFESSIONAL & LICENSING BOARDS |                 |              |                         |            |               |              |          |        |
| 6503 | 1039000887 | 51010100                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | 15.70    | DR     |
| 6503 | 1039000887 | 51010100                                     | CGEX170613      | 06/16/2017   |                         |            |               |              | 6.94     | DR     |
|      |            | OBJSUB: 5101010 F-T EMP SAL & WAGES          |                 |              |                         |            |               |              | 22.64    | DR *   |
|      |            | OBJECT: 5101 EMPLOYEE SALARIES               |                 |              |                         |            |               |              | 22.64    | DR **  |
| 6503 | 1039000887 | 51020100                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | 1.20     | DR     |
| 6503 | 1039000887 | 51020100                                     | CGEX170613      | 06/16/2017   |                         |            |               |              | .53      | DR     |
|      |            | OBJSUB: 5102010 OASI-EMPLOYER'S SHARE        |                 |              |                         |            |               |              | 1.73     | DR *   |
| 6503 | 1039000887 | 51020200                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | .94      | DR     |
| 6503 | 1039000887 | 51020200                                     | CGEX170613      | 06/16/2017   |                         |            |               |              | .42      | DR     |
|      |            | OBJSUB: 5102020 RETIREMENT-ER SHARE          |                 |              |                         |            |               |              | 1.36     | DR *   |
| 6503 | 1039000887 | 51020600                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | 1.81     | DR     |
| 6503 | 1039000887 | 51020600                                     | CGEX170613      | 06/16/2017   |                         |            |               |              | .80      | DR     |
|      |            | OBJSUB: 5102060 HEALTH/LIFE INS.-ER SHARE    |                 |              |                         |            |               |              | 2.61     | DR *   |
| 6503 | 1039000887 | 51020800                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | .02      | DR     |
| 6503 | 1039000887 | 51020800                                     | CGEX170613      | 06/16/2017   |                         |            |               |              | .01      | DR     |
|      |            | OBJSUB: 5102080 WORKER'S COMPENSATION        |                 |              |                         |            |               |              | .03      | DR *   |
| 6503 | 1039000887 | 51020900                                     | CGEX170526      | 06/02/2017   |                         |            |               |              | .01      | DR     |
|      |            | OBJSUB: 5102090 UNEMPLOYMENT COMPENSATION    |                 |              |                         |            |               |              | .01      | DR *   |
|      |            | OBJECT: 5102 EMPLOYEE BENEFITS               |                 |              |                         |            |               |              | 5.74     | DR **  |
|      |            | GROUP: 51 PERSONAL SERVICES                  |                 |              |                         |            |               |              | 28.38    | DR *** |
| 6503 | 1039000887 | 52031500                                     | 470791          | 06/27/2017   | 00424514                | BIGTOMSDIN | 12224758      |              | 9.00     | DR     |
|      |            | OBJSUB: 5203150 NON-TAXABLE MEALS/IN-ST      |                 |              |                         |            |               |              | 9.00     | DR *   |
|      |            | OBJECT: 5203 TRAVEL                          |                 |              |                         |            |               |              | 9.00     | DR **  |
| 6503 | 1039000887 | 52040900                                     | 17SC10035A 1075 | 06/21/2017   | 00421973                | MIDWESTSOL | 12199902      |              | 1,000.00 | DR     |
| 6503 | 1039000887 | 52040900                                     | 17SC10035A 1075 | 06/21/2017   | 00421973                | MIDWESTSOL | 12199902      |              | 152.57   | DR     |
|      |            | OBJSUB: 5204090 MANAGEMENT CONSULTANT        |                 |              |                         |            |               |              | 1,152.57 | DR *   |
| 6503 | 1039000887 | 52042000                                     | PL705064        | 06/28/2017   |                         |            |               |              | 106.84   | DR     |
|      |            | OBJSUB: 5204200 CENTRAL SERVICES             |                 |              |                         |            |               |              | 106.84   | DR *   |
|      |            | OBJECT: 5204 CONTRACTUAL SERVICES            |                 |              |                         |            |               |              | 1,259.41 | DR **  |
| 6503 | 1039000887 | 52053500                                     | MS705052        | 06/28/2017   |                         |            |               |              | 15.08    | DR     |
|      |            | OBJSUB: 5205350 POSTAGE                      |                 |              |                         |            |               |              | 15.08    | DR *   |
|      |            | OBJECT: 5205 SUPPLIES & MATERIALS            |                 |              |                         |            |               |              | 15.08    | DR **  |
| 6503 | 1039000887 | 52280000                                     | T107-115        | 06/16/2017   |                         |            |               |              | 44.72    | DR     |
|      |            | OBJSUB: 5228000 OPER TRANS OUT -NON BUDGT    |                 |              |                         |            |               |              | 44.72    | DR *   |
|      |            | OBJECT: 5228 NONOP EXP/NONEGTD OP TR         |                 |              |                         |            |               |              | 44.72    | DR **  |

**ARTICLE 20:81**

**ATHLETIC COMMISSION**

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**CHAPTER 20:81:01**

**GENERAL PROVISIONS**

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**20:81:01:01. Definitions.** Terms defined in SDCL [42-12-7.1](#) have the same meaning when used in this article. In addition, terms in this article mean:

- (1) "Applicant," any person, club, corporation, association, or entity seeking registration, licensure, or renewal of a registration or license with the Commission;
- (2) "Amateur," a contestant who has not received any remuneration, directly or indirectly, in any bout he has participated in;
- (3) "Announcer," a person responsible for announcing the names of the officials, the contestants, the contestants' weight, and the decisions of the referee and judges during a contest;
- (4) "Bout," one contest involving boxing, kickboxing, or mixed martial arts contestants;
- (5) "Contest," a bout or group of bouts, competition, or exhibition, involving contestants competing in boxing, kickboxing, or mixed martial arts;
- (6) "Contestant," any human being who enters the ring or fenced fighting area to compete against another human being during a boxing, kickboxing, or mixed martial arts bout;

(7) “Cutman,” a second designated by the Commission to attend to contestants between rounds. A cutman may not be a manager, matchmaker or promoter for an event;

(8) “Designee,” a representative of the Commission who attends boxing, kickboxing, or mixed martial arts events to ensure that all laws and Commission rules are adhered to;

(89) “Judge,” a person serving as a member of a scoring panel for boxing, kickboxing, or mixed martial arts. The panel of judges is responsible for determining a decision in each bout;

(910) “Official,” referees, judges, timekeepers, and physicians involved in a boxing, kickboxing, or mixed martial arts contest;

(1011) “Physician,” a person who is licensed as a doctor of medicine or doctor of osteopathy and in good standing with the issuing licensing board;

(1112) “Professional,” a contestant who has received remuneration, either directly or indirectly, for any bout the contestant has participated in;

(1213) “Purse,” the financial guarantee or any other remuneration which a contestant receives for participating in a bout, including the contestant's share of any payment received for broadcasting, internet, television, or motion picture rights;

(1314) “Referee,” the person in charge of enforcing the rules during any contest;

(1415) “Second,” an individual who attends to a contestant between rounds;

(1516) “Timekeeper,” a person responsible for keeping accurate time during any contest.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:02. General applicability.** The provisions of this Article pertain to all boxing, kickboxing, and mixed martial arts contestants, bouts, and contests unless expressly noted otherwise.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:03. Contest approval required.** No contest may be held without the approval of the Commission. Requests for approval of a contest must be submitted to the Commission at least thirty business days prior to the date of the contest. A request for approval must be submitted on a form prescribed by the Commission.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(1\)](#).

**Law Implemented:** SDCL [42-12-10\(1\)](#).

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**20:81:01:04. Prohibited contests.** The Commission will not approve the following:

- (1) A bout which is mismatched;
- (2) A bout between a professional contestant and an amateur contestant;
- (3) A bout in which more than two contestants appear in the ring or fenced area at the same time;
- (4) A bout in which members of the opposite sex compete against each other;
- (5) A bout in which one of the contestants is pregnant;
- (6) A bout in which no gloves are used by the contestants;
- (7) Any bar room type brawl, "so you think you are tough" type contest, roughneck type contest, "battle royale," or contest of similar character and nature; or
- (8) A contest to be held on a recognized federal or state holiday.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:05. Mismatched bouts prohibited.** The Commission may not allow a bout in which the contestants are not fairly matched. In determining if contestants are fairly matched, the following may be considered:

- (1) Win-Loss records of the contestants;
- (2) Weight of the contestants;
- (3) Number of fights by the contestants; and
- (4) Physical condition of contestants.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:06. Pregnancy testing.** A female contestant shall submit to an early pregnancy test administered at the official weigh-in by the physician in attendance. The female contestant shall submit to another early pregnancy test administered by the contest physician immediately prior to competing.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:07. Officials designated by Commission.** The Commission shall approve and assign the officials for all contests.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:08. Financial interests and arrangements.** No promoter, either directly or indirectly, may have any financial interest in a contestant competing on premises owned or leased by the promoter, or in which such promoter is otherwise interested, except pursuant to the specific written authorization of the Commission.

The promoter or the promoter's designee shall pay all payments to the contestant immediately following the contest **or as approved by the Commission**. A contestant may not be paid for services before the contest. If the Commission determines that a contestant did not fight an honest contest of the contestant's skill, the contestant may not be paid for such services.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:09. Bout contracts -- Requirements.** Prior to the official weigh-in of a contest, the promoter must provide the Commission with a copy of the signed bout contract for each contestant. The bout contract must include:

- (1) Date, time, and location of contest;
- (2) Date, time, and location of the official weigh-in;
- (3) Contract weight for the bout;
- (4) Amount of purse for the contestant, including show pay and win bonuses;
- (5) Any fees to be deducted from the contestant's purse;
- (6) The number of rounds of the bout; and
- (7) Signatures of both the promoter and the contestant on the contract.

The Commission may refuse to allow a bout unless a signed contract is filed with the Commission prior to the weigh-in.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

**20:81:01:10. Safety requirements -- Medical and other safeguards.** No contest may begin or continue without adequate safeguards to protect the health of the contestants competing. Adequate safeguards must include:

- (1) The presence of emergency medical personnel at the site of the contest;
- (2) The presence of at least one physician registered by the Commission at ringside at all times during the contest;
- (3) The presence of an ambulance, dedicated solely to the contestants, at the site of the contest. The ambulance may be released in an emergency, only temporarily, and only with the approval of the ringside physician. The contest must be held in abeyance until the ambulance and the emergency personnel return to the site;
- (4) The use of rubber or plastic gloves during the contest by all persons, including managers, seconds, physicians, and referees, coming into contact with a contestant during the course of a contest, other than the contestant in the same bout;
- (5) A stretcher must be kept under the ring or be available as part of the onsite ambulance equipment; and
- (6) A portable resuscitator with oxygen must be kept under the ring or be available as part of the onsite ambulance equipment.

Smoking and alcoholic beverages are prohibited at ~~official~~ all ringside tables.

The placement of camera and media people ringside is allowed only in neutral corners. Such persons must have a pass to sit ringside and must be approved by the ~~promoter~~ Commission before they receive passes.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL 42-12-10(1).

**Law Implemented:** SDCL 42-12-10(1).

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**20:81:01:11. Registration and licenses -- Requirements and terms.** All contestants, referees, judges, managers, promoters, seconds, timekeepers, matchmakers, announcers, and physicians must be properly registered or licensed by the Commission. An application for a registration or license must be made in writing on a form prescribed by the Commission. The applicable fee must be submitted with the application. An applicant performing multiple duties must be registered or licensed for each duty, but is not responsible for payment of more than one fee. The fee for an applicant for more than one registration or license shall be the highest of the applicable fees.

All applicants for registration or licensure, in any capacity, must be at least eighteen years of age.

A registration or license is valid from the date of issue until December thirty-first of the year of issuance.

An applicant shall verify under penalty of law that all information submitted by the applicant is true and correct. An applicant may be required to clarify, expand, or provide additional information to the Commission to fully evaluate qualifications. The applicant shall provide any additional information ordered by the Commission at the applicant's expense.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:12. Grounds for denial.** The Commission may deny an application for registration or licensure based on:

- (1) Failure to demonstrate the minimum qualifications for registration or licensure;
- (2) An inability to perform the duties of the respective position in which the applicant is seeking registration or licensure;
- (3) Medical, administrative, or disciplinary actions or sanctions by the Commission or by another jurisdiction;
- (4) Actions by the applicant which fail to demonstrate financial responsibility, experience, character, or general fitness of the applicant, including in the case of corporations, its officers and stakeholders, are such that the participation of such applicant will be consistent with the public interest, convenience, or necessity and the safety of contestants and with the best interest of the sport, generally; or
- (5) Violation of any Commission rule or statute.

The Commission shall not issue a registration to any applicant as a boxer, kickboxer, or mixed martial artist who has suffered a cerebral hemorrhage of any type.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:13. Change of name, address or telephone of registrant or licensee.** If a registrant or licensee has a change of name, address, or telephone number, the registrant or licensee must notify the Commission in writing. Registrants and licensees are required to submit legal documentation proving a name change. A registrant or licensee who does not have a current address on file with the Commission may be subject to discipline and may be denied the right to

compete as a contestant or serve as a promoter, manager, or matchmaker for a contest until the registrant or licensee provides a valid address to the Commission.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:14. Recognition of actions of other jurisdictions.** The Commission will recognize all medical, administrative, and disciplinary suspensions or sanctions from other jurisdictions placed on a person registered or licensed by the Commission or seeking registration or licensure from the Commission.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:15. Sham or collusive contests prohibited.** The Commission shall deprive any person, including any corporation and the officers thereof, any physician, referee, judge, timekeeper, contestant, manager, trainer, or second, who promotes, conducts, gives, or participates in any sham or collusive contest, of a registration or license.

A licensed promoter or matchmaker may not knowingly engage in a course of conduct in which one contestant's skills or abilities is significantly in excess of the other contestant so that a mismatch results with the potential for physical harm to the contestant. If such action occurs, the Commission may discipline those involved.

Without otherwise limiting the discretion of the Commission, the Commission may suspend or revoke a license or registration or refuse to renew or issue a license or registration, if the Commissioner finds the applicant for or holder of a registration or license, or any person who is a partner, agent, employee, stockholder, or associate of an applicant or holder of a registration or license, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person who has been convicted of a crime in any jurisdiction, or is consorting or associating with bookmakers, gamblers, or persons of similar pursuits, or has been guilty of or attempted any fraud or misrepresentation, or has violated or attempted to violate any law in any jurisdiction or any rules, regulation or order of the Commission, or has violated any rule adopted by the Commission or has been guilty of or engaged in similar, related or like practices.

When the Commission is notified in writing of any tampering with any contest or contestants, the Commission may send a letter notifying the applicable board or commission of any other jurisdiction involved.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:16. Drug testing.** Any contestant participating in a contest under the jurisdiction of the Commission is subject to testing for prohibited drugs, stimulants, or nonprescription preparations at the official weigh-in for the contest, at the contest, or following the bout in which the contestant participates.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:01:17. Disciplinary action.** Any person, club, corporation, association, entity, contest, competition, or exhibition registered or licensed by the Commission is subject to disciplinary action by the Commission, without warning, for, but not limited to:

- (1) Providing false information on any application or form submitted to the Commission;
- (2) Attempting to use a license or registration issued by the Commission in a manner not intended and not consistent with the best interests of boxing, kickboxing, or mixed martial arts or the Commission's intent;
- (3) Failing to timely respond to requests and requirements of the Commission;
- (4) For contestants, failing to appear at the appointed place at the specified time to be weigh-in or failing to show for a bout; ~~or~~
- (5) For contestants failing to make the contracted weight by more than five percent of the contracted weight; or
- ~~(5)~~ Otherwise violating the provisions of SDCL Chapter [42-12](#) or any rule promulgated pursuant thereto.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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## CHAPTER 20:81:02

### FEES

[20:81:02:01](#) Remittance of fees.

[20:81:02:02](#) Fee schedule.

20:81:02:03 Contest fees.

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**20:81:02:01. Remittance of fees.** An applicant shall remit all fees to the Commission in the form of cash, a personal check, cashier's check, certified check, or money order made payable to the State of South Dakota. The Commission may not take action on any application for registration, licensure or renewal until the required fee is received.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:02:02. Fee schedule.** The annual registration and license fees for participants, in any capacity, in a boxing, kickboxing, or mixed martial arts contest are as follows:

- (1) Judge, \$50;
- (2) Boxer, \$50;
- (3) Kickboxer, \$50;
- (4) Mixed Martial Artist, \$50;
- (5) Matchmaker, \$200;
- (6) Manager, \$100;
- (7) Promoter, \$300;
- (8) Referee, \$50;
- (9) Second, \$25;
- (10) Timekeeper, \$25; and
- (11) Physician, no charge.

An amateur organization or educational institution applying for an exemption shall pay a fee of \$100.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [1-26-6.9](#), [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:02:03. Contest fees.** For each approved contest, the promoter shall pay a fee of three thousand dollars or five percent of the gross revenue of the contest, whichever is greater. At the time of application to register a contest, the promoter applying for registration shall submit a fee of one thousand dollars. The fee is refundable if the application is denied. If the application is approved, the submitted fee shall be applied to the remaining contest fee owed to the commission.

The commission shall provide forms for the calculation and payment of contest fees due to the commission based on the gross revenue of the contest as set forth in § 20:81:07:05.

The promoter shall pay the remaining contest fee due to the commission within thirty days of the completion of the event.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016; SL 2016, ch 213, § 2, effective July 1, 2016.

**General Authority:** SDCL [42-12-10\(6\)](#).

**Law Implemented:** SDCL [42-12-10\(6\)](#).

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## CHAPTER 20:81:03

### LICENSES AND REGISTRATIONS

#### Sections

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- [20:81:03:02](#) National Registry of Boxing.
- [20:81:03:03](#) Terms and condition of registration -- Mixed martial artists.
- [20:81:03:04](#) Terms and conditions of license -- Promoters.
- [20:81:03:05](#) Terms and conditions of license -- Matchmakers.
- [20:81:03:06](#) Terms and conditions of license -- Managers.
- [20:81:03:07](#) Terms and conditions of registration -- Referees.
- [20:81:03:08](#) Terms and conditions of registration -- Judges.
- [20:81:03:09](#) Terms and conditions of registration -- Seconds.
- [20:81:03:10](#) Terms and conditions of registration -- Timekeepers.
- [20:81:03:11](#) Terms and conditions of registration -- Physicians.

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**20:81:03:01. Terms and conditions of registration -- Boxers and kickboxers.** All boxers and kickboxers who apply for registration with the Commission are subject to the following terms and conditions:

(1) All boxers and kickboxers who participate in a bout or contest must be registered with the Commission, unless specifically exempted;

(2) The applicant must provide proof of a Boxers Federal Identification Card, or submit an application and required fee for an identification card and meet the eligibility requirements to be issued such a card pursuant to § 20:81:03:02;

(3) The applicant must submit verification of a physical within the previous twelve months from a physician licensed as a doctor of medicine or doctor of osteopathy, physician's assistant or nurse practitioner;

(4) The applicant must submit verification of a dilated eye exam within the previous twelve months from a licensed optometrist or ophthalmologist;

(5) The applicant must provide proof the applicant has been administered a test by a laboratory in the United States that possess a certificate number under the Clinical Laboratory Improvement Act (42 U.S.C. 263a) to detect the presence of HIV, Hepatitis B, Hepatitis C, and other blood borne pathogens as identified by the Commission, within six months prior to the application and that the results are negative;

(6) The applicant must disclose any serious bodily injuries, any serious head injuries, any surgeries, and whether the applicant is taking any medications;

(7) If the Commission determines that a question exists as to the medical condition of an applicant, the Commission may require the applicant to complete a physical by a physician approved by the Commission. Upon completion of the physical, the physician shall submit the report of the results directly to the Commission. The report must affirmatively state the physician's opinion as to the advisability of the applicant fighting. The physical performed must address the question raised about the applicant's health and include such testing as a prudent physician would perform to determine the health and fitness of an individual to engage in the sport of boxing. The results of all required examinations must be made a part of the applicant's permanent medical record maintained by the Commission. The costs of all examinations required by this section shall be paid by the applicant; and

(8) The applicant must demonstrate financial responsibility, experience, character, and general fitness of the applicant are such that the participation of such applicant are consistent with the public interest, convenience, or necessity and the safety of contestants and with the best interests of the sport, generally.

Failure to meet any of these terms or conditions may result in the denial of the application for registration.

A boxer or kickboxer registered with the Commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements following registration. For the first infraction of any provisions of this rule, the Commission may issue a verbal warning. Following a second violation of any provision of this

rule, a written warning may be issued. Following a third infraction of any provision of this rule, the boxer or kickboxer may be suspended for up to six months. The Commission may suspend any boxer or kickboxer for any period of time for any serious violation of this rule without warning.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(2\)](#).

**Law Implemented:** SDCL [42-12-10\(2\)](#).

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**20:81:03:02. National Registry of Boxing.** No boxer shall be allowed to compete without a Boxer's Federal Identification Card issued by the Association of Boxing Commissions. All applicants for registration as a boxer shall provide a Boxer's Federal Identification Card with the application for registration or apply for registration in the state where the boxer resides, unless where the boxer resides does not participate in the Association of Boxing Commissions' registration system. An applicant for a new or renewal boxer registration shall complete, sign, and submit in person to the Commission, the Association of Boxing Commissions Boxer's Federal Identification Card Application. With the application, the applicant shall submit a \$25 fee; two 1 inch by 1.5 inch color photos of identification; a copy of a photo identification issued to the applicant by a governmental entity containing the applicant's photograph and social security number or similar foreign identification number. The applicant must be recognizable in the photographs.

A Federal Identification Card shall expire two years from the date of issuance.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:03:03. Terms and conditions of registration -- Mixed martial artists.** All mixed martial artists applying for registration with the commission are subject to the following terms and conditions:

(1) All mixed martial artists participating in a bout or contest must be registered with the commission, unless specifically exempted;

(2) The applicant must provide a complete record of competitions;

(3) The applicant must provide acceptable photo identification;

(4) The applicant must provide proof of a national mixed martial arts identification or make application for a national identification at the time of application

(45) The applicant must disclose whether the applicant is, or has been, under suspension in any jurisdiction in the preceding twelve months;

(~~56~~) The applicant must submit verification of a physical within the previous ~~twelve months~~ three hundred sixty-five days from a physician licensed as a doctor of medicine or doctor of osteopathy, physician's assistant or nurse practitioner;

(~~67~~) The applicant must submit verification of a dilated eye exam within the previous ~~twelve months~~ three hundred sixty-five days from a licensed optometrist or ophthalmologist;

(~~78~~) The applicant must provide proof the applicant has been administered a test by a laboratory in the United States that possesses a certificate number under the Clinical Laboratory Improvement Act (42 U.S.C. 263a) to detect the presence of HIV, Hepatitis B, Hepatitis C, and other blood borne pathogens as identified by the Commission, within ~~six months~~ one hundred eighty days prior to the application and that the results are negative;

(~~89~~) The applicant must disclose any serious bodily injuries, any serious head injuries, a cerebral hemorrhage of any kind, any surgeries, and whether the applicant is taking any medications;

(~~910~~) If the commission determines that a question exists as to the medical condition of an applicant, the commission may require the applicant to complete a physical by a physician approved by the commission. Upon completion of the physical, the physician shall submit the report of the results directly to the commission. The report must affirmatively state the physician's opinion as to the advisability of the applicant fighting. The physical performed must address the question raised about the applicant's health and include such testing as a prudent physician would perform to determine the health and fitness of an individual to engage in the sport of mixed martial arts. The results of all required examinations must be made a part of the applicant's permanent medical record maintained by the commission. The costs of all examinations required by this section shall be paid by the applicant; and

(~~1011~~) The applicant must demonstrate financial responsibility, experience, character, and general fitness of the applicant are such that the participation of such applicant are consistent with the public interest, convenience, or necessity and the safety of contestants and with the best interests of the sport, generally.

Failure to meet any of these terms or conditions may result in the denial of the application for registration.

A mixed martial artist registered with the commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements following registration. For the first infraction of any provisions of this rule, the commission may issue a verbal warning. Following a second violation of any provision of this rule, a written warning may be issued. Following a third infraction of any provision of this rule, the mixed martial artist may be suspended for up to six months. The commission may suspend any mixed martial artist for any period of time for any serious violation of this rule without warning.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL 42-12-10(2).

**Law Implemented:** SDCL [42-12-10\(2\)](#).

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**20:81:03:04. Terms and conditions of license -- Promoters.** All promoters are subject to the following terms and conditions:

(1) All persons, clubs, corporations, associations, or entities acting as a promoter of a boxing, kickboxing, or mixed martial arts bout or contest must be licensed by the commission;

(2) The applicant must demonstrate financial responsibility, experience, character, and general fitness of the applicant, including in the case of corporations, its officers and stakeholders, are such that the applicant will be consistent with the public interest, convenience, or necessity and the safety of contestants, and with the best interests of the sport, generally;

(3) If a promoter is acting as a matchmaker, the promoter is responsible for working with the commission, or its designee, while the contest is in progress and must be available at all times to the commission, or its designee;

(4) Any person, party, or organization acting as a promoter of a bout or contest must obtain approval of the commission at least thirty business days prior to the date of the competition or exhibition. The promoter shall request approval on a form prescribed by the commission;

(5) The promoter shall ensure that all events are conducted in a safe and orderly manner and is responsible for ensuring the maintenance of adequate public safety at all contests;

(6) The promoter shall comply with all applicable state, city, municipal, and county laws and regulations including, but not limited to, any applicable fire and health laws. The promoter shall also comply with any directives from any governing state, municipal, city, or county law enforcement or regulatory agency or entity. Failure to abide by the provisions of this rule or to ensure adequate public safety may result in cancellation of a contest, discipline against a promoter's license, and denial of future contest permits by the commission;

(7) The promoter shall provide all materials necessary to conduct the contest, such as including, but not limited to, a ring, stools, water buckets, competition gloves, gauze, rubber gloves, and tape for hand wraps. The promoter must provide adequate equipment for the number of bouts on the approved card. The promoter shall ensure that all the required equipment is in its place;

(8) ~~Prior to an approved contest,~~ No less than seven days prior to an event, the promoter must file with the commission proof of adequate insurance for the protection of the contestants, officials, and the attending public in an amount of at least one million dollars;

(9) ~~Prior to an approved contest,~~ No less than seven days prior to the event, the promoter must provide proof of health insurance for each contestant to provide coverage for any injuries sustained in the competition or exhibition. The minimum benefit shall be ten thousand dollars for health and ten thousand dollars in accidental death benefits. The promoter is responsible to pay

any deductibles necessary, including the deductible of the contestant's primary insurance, if applicable;

(10) No less than seven days prior to the event, ~~the promoter shall submit a completed notification of contest form to the commission; at least five days before an approved event;~~

(11) The promoter must submit any change or substitution in the announced or advertised programs for any main event bout at least forty-eight hours before the weigh-in time of the contest. Such change or substitution must be approved by the commission. Notices of such change or substitution must also be included in any public announcement or advertisement relating to the contest and must be conspicuously posted at all box offices on the premises and announced from the ring before the opening contest. The promoter shall obtain prior approval from the commission for any change to the date or time of an approved contest;

(12) If requested, the promoter must provide the Commission with a surety bond payable to the State of South Dakota in the amount of at least twenty thousand dollars or an irrevocable letter of credit in at least the same amount from a lending institution approved to do business in the United States to guarantee payment of all fees and state taxes. The irrevocable letter of credit may only be released upon written approval of the commission. An additional bond or irrevocable letter of credit may be required in the amount specified by the commission where it may be reasonably expected that the twenty thousand dollars bond or irrevocable letter of credit will not provide sufficient protection to the state. It is the duty of each promoter to maintain all required bonds on a current status. All surety bonds or irrevocable letters of credit must be valid until the promoter's license expiration date. The commission may require the bond to pay unpaid fees for officials and purses based on the amounts stated in bout contracts;

(13) The promoter must provide proof of ability to pay the entire purse of the contest and all assigned officials at weigh-in;

(14) The promoter shall submit ticket information along with a financial report to the commission on a form prescribed by the commission within thirty days of the contest, along with any contest fee due;

(15) The promoter is responsible for making all financial arrangements with all event officials, except the Commission or its designee. The commission shall approve and assign all officials;

(16) The promoter must file all contracts between the promoter and the contestants with the commission prior to the weigh-in. The commission, or its designee, shall review all contracts to ensure compliance with applicable laws and rules; and

(17) Prior to an approved contest, the promoter shall provide the commission with a plan for security adequate to ensure the safety of the public, contestants and officials attending the event.

Failure to timely file any required report or form may result in the denial of a future contest.

Failure to meet any of these terms or conditions may result in the denial of the application for licensure.

A promoter licensed by the commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements. The first infraction of any provisions of this rule, the commission may issue a verbal warning. Following a second violation of any provision of this rule, a written warning may be issued. Following a third infraction of any provision of this rule, the promoter may be suspended for up to six months. The commission may suspend any promoter for any period of time for any serious violation of this rule without warning.

The lack of timely payments to any contestant, official, or the commission is cause for revocation of a promoter's license, denial of the renewal of a license, or denial of approval for a future event.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(3\)](#).

**Law Implemented:** SDCL [42-12-10\(3\)](#).

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**20:81:03:05. Terms and conditions of license -- Matchmakers.** All matchmakers are subject to the following terms and conditions;

- (1) All persons clubs, corporations, associations, or entities acting as a matchmaker must be licensed by the Commission;
- (2) The matchmaker is responsible for arranging the contest and matching contestants as to weight and experience for approval by the Commission;
- (3) A matchmaker must be present at every contest;
- (4) The matchmaker is responsible for working with the Commission, or its designee, while the contest is in progress and must be accessible at all times to the Commission, or its designee; and
- (5) The matchmaker is directly liable for the promoter he represents.

Failure to meet any of these terms or conditions may result in the denial of the application for licensure.

A promoter acting as a matchmaker is responsible for the duties of the matchmaker.

A matchmaker licensed by the Commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements. For the first infraction of any provisions of this rule, the Commission may issue a

verbal warning. Following a second violation of any provision of this rule, a written warning may be issued. Following a third infraction of any provision of this rule, the matchmaker may be suspended for up to six months. The Commission may suspend any matchmaker for any period of time for any serious violation of this rule without warning.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:03:06. Terms and conditions of license -- Managers.** All managers are subject to the following terms and conditions:

(1) All persons, clubs, corporations, associations, or entities acting as a manager must be licensed by the Commission; and

(2) The manager is responsible for working with the Commission, or its designee, while the contest is in progress and must be accessible at all times to the Commission, or its designee.

Failure to meet any of these terms or conditions may result in the denial of the application for licensure.

A manager licensed by the Commission has an ongoing obligation to meet the requirements of registration and is subject to disciplinary action for failing to maintain any of these requirements. For the first infraction of any provisions of this rule, the Commission may issue a verbal warning. Following a second violation of any provision of this rule, a written warning may be issued. Following a third infraction of any provision of this rule, the manager may be suspended for up to six months. The Commission may suspend any manager for any period of time for any serious violation of this rule without warning.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:03:07. Terms and conditions of registration -- Referees.** All referees are subject to the following terms and conditions:

(1) All referees designated by the commission must be registered with the commission;

(2) An applicant for registration must demonstrate knowledge of boxing, kickboxing, or mixed martial arts and safety measures sufficient to oversee a bout or contest;

(3) A referee may not officiate more than thirty-five scheduled rounds in any one scheduled contest;

(4) The referee must have a physical examination within one hundred and eighty days before acting in a referee's capacity. The physical examination may be done at either the official weigh-in or before the contest begins by the ringside physician. The ringside physician's approval must be given to the commission prior to the referee entering the ring;

(5) The referee shall exercise immediate authority, direction, and control over the bout for which the referee has been designated, and it is the referee's responsibility to enforce all rules;

(6) Before starting a contest, the referee shall ascertain from each contestant the name of the contestant's chief second, and shall gather them together for final instructions;

(7) Pursuant to the commission's rules, the referee may stop the bout and make a decision during any stage of the bout, if the referee determines that the contestants have become partial, or if a contestant is in such condition that if such contestant continues fighting, the contestant is likely to suffer serious injury;

(8) If a contestant suffers a cut or wound that is considered dangerous, the referee has the authority to stop the fight. In these cases, the referee shall consult the head physician appointed to attend the fight regarding the necessity of stopping the fight;

(9) The referee is responsible for deciding whether an injury has been done by a legal or illegal blow, intentional or accidental, and must notify the judges immediately;

(10) When, for whatever reason, a contestant loses a mouthpiece, the referee will proceed to return the mouthpiece when there is a lull in the action. The referee will exercise full authority to avoid a contestant ejecting the mouthpiece intentionally by deducting a point as a result of this behavior or disqualifying the contestant;

(11) A referee is prohibited from using alcoholic beverages twelve hours prior to the fight and until the referee's assigned duties are completed;

(12) If a referee becomes incapacitated and is unable to complete the entire contest, a timeout shall be called by the commission, or its designee, shall immediately assign an alternate referee to assume the duties; and

(13) A referee must inform the commission, or its designee, how a fight was stopped.

The commission is under no obligation to designate a registered referee to act as an official for a bout or contest.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(1\)](#).

**Law Implemented:** SDCL [42-12-10\(1\)](#).

**20:81:03:08. Terms and conditions of registration -- Judges.** All judges are subject to the following terms and conditions;

- (1) All judges designated by the commission must be registered with the commission;
- (2) An applicant for registration must demonstrate knowledge of boxing, kickboxing, or mixed martial arts and sufficient to judge a contest;
- (3) Each of the three judges must be seated midway between the ring posts and the ring, but not on the same side as another judge, and must have an unimpaired view of the ring;
- (4) Judges shall indicate the winner of each round on the scorecard provided by the commission by marking and signing the scorecard in ink. Judges must be discreet at all times. The judge should have no discussion with anyone except the commission, or its designee, during the contest;
- (5) A judge is prohibited from using alcoholic beverages twelve hours prior to the fight and until the judge's assigned duties are completed; and
- (6) If a judge becomes incapacitated and is unable to complete the entire contest, a timeout shall be called by the commission, or its designee, and the commission, or its designee, shall immediately assign an alternate judge to assume the duties from the point at which the judge became incapacitated.

The commission is under no obligation to designate a registered judge to act as an official for a bout or contest.

A decision that is rendered by the judges at the termination of a contest may not be changed without a hearing before the commission, unless it is determined that the computation of the scorecards show a clerical or mathematical error giving the decision to the wrong contestant, in which case such clerical or mathematical error may be corrected by the judges by informing the Commission of the error.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL 42-12-10(1).

**Law Implemented:** SDCL 42-12-10(1).

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**20:81:03:09. Terms and conditions of registration -- Seconds.** All seconds are subject to the following terms and conditions:

- (1) All persons acting as a second for a contestant must be registered with the Commission;
- (2) A contestant may not have more than three seconds, unless the bout is a title bout, one of whom must be designated as the chief second. During a title bout, there may be up to four seconds. A cutman designated by the Commission is not counted in these limits;

(3) The chief second is responsible for the conduct of assistant seconds during the contest;

(4) A second is restricted to the corner and must not be touching the apron. A second may not enter the ring until the timekeeper has indicated the end of the round and shall leave the ring at the timekeeper's gong, at which time the platform should be cleared of all obstructions;

(5) During the rest period, one second must be allowed in the ring and the other seconds must be allowed on the apron;

(6) A chief second may indicate to the referee that the contestant cannot continue and the contest should be stopped. Verbal notification, hand signals, throwing the towel, or mounting of the ring by the chief second may be used to signal the contest should be stopped;

(7) A second may not administer alcoholic beverages, narcotics, or stimulants to a contestant, pour or spray excessive water on the body of the contestant, or place ice in the trunks or cup of a contestant during the contests;

(8) No second for a mixed martial arts competition may enter the ring with shoes; and

(9) A second shall stay off the ring floor or canvas while the bout is in progress, may not lean on the ring or cage, and may not engage in excessive banging or verbal outbursts.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:03:10. Terms and conditions of registration -- Timekeepers.** All timekeepers are subject to the following terms and conditions:

(1) All persons acting as a timekeeper for a bout or contest must be registered with the Commission;

(2) The timekeeper must possess adequate timepieces, including a backup, to time the rounds, rest periods, and recuperation periods of a bout;

(3) The timekeeper shall indicate the beginning of each round with a gong signal. Ten seconds before the end of the round, the timekeeper shall warn the contestants with three loud strikes;

(4) Ten seconds before the end of the rest period, the timekeeper shall warn the contestants with three loud strikes;

(5) The timekeeper will only stop the time during a round when directed to do so by the referee, and the timekeeper will only resume time when directed to do so by the referee;

(6) If a contestant is down, the timekeeper will begin the count and relay it to the referee using hand gestures until the referee picks up the count. The referee has the sole discretion to waive off the knockdown;

(7) If the referee calls time to allow a fouled contestant to recuperate, the timekeeper shall start a separate count for the recuperation period; and

(8) If a bout terminates before the scheduled limit of rounds, the timekeeper shall inform the Commission, or its designee, of the exact duration of the bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:03:11. Terms and conditions of registration -- Physicians.** All physicians are subject to the following terms and conditions:

(1) All physicians acting as a physician for a bout or contest must be registered with the Commission;

(2) An applicant for registration shall be licensed as a doctor of medicine or doctor of osteopathy and in good standing with the issuing licensing board;

(3) The physician shall examine each contestant at the official weigh-in. If the contestant is determined to be in acceptable physical condition, the physician shall certify this on a form prescribed by the Commission. The examination shall include the following:

- (a) Eyes;
- (b) Ears;
- (c) Mouth and jaw;
- (d) Skin;
- (e) Nose;
- (f) Heart;
- (g) Lungs;
- (h) Head;
- (i) Hands;
- (j) Abdomen;
- (k) Blood pressure; and
- (l) A pregnancy test if the contestant is female;

(4) If more than one physician is assigned to work the contest, the Commission shall appoint one as the head physician;

(5) The physician must be seated near the steps of the ring, or one in each corner if two are present. The physician shall remain there for the duration of the contest, unless a physician is needed in the ring;

(6) The physician may enter the ring at any time during the contest, at the request of the referee, and may recommend termination of any bout to the referee, if, in the physician's opinion, any contestant has received severe punishment or is in danger of serious physical injury;

(7) In the event of any serious physical injury, the physician shall immediately render any emergency treatment necessary, recommend further treatment or hospitalization, if required, and fully report the entire matter to the Commission within twenty-four hours, and if necessary subsequently follow up. The physician may also require the injured contestant and contestant's manager or second remain in the ring, or on the premises, or report to a hospital after the bout for such period of time as the physician deems advisable; and

(8) The physician shall examine each contestant after the bout. If the contestant is determined to be in acceptable physical condition, the physician shall certify this on a form prescribed by the Commission.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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## CHAPTER 20:81:04

### BOXING

20:81:04:01 Applicability of rules.

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- [20:81:04:25](#) Ring requirements.
- [20:81:04:26](#) Automatic suspensions following contests.
- [20:81:04:27](#) Amateur contests -- Requirements and rules.

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**20:81:04:01. Applicability of rules.** This chapter applies to all amateur and professional boxing bouts or contests unless specifically exempted.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:02. Compliance with Professional Boxing Safety Act of 1996 and Muhammad Ali Boxing Reform Act.** The Commission recognizes and will fully comply with the Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act (15 USC § 6301 et seq.) and any amendments made thereto.

**Source:** 41 SDR 7, effective July 28, 2014.  
**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:03. Rounds.** Twelve rounds is the maximum number of rounds for a boxing bout for males and ten rounds is the maximum number of rounds for a boxing bout for females. Each round shall consist of a three minute duration, with a one minute rest period between rounds.

**Source:** 41 SDR 7, effective July 28, 2014.  
**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:04. Referee.** The referee is the sole arbiter of a bout and is the only individual authorized to stop a bout.

**Source:** 41 SDR 7, effective July 28, 2014.  
**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:05. Judges.** All bouts will be evaluated and scored by three judges.

**Source:** 41 SDR 7, effective July 28, 2014.  
**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:06. Scoring system.** The Ten Point Must System is the standard system of scoring a bout.

**Source:** 41 SDR 7, effective July 28, 2014.  
**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:04:07. Knockdowns.** The mandatory eight count after a knockdown is standard procedure in all bouts. A boxer who had been knocked down cannot be saved by the bell in any round.

A referee shall rule a knockdown when, as a result of a legal blow or series of legal blows, a contestant:

- (1) Touches the floor with any part of the body other than the feet;
- (2) Is being held up by the ropes; or
- (3) Is hanging on, through, or over the ropes without the ability to protect himself and cannot fall to the floor.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:08. Mouthpiece required.** All boxers are required to wear a mouthpiece during competition. The round cannot begin without the mouthpiece. If the mouthpiece is dislodged during competition, the referee shall call time and have the mouthpiece replaced at the first opportune moment, without interfering with the immediate action. The referee may deduct points if the mouthpiece is purposely spit out.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:09. Weight classes.** The classes for contestants participating in a boxing contest or exhibition are as follows:

- |                         |                                |
|-------------------------|--------------------------------|
| (1) Mini Flyweight      | up to and including 105 pounds |
| (2) Light Flyweight     | over 105 pounds to 108 pounds  |
| (3) Flyweight           | over 108 pounds to 112 pounds  |
| (4) Super Flyweight     | over 112 pounds to 115 pounds  |
| (5) Bantamweight        | over 115 pounds to 118 pounds  |
| (6) Super Bantamweight  | over 118 pounds to 122 pounds  |
| (7) Featherweight       | over 122 pounds to 126 pounds  |
| (8) Super Featherweight | over 126 pounds to 130 pounds  |
| (9) Lightweight         | over 130 pounds to 135 pounds  |
| (10) Super Lightweight  | over 135 pounds to 140 pounds  |
| (11) Welterweight       | over 140 pounds to 147 pounds  |
| (12) Super Welterweight | over 147 pounds to 154 pounds  |
| (13) Middleweight       | over 154 pounds to 160 pounds  |
| (14) Super Middleweight | over 160 pounds to 168 pounds  |
| (15) Light Heavyweight  | over 168 pounds to 175 pounds  |

- (16) Cruiserweight over 175 pounds to 200 pounds
- (17) Heavyweight over 200 pounds.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:10. Gloves.** The glove weights for each weight class are:

- (1) Mini Flyweight 8 ounces
- (2) Light Flyweight 8 ounces
- (3) Flyweight 8 ounces
- (4) Super Flyweight 8 ounces
- (5) Bantamweight 8 ounces
- (6) Super Bantamweight 8 ounces
- (7) Featherweight 8 ounces
- (8) Super Featherweight 8 ounces
- (9) Lightweight 8 ounces
- (10) Super Lightweight 8 ounces
- (11) Welterweight 8 ounces
- (12) Super Welterweight 10 ounces
- (13) Middleweight 10 ounces
- (14) Super Middleweight 10 ounces
- (15) Light Heavyweight 10 ounces
- (16) Cruiserweight 10 ounces
- (17) Heavyweight 10 ounces

If contestants fall into differing weight classes, each contestant shall use the same weight glove.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:11. Weight differentials.** Unless waived in writing and approved by the Commission, the maximum allowed weight differentials by weight class are:

- (1) Mini Flyweight not more than 3 pounds
- (2) Light Flyweight not more than 3 pounds
- (3) Flyweight not more than 3 pounds
- (4) Super Flyweight not more than 3 pounds
- (5) Bantamweight not more than 3 pounds
- (6) Super Bantamweight not more than 4 pounds
- (7) Featherweight not more than 4 pounds

|                         |                         |
|-------------------------|-------------------------|
| (8) Super Featherweight | not more than 4 pounds  |
| (9) Lightweight         | not more than 4 pounds  |
| (10) Super Lightweight  | not more than 5 pounds  |
| (11) Welterweight       | not more than 7 pounds  |
| (12) Super Welterweight | not more than 7 pounds  |
| (13) Middleweight       | not more than 7 pounds  |
| (14) Super Middleweight | not more than 7 pounds  |
| (15) Light Heavyweight  | not more than 7 pounds  |
| (16) Cruiserweight      | not more than 12 pounds |
| (17) Heavyweight        | no limit                |

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:12. Weigh-ins.** The time and place of the official weigh-in for a contest must be approved by the commission. Unless otherwise arranged, the contestant must be weighed at least eight hours but not more than thirty hours before the contest. The contestants must be weighed in the presence of the public, the opponent, a representative of the commission, and representative of the promoter, on scales approved by the commission. A representative of the commission shall conduct the weigh-in and shall inform all contestants of the process for the weigh-in.

Only those contestants who have been approved for the contest may be weighed during the official weigh-in.

A contestant who has contracted at a given weight class may not be permitted to compete if the contestant's weight exceeds that class unless the contract provides for the opposing contestant to agree to a weight differential. Under no circumstances may the weight differential exceed the weight differential allowed for a weight class as provided by § 20:81:04:11.

If any contestant fails to reach the weight limit determined in the applicable category, at the indicated date and time for the official weigh-in, and even if the opposing contestant does not agree with the weight differential, each contestant, or both, shall have two additional hours to make the prescribed weight, provided that weight loss in excess of two pounds is not permitted for a contestant who weighs less than one hundred forty-five pounds and weight loss in excess of three pounds is not permitted for a contestant who weighs over one hundred forty-five pounds.

If the contestants fail to make weight after the two-hour period, the bout may be cancelled.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:04:13. Scales.** The scales to be used during the official weigh-in must be available to all contestants at least two hours before the official weigh-in at the place of the official weigh-in. For a title fight, there must be two scales; one for the official weigh-in and one for the contestants' use. For any title fight, the official scale must be certified and calibrated.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:04:14. Appearance and attire.** In a boxing bout or contest, each contestant must meet the following appearance and attire requirements:

- (1) Each contestant must be clean and present a tidy appearance;
- (2) The excessive use of grease or any other foreign substance may not be used on the face, hair, or body of the contestant. The referee or Commission designee shall cause any excessive grease or foreign substance to be removed. The Commission, or its designee, shall determine whether head and facial hair present any hazard to the safety of the contestant or opponent or will interfere with the supervision and conduct of the contest. The contestant may not compete in the contest unless the circumstances are corrected to the Commission, or its designee's, satisfaction;
- (3) A contestant may not wear any jewelry or piercing accessories while participating in the contest;
- (4) A male contestant shall wear boxing shorts, an abdominal guard, foul proof cup, and shoes, or other clothing approved by the Commission. A female contestant shall wear boxing shorts, an abdominal guard, foul proof cup, body shirt, and shoes, or other clothing approved by the Commission. Breast protection is optional for female contestants;
- (5) A contestant must use a mouthpiece that has been individually fitted;
- (6) All contestants shall secure their hair in a manner that does not interfere with the vision or safety of either contestant, including no products or ornaments;
- (7) No contestant may use cosmetics, perfumes, colognes, or other fragrances; and
- (8) Male contestants shall wear groin protection.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:15. Bandage and glove requirements.** In a boxing contest, the following bandage and glove requirements apply:

(1) The gloves will be approved at the weigh-in by the Commission, or its designee. The gloves will be examined by the Commission, or its designee, to make sure they are whole, clean, and in sanitary condition. The padding may not be misplaced or lumpy. No breaking, roughing, or twisting of gloves is permitted. Gloves must have the distal portion of the thumb attached to the body of the glove to minimize the possibility of injuring an opponent's eye;

(2) The gloves for every contest that is designated as a main event or title fight must be new, furnished by the promoter, and made to fit the hands of the contestant;

(3) The gloves of each contestant must be put on in the dressing room under the supervision of a Commission designee and examined in the ring by the referee. If a glove is found to be unfit, it must be replaced with a glove that meets the requirements of this section;

(4) The contestants must wear gloves of a weight designated for the weight class;

(5) Hand wraps are restricted to no more than twenty yards of soft gauze, not more than two inches wide. The gauze shall be held in place by no more than eight feet of surgeon's adhesive tape, no more than one and one-half inches wide. The adhesive tape may not cover any part of the knuckles when the hand is closed to make a fist;

(6) The use of water or any other liquid or material on the tape is prohibited; and

(7) Bandages must be applied and adjusted in the presence of the Commission's designee.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:16. Standing eight count not in effect.** There is no standing eight count in effect.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:17. Three knockdown rule not in effect.** There is no three knockdown rule in effect.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:18. Boxer out of the ring.** A boxer shall receive a twenty second count if the boxer is knocked out of the ring and onto the floor. The boxer shall receive a ten second count if the boxer is knocked out of the ring onto the apron. The boxer is to be unassisted by spectators or seconds. If assisted by anyone, the boxer may lose points or be disqualified, with such a decision being the sole discretion of the referee.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:19. Technical knockout.** If a boxer sustains an injury from a fair blow and the injury is severe enough to terminate the bout, the injured boxer shall lose by technical knockout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:20. Fouls.** Fouls by a contestant include, but are not limited to:

- (1) Hitting an opponent below the navel or behind the ear;
- (2) Hitting an opponent who is knocked down;
- (3) Holding an opponent with one hand while hitting with the other hand;
- (4) Holding or deliberately maintaining a clinch;
- (5) Wrestling, kicking, or roughing;
- (6) Pushing an opponent about the ring or into the ropes;
- (7) Butting with the head, shoulder, knee, or elbow;
- (8) Hitting with the open glove, the butt or inside of the hand, or back of the hand, the elbow or the wrist;
- (9) Purposefully falling down on the canvas of the ring without being hit or for the purpose of avoiding a blow;
- (10) Striking deliberately at that part of the body over the kidneys;
- (11) Using the pivot blow (pivoting while throwing a punch) or the rabbit punch (punches thrown to the back of the head and neck areas);
- (12) Jabbing an opponent's eyes with the thumb of the glove;
- (13) Use of abusive language;
- (14) Unsportsmanlike conduct causing injury to an opponent that does not meet the standard of a fair blow;
- (15) Hitting on the break;
- (16) Intentionally spitting out the mouthpiece;
- (17) Hitting on or out of the ropes;
- (18) Holding the ropes and hitting;
- (19) Biting or spitting;
- (20) Not following referee's instructions;
- (21) Stepping on an opponent;

- (22) Crouching below the opponent's belt;
- (23) Leaving neutral corner; and
- (24) Conduct of the contestant's second(s).

Fouls shall be called by the referee and announced to the judges for appropriate deductions.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:21. Injuries sustained by intentional fouls.** The following actions shall be taken in the event of an intentional foul:

(1) If an intentional foul causes an injury and the injury is severe enough to terminate the bout immediately, the referee shall disqualify the boxer causing the injury;

(2) If an intentional foul causes an injury and the bout is allowed to continue, the referee shall notify the judges and deduct two points from the boxer who caused the foul. Point deductions for intentional fouls are mandatory;

(3) If an intentional foul causes an injury and the injury results in the bout being stopped in a later round, the injured boxer wins by technical decision if the injured boxer is ahead on the score cards. The bout will be a technical draw if the injured boxer is behind or even on the scorecards when the bout is stopped.

(4) If a boxer injures himself while attempting to intentionally foul an opponent, the referee will not take any action in his favor and his injury shall be the same as one produced by a fair blow; or

(5) If a referee determines a boxer has acted in an unsportsmanlike manner, the referee may stop the bout and disqualify the boxer.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:22. Injuries sustained by accidental fouls.** The following actions shall be taken in the event of an accidental foul:

(1) If an accidental foul causes an injury severe enough for the referee to stop the bout immediately, the bout will result in no decision if the bout is stopped before one-half of the scheduled rounds are completed. Rounds are complete when the bell rings signifying the end of the round; or

(2) If an accidental foul causes an injury severe enough for the referee to stop the bout after more than one-half of the scheduled rounds are completed, the bout will result in a technical decision for the boxer ahead on the scorecards at the time the bout is stopped. Partial or incomplete rounds will be scored at the discretion of the judges, with rounds in which no action took place being scored as even rounds.

A boxer hit with an accidental low blow must continue after a reasonable amount of time, not to exceed five minutes. If a boxer hit with an accidental low blow cannot continue after five minutes, the boxer shall lose the bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:23. Results of contest.** A boxing contest may end under the following results:

- (1) Knockout, which occurs when the contestant is no longer physically able to continue;
- (2) Technical knockout, which occurs when:
  - (a) The referee stops the bout because the contestant can no longer defend himself or herself;
  - (b) The physician advises the referee to stop the bout; or
  - (c) An injury as a result of a legal maneuver is severe enough to terminate the bout;
- (3) A decision via the scorecards, including:
  - (a) Unanimous decision in which all three judges score the bout for the same contestant;
  - (b) Split decision in which two of the three judges score the bout for one contestant and the other judge scores the bout for the other contestant;
  - (c) Majority decision in which two judges score the bout for the same contestant and one judge scores the bout a draw;
  - (d) A draw, including:
    - (i) A unanimous draw in which all these judges score the bout a draw;
    - (ii) A majority draw in which two judges score the bout a draw; or
    - (iii) A split draw in which all three judges score the bout differently and the score total results in a draw;
- (4) A technical decision in which the bout is stopped prematurely due to an injury and a contestant is leading on the scorecards;

(5) A technical draw in which an injury sustained during the competition as a result of an accidental foul causes the injured contestant to be unable to continue and the sufficient number of rounds has been completed with the results of the scorecards being a draw;

(6) A disqualification in which an injury is sustained during the competition as a result of an intentional foul severe enough to terminate the bout;

(7) A forfeit in which a contestant fails to begin the competition or prematurely ends the contest for reasons other than injury; or

(8) A no contest in which a contest is prematurely stopped due to an accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

The Commission may on its own initiative review or investigate any bout or contest to determine compliance with South Dakota law. If the Commission determines the bout or contest failed to abide by SDCL chapter [42-12](#) or any rule promulgated pursuant thereto, the Commission may officially amend the results of the decision, which may include declaring a different contestant as the winner or loser of the bout or declaring the bout a no contest. If the Commission determines an official acted in error or reached a decision that was not in accordance with SDCL chapter 42-12 or any rule promulgated thereto, the Commission may similarly amend the results of the decision if such error or decision affected, or could have reasonably affected, the outcome of the bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:24. Use and administration of drugs, stimulants, or nonprescription preparations.** The use or administration of drugs, stimulants, or nonprescription preparations taken by or given to a contestant, other than the following is prohibited:

- (1) Petroleum jelly for discretionary use around the eyes;
- (2) Adrenalin or epinephrine in a manufacturer's premeasured vial in a 1/1000 solution; and
- (3) Coagulant limited to avitene, thrombin, thrombinplastin, fibroplastic, or jellfoam powder.

If a contestant tests positive for an illegal or unauthorized substance, the Commission shall amend the results of the bout to a no contest decision if the offending contestant won the bout. If the substance is a controlled substance as defined by SDCL [22-42-1](#) subdivision (1) or a counterfeit substance as defined by SDCL 22-42-1 subdivision (2) the Commission shall provide a copy of the laboratory report and any Commission investigative reports in the matter to an appropriate law enforcement agency.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

**20:81:04:25. Ring requirements.** The ring for a contest shall meet the following requirements:

(1) The ring for a contest may not be less than sixteen feet or more than twenty-two feet square with ropes and must be elevated three and one-half feet off the floor. The promoter shall provide suitable steps for the use of contestants;

(2) The ring posts must be constructed of metal not more than four inches in diameter. The posts shall extend from the floor to a height of fifty-eight inches above the ring floor and shall be fastened securely to the floor or to the other posts;

(3) The ropes must be a minimum of three in number, extending in a triple line eighteen inches, thirty-five inches, and fifty-two inches from the floor of the ring and be at least one inch in diameter and wrapped in soft materials. The ropes may not be closer than eighteen inches to the ring posts. If four ropes are used, the ropes must be proportionately spaced;

(4) The ring floor must extend beyond the lower rope for a distance of not less than eighteen inches;

(5) The entire floor of the ring must be padded to the thickness of at least one inch with felt, corrugated paper, matting, or other soft materials approved by the Commission. A canvas covering stretched tightly and laced to the ring platform must cover the padding materials; and

(6) The promoter must provide a suitable bell.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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in diameter and wrapped in soft materials. The ropes may not be closer than eighteen inches to the ring posts. If four ropes are used, the ropes must be proportionately spaced;

(4) The ring floor must extend beyond the lower rope for a distance of not less than eighteen inches;

(5) The entire floor of the ring must be padded to the thickness of at least one inch with felt, corrugated paper, matting, or other soft materials approved by the Commission. A canvas covering stretched tightly and laced to the ring platform must cover the padding materials; and

(6) The promoter must provide a suitable bell.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:26. Automatic suspensions following contests.** Boxers, under any circumstance, may not compete or appear in a contest for up to ninety days after being unable to defend themselves in a bout.

Boxers, under any circumstances, may not compete or appear in a contest less than seven days after the completion of the contestant's last bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:04:27. Amateur contests -- Requirements and rules.** For all bouts or contests under the jurisdiction of the Commission, in which an amateur contestant competes, the USA Boxing Rules of Competition apply. The Commission has final decision-making authority concerning the enforcement, implementation, and interpretation of these rules and regulations.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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## CHAPTER 20:81:05

### MIXED MARTIAL ARTS

Section

- 20:81:05:01      Applicability.
- 20:81:05:02      Rounds.
- 20:81:05:03      Mouthpiece required.
- 20:81:05:04      Weight classes.
- 20:81:05:05      Weigh-ins.
- 20:81:05:06      Scales.
- 20:81:05:07      Conduct of contests.
- 20:81:05:08      Appearance and attire.
- 20:81:05:09      Bandage and glove requirements.
- 20:81:05:10      Ring or fenced area requirements.
- 20:81:05:11      Ringside equipment.
- 20:81:05:12      Use and administration of drugs, stimulants, or nonprescription preparations.
- 20:81:05:13      Scoring system.
- 20:81:05:14      Fouls.
- 20:81:05:15      Accidental fouls.
- 20:81:05:16      Deduction of points.
- 20:81:05:17      Stalling or faking.
- 20:81:05:18      Results of contests.
- 20:81:05:19      Automatic suspensions following contest.
- 20:81:05:20      Amateur contests -- Requirements and rules.

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**20:81:05:01. Applicability.** This chapter applies to all amateur and professional mixed martial arts bouts or contests unless specifically exempted.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:02. Rounds.** Three rounds is the maximum number of rounds for a mixed martial arts bout, except for a championship bout, for which the maximum number of rounds is five rounds. Each round may not exceed a five minute duration, with a one minute rest period between rounds.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:03. Mouthpiece required.** All contestants are required to wear a mouthpiece during competition. The round cannot begin without the mouthpiece. If the mouthpiece is dislodged during competition, the referee shall call time and have the mouthpiece replaced at the first opportune moment, without interfering with the immediate action. The referee may deduct points if the mouthpiece is being spit out.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:04. Weight classes.** The classes for contestants participating in a mixed martial arts bout or contest are as follows:

- |                       |                               |
|-----------------------|-------------------------------|
| (1) Flyweight         | up to 125 pounds              |
| (2) Bantamweight      | over 125 pounds to 135 pounds |
| (3) Featherweight     | over 135 pounds to 145 pounds |
| (4) Lightweight       | over 145 pounds to 155 pounds |
| (5) Welterweight      | over 155 pounds to 170 pounds |
| (6) Middleweight      | over 170 pounds to 185 pounds |
| (7) Light Heavyweight | over 185 pounds to 205 pounds |
| (8) Heavyweight       | over 205 pounds to 265 pounds |
| (9) Super Heavyweight | over 265 pounds               |

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

**20:81:05:05. Weigh-ins.** The time and place of the official weigh-in for a contest must be approved by the commission. Unless otherwise arranged, the contestant must be weighed at least eight hours but not more than thirty hours before the contest. The contestants must be weighed in the presence of ~~the public, the opponent,~~ a representative of the commission, ~~and a representative of the promoter,~~ on scales approved by the commission. A representative of the commission shall conduct the weigh-in and shall inform all contestants of the process for the weigh-in.

Only those contestants who have been approved for the contest may be weighed during the official weigh-in.

A contestant who has contracted at a given weight class may not be permitted to compete if the contestant's weight exceeds that class unless the contract provides for the opposing contestant to agree to a weight differential. Under no circumstances may the weight differential exceed ten percent above the originally scheduled weight class.

If any contestant fails to reach the weight limit determined in the applicable category, at the indicated date and time for the official weigh-in, and even if the opposing contestant does not agree with the weight differential, each contestant, or both, has two additional hours to make the prescribed weight, provided that weight loss in excess of five percent of the contracted weight. ~~two pounds is not permitted for a contestant who weighs less than one hundred forty five pounds and weight loss in excess of three pounds is not permitted for a contestant who weighs over one hundred forty five pounds.~~

If the contestants fail to make weight after the two-hour period, the bout may be cancelled. Contestants who are over the contracted weight by more than five percent at the time of weigh-in is subject to suspension by the Commission.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:05:06. Scales.** The scales to be used during the official weigh-in must be available to all contestants at least two hours before the official weigh-in at the place of the official weigh-in. For a title fight, there must be two scales: one for the official weigh-in and one for the contestants' use. ~~For a title fight, the official scale must be certified and calibrated.~~

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:05:07. Conduct of contests.** A mixed martial arts contest is subject to the following:

(1) A mixed martial arts contest may not be less than twenty rounds of mixed martial art competition on any one program of mixed martial arts;

(2) At each regulated contest, there must be in attendance a licensed referee who shall direct and control the contest; ~~and~~

(3) At each regulated contest, there must be in attendance three licensed judges who shall at the termination of each mixed martial arts bout render a decision-; and

(4) At each regulated contest, there must be in attendance a licensed timekeeper who shall keep the official time of each bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:08. Appearance and attire.** In a mixed martial arts contest, each contestant must meet the following appearance and attire requirements:

(1) Each contestant must be clean and present a tidy appearance;

(2) Each contestant must have the person's fingernails and toenails cut and trimmed;

(3) The excessive use of grease or any other foreign substance may not be used on the face, hair, or body of the contestant. The referee or Commission designee shall cause any excessive grease or foreign substance to be removed. The Commission designee shall determine whether head and facial hair present any hazard to the safety of the contestant or opponent or will interfere with the supervision and conduct of the contest or exhibition. The contestant may not compete in the contest or exhibition unless the circumstances are corrected to the Commission designee's satisfaction;

(4) A contestant may not wear any jewelry or piercing accessories while participating in the contest;

(5) A male contestant may wear mixed martial arts shorts, kickboxing shorts, or lightweight elastic polyurethane fabric bike-shorts, any combination of the foregoing, or other clothing approved by the Commission. A female contestant may wear mixed martial arts shorts, kickboxing shorts, or lightweight elastic polyurethane fabric bike-shorts, or any combination of the foregoing, and a tight-fitting top, or other clothing approved by the Commission;

(6) A contestant must use a mouthpiece that has been individually fitted;

(7) All contestants shall secure their hair in a manner that does not interfere with the vision or safety of either contestant, including no products or ornaments;

(8) No contestants may use cosmetics, perfumes, colognes, or other fragrances; ~~and~~

(9) Male contestants shall wear groin protection-;

(10) A contestant may not wear any support or wraps on an ankle; and

(11) A contestant may wear a neoprene or similar material wrap on the knee. No metal, plastic or fiberglass support braces on the knee are prohibited

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:09. Bandage and glove requirements.** In a mixed martial arts contest, the following bandage and glove requirements apply:

(1) The gloves will be approved at the weigh-in by the commission, or its designee. The gloves will be examined by the commission, or its designee, to make sure they are whole, clean, and in sanitary condition. The padding may not be misplaced or lumpy. No breaking, roughing, or twisting of gloves is permitted;

(2) The gloves for every bout that is designed as a main event or title fight must be new, furnished by the promoter, and made to fit the hands of the contestant;

(3) The gloves of each contestant must be put on in the dressing room under the supervision of a commission designee and examined in the ring by the referee. If a glove is found to be unfit, it must be replaced with a glove that meets the requirements of this section;

(4) The contestants must wear gloves that weigh not less than four ounces and not more than eight ounces;

(5) The bandages may not exceed one winding of surgeon's adhesive tape, not over one and one-half inches wide, and placed directly on the hand to protect the part of the hand near the wrist. The tape may cross the back of the hand twice, but may not extend within three-fourths of an inch of the knuckles when the hand is clenched to make a fist;

(6) Each contestant shall use a soft surgical bandage not over two inches wide, held in place by not more than six feet of surgeon's adhesive tape for each hand. No more than one 15-yard roll of the bandage may be used to complete the wrappings on each hand. Strips of tape may be used between the fingers to hold down the bandage. Bandages must be applied and adjusted in the presence of the commission or its designee; and

(7) The use of water or any other liquid or material on the tape is prohibited.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:05:10. Ring or fenced area requirements.** Mixed martial arts contests may be held in a ring or in a fenced area. A mixed martial arts contest may not be permitted in any ring or area unless such ring or area has been inspected and approved by the Commission or its designee.

(1) The following requirements apply to a ring used in a contest of mixed martial arts:

(a) A ring may not be less than sixteen feet or more than thirty-two feet square inside the ropes;

(b) The ring floor must extend at least eighteen inches beyond the ropes. The ring floor must be padded with Ensolite or similar closed-cell foam, with at least a one-inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges may not be used;

(c) The ring may not be more than four feet above the floor and must have suitable steps for the use of contestants;

(d) Ring posts must be made of metal, not more than three inches in diameter, extending from the floor to a minimum height of fifty-eight inches above the ring floor, and must be properly padded in a manner approved by the Commission. Ring posts must be at least eighteen inches away from the ring ropes;

(e) There must be a minimum of five ring ropes, with ties at appropriate intervals, with a minimum of two ties per side, not less than one inch in diameter and wrapped in soft materials. The lowest ring rope must be twelve inches above the ring floor; and

(f) There must not be any obstruction or object, including, without limitation, a triangular border, on any part of the ring floor;

(2) The following requirements apply to a fenced area used in a contest of mixed martial arts:

(a) The fenced area must be circular or have at least four equal sides and must be no smaller than sixteen feet wide or larger than thirty-two feet wide;

(b) The floor of the fenced area must be padded with Ensolite or similar closed-cell foam, with at least a one-inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges may not be used;

(c) The platform of the fenced area may not be more than four feet above the floor and must have suitable steps for the use of contestants;

(d) Fenceposts must be made of metal, not more than six inches in diameter, extending from the floor to between five and seven feet above the floor of the fenced area, and must be properly padded in a manner approved by the Commission;

(e) The fencing used to enclose the fenced area must be made of a material that will prevent a contestant from falling out of the fenced area or breaking through the fenced area onto the floor or onto spectators, including, without limitation, chain linked fence coated in vinyl;

(f) All metal portion of the fenced area must be covered and padded in a manner approved by the Commission and must not be abrasive to the contestants; ~~and~~

(g) The door to the ring must be aligned with the stairs used to enter the ring and allow for access by the ringside physican and any necessary medical equipment; and

(g) There may not be any obstruction on any part of the fence surrounding the area in which the contestants are to be competing.

The ring must be assembled and available for inspection by the Commission at least two hours prior to the first scheduled bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:11. Ringside equipment.** The promoter shall provide the following items which must be available for use as needed by the corner:

- (1) Two buckets;
- (2) Chairs and stools; ~~and~~
- (3) Rubber gloves;
- (4) Towels; and
- (5) Receptacles for soiled towels and garbage.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** 42-12-10(1).

**Law Implemented:** 42-12-10(1).

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**20:81:05:12. Use and administration of drugs, stimulants, or nonprescription preparations.** The use or administration of drugs, stimulants, or nonprescription preparations taken by or given to a contestant, other than the following, is prohibited:

- (1) Petroleum jelly for discretionary use around the eyes and cheek only;
- (2) Adrenalin or epinephrine in a manufacturer's premeasured vial in a 1/1000 solution; and

(3) Coagulant limited to avitine, thrombin, thrombinplastin, fibroplastic, or jellfoam powder.

If a contestant tests positive for an illegal or unauthorized substance, the Commission shall amend the results of the bout to a no contest decision if the offending contestant won the bout. If the substance is a controlled substance as defined by SDCL 22-42-1 subdivision (1) or a counterfeit substance as defined by SDCL 22-42-1 subdivision (2) the Commission shall provide a copy of the laboratory report and any Commission investigative reports in the matter to an appropriate law enforcement agency.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:13. Scoring system.** Each judge of a bout of mixed martial arts shall score the bout and determine the winner through the use of the following system:

- (1) The better contestant of a round receives ten points and the opponent proportionately less;
- (2) If a round is even, each contestant receives ten points;
- (3) No fraction points may be given;
- (4) If a point is deducted, the referee must inform each judge at the time of the foul and a point must be deducted on the judge's scorecard;
- (5) Points for each round must be awarded immediately after the end of the period of mixed fighting style in the round;
- (6) Judges will score the round based upon the following criteria:
  - (a) Effective striking;
  - (b) Effective grappling;
  - (c) Ring control; and
  - (d) Effective aggressiveness and defense;
- (7) After each round, the scorecards will be collected from the judges by the Commission or its designee; and
- (8) At the conclusion of the bout, the Commission, or its designee, will tabulate the scorecards and give them to the announcer who will inform the contestants and audience of the decision.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.  
**Law Implemented:** 42-12-10.

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**20:81:05:14 Fouls.** The following acts constitute a foul in a mixed martial arts bout:

- (1) Butting with the head;
- (2) Eye gouging of any kind;
- (3) Biting;
- (4) Hair pulling;
- (5) Fish-hooking;
- (6) Groin attacks of any kind;
- (7) Putting a finger into any orifice or into any cut or laceration on an opponent;
- (8) Small joint manipulation;
- (9) Striking the spine or the back of the head. The back of the head is the area behind each ear from the top of the head to the base of the neck. The spine is the area from two inches to the left of the backbone to two inches to the right of the backbone;
- (10) Striking downward using the point of the elbow;
- (11) Throat strikes of any kind, including without limitation, grabbing the trachea;
- (12) Clawing, pinching, or twisting the flesh;
- (13) Grabbing the clavicle;
- (14) Kicking the head of a grounded opponent;
- (15) Kneeing the head of a grounded opponent;
- (16) Kicking the kidney with the heel;
- (17) Spiking the opponent to the canvas on the opponent's head or neck;
- (18) Throwing an opponent out of the ring or fenced area;
- (19) Holding the shorts or gloves of an opponent;
- (20) Spitting at or on an opponent;
- (21) Engaging in any unsportsmanlike conduct that causes an injury to an opponent;
- (22) Holding the ropes or fence;
- (23) Using abusive language in the ring or fenced area;
- (24) Attacking an opponent during a rest period;
- (25) Attacking an opponent under the care of the referee;
- (26) Attacking an opponent after the bell has sounded the end of a round;
- (27) Flagrantly disregarding the instructions of the referee;
- (28) Timidity, including, without limitation, avoiding contact with an opponent, intentionally or consistently dropping the mouthpiece, or faking an injury; or
- (29) Interference by the corner.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:15. Accidental fouls.** If a bout of mixed martial arts is stopped because of an accidental foul, the referee shall determine whether the contestant who has been fouled can

continue. If the contestant's chance of winning has not been seriously jeopardized as a result of the foul or if the foul did not involve a concussive impact to the head of the contestant who has been fouled, the referee may order the bout continued after a recuperative interval of not more than five minutes. Immediately after separating the contestant, the referee shall inform the Commission of the determination the foul was accidental.

If the referee determines that a bout may not continue because of an injury suffered as a result of an accidental foul, the bout must be declared a no contest if the foul occurred during the first two rounds of a bout that is scheduled for three rounds or less; or, if the fouls occurred during the first three rounds of a bout that is scheduled for more than three rounds.

If an accidental foul renders a contestant unable to continue the bout after the complete second round of a bout that is scheduled for three rounds or less; or after the completed third round of a bout that is scheduled for more than three rounds, the outcome must be determined by scoring the completed rounds and the round during which the referee stopped the bout.

If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome must be determined by scoring the completed rounds and the round during which the referee stops the bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:16. Deduction of points.** If a contestant fouls an opponent during a bout of mixed martial arts, the referee may penalize the contestant by deducting points from the contestant's score, whether the foul was intentional or accidental. The referee may determine the number of points to be deducted in each instance and shall base the determination on the severity of the foul and its effect upon the opponent.

The referee shall, as soon as practical after the foul, notify the judges and both contestants of the foul, and the number of points, if any, to be deducted from the score of the offender. Any point, or points, to be deducted for a foul must be deducted in the round in which the foul occurred and may not be deducted from the score of any subsequent round.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:17. Stalling or faking.** A referee shall warn a contestant if the referee believes the contestant is stalling or faking. If, after a proper warning, the referee determines the contestant is continuing to stall or fake, the referee shall stop the contest at the end of the round. If the referee determines that either or both contestants are stalling or faking, or if a contestant refuses to fight,

the contest shall be terminated and announced as a no contest and the contestant or contestants in violation shall forfeit their pay as provided for in this Chapter.

A contestant who falls down without being struck or otherwise actively participating in the contest must immediately be examined by the physician. After conferring with the physician, the referee may disqualify the contestant and the contestant may be required to forfeit pay.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

20:81:05:18:01 Association of Boxing Commissions Mixed Martial Arts Unified Rules. Unless otherwise addressed in SDCL chapter 42-12 or ARSD article 20:81, the Association of Boxing Commissions Mixed Martial Arts Unified Rules apply to all bouts. The Commission has final decision-making authority concerning the enforcement, implementation and interpretation of these rules.

General Authority: 42-12-10

Law Implemented: 42-10-10

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**20:81:05:18. Results of contests.** A contest of mixed martial arts may end under the following results:

- (1) Submission by:
  - (a) Physical tap out, when a contestant physically indicates the contestant no long wants to continue; or
  - (b) Verbal tap out, when the contestant verbally indicated the contestant no longer wants to continue;
- (2) Technical knockout by the referee stopping the contest, which occurs when:
  - (a) The referee stops the bout because the contestant can no longer defend himself or herself;
  - (b) The ringside physician advised the referee to stop the bout; or
  - (c) An injury as a result of a legal maneuver is severe enough to terminate the bout;
- (3) A decision via the scorecards, including:
  - (a) Unanimous decision in which all three judges score the bout for the same contestant;
  - (b) Split decision in which two of the three judges score the bout for one contestant and the other judge scores the bout for the other contestant;
  - (c) Majority decision in which two judges score the bout for the same contestant and one judge scores the bout a draw;

- (4) A draw, including:
- (a) A unanimous draw in which all three judges score the bout a draw;
  - (b) A majority draw in which two judges score the bout a draw; or
  - (c) A split draw in which all three judges score the bout differently and the score total results in a draw;
- (5) A technical decision in which the bout is stopped prematurely due to an injury and a contestant is leading on the scorecards;
- (6) A technical draw in which an injury sustained during the bout as a result of an accidental foul causes the injured contestant to be unable to continue and the sufficient number of rounds has been completed with the results of the scorecards being a draw;
- (7) A disqualification in which an injury is sustained during the bout as a result of an intentional foul severe enough to terminate the bout;
- (8) A forfeit in which a contestant fails to begin the bout or prematurely ends the bout for reasons other than injury or indicating a tap out;
- (9) A no contest in which a bout is prematurely stopped due to an accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards; or
- (10) A second stop in which the chief second indicates either physically or verbally that the contestant does not wish to continue.

The Commission may on its own initiative review or investigate any bout or contest to determine compliance with South Dakota law. If the Commission determines that the licensee failed to abide by SDCL chapter [42-12](#) or any rule promulgated pursuant thereto, the Commission may officially amend the results of the decision, which may include declaring a different contestant as the winner or loser of the bout or declaring the bout a no contest. If the Commission determines that an official acted in error or reached a decision that was not in accordance with SDCL chapter 42-12 or any rules promulgated thereto, the Commission may similarly amend the results of the decision if such error or decision affected, or could have reasonably affected, the outcome of the bout.

A contestant may request a review of a contest result by making such request, in writing, not less than five days after the event. Such request must include the result being challenged and the basis for the alleged error in the official result. If the Commission determines there was an error in determining the contest result, the Commission may officially amend the decision, which may include declaring a different contestant as the winner or loser of the bout or declaring the bout a no contest. If the Commission determines that an official acted in error or reached a decision that was not in accordance with SDCL chapter 42-12 or any rule promulgated thereto, the Commission may similarly amend the results of the decision if such error or decision affected, or could have reasonably affected, the outcome of the bout.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:19. Automatic suspensions following contest.** Mixed martial artists, ~~under any circumstance,~~ may not compete or appear in a contest for up to ninety days after being unable to defend themselves in a bout.

Mixed martial artists, under any circumstance, may not compete or appear in a contest less than seven days after the completion of the contestant's last bout.

The Commission will inform contestants of the suspension imposed in writing and report such suspension to the national mixed martial arts database.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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**20:81:05:20 Amateur contests -- Requirements and rules.** For all bouts or contests under the jurisdiction of the Commission in which an amateur contestant competes, the Association of Boxing Commission's Recommended Rules of Amateur Mixed Martial Arts apply. The Commission has final decision-making authority concerning the enforcement, implementation, and interpretation of these rules and regulations.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** 42-12-10.

**Law Implemented:** 42-12-10.

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## CHAPTER 20:81:06

### KICKBOXING

#### Section

20:81:06:01 World Kickboxing and Karate Association contests.

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**20:81:06:01. World Kickboxing and Karate Association contests.** For all kickboxing contests, the most recent World Kickboxing and Karate Association rules and regulations apply. The Commission has final decision-making authority concerning the enforcement, implementation, and interpretation of these rules and regulations.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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## CHAPTER 20:81:07

### TICKET SALES

#### Section

- [20:81:07:01](#) Ticket requirements.
- [20:81:07:02](#) Ticket provisions.
- [20:81:07:03](#) Limitations on complimentary tickets.
- [20:81:07:04](#) Inventory of tickets required.
- [20:81:07:05](#) Gross revenue.
- [20:81:07:06](#) Promoter liable for applicable sales tax.
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**20:81:07:01. Ticket requirements.** Unless otherwise provided, all persons attending a bout or contest under the jurisdiction of the Commission shall present a ticket for entry.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:07:02. Ticket provisions.** The following requirements apply to contest tickets:

(1) Every ticket must have the price, the name of the promoter, and the date of the contest. Unless otherwise authorized by the Commission, the ticket stub of each ticket must indicate the price of each ticket;

(2) The following persons may be admitted to a contest without presenting a ticket of admission, upon showing a proper identification either approved or issued by the Commission:

- (a) A Commission designee or Commission member;
- (b) Persons designated by the Commission for official duty;
- (c) Officials attending under provisions of state law or these rules;
- (d) The principals, managers, and corners involved in the contest;
- (e) The emergency medical personnel on duty for the contest;
- (f) Police officers, firefighters, and other public officials on duty for the contest; and
- (g) Persons arranged by the promoter for other duties.

No other persons may be admitted without presenting an admission ticket.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:07:03. Limitations on complimentary tickets.** A promoter may not issue complimentary tickets for more than four percent of the seats in the contest venue without the Commission's written authorization. The promoter is responsible to pay the applicable state sales tax prescribed for all complimentary tickets. Unless otherwise authorized by the Commission, all complimentary tickets must indicate on the ticket that it is a complimentary ticket and the value of the ticket had the ticket actually been purchased.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:07:04. Inventory of tickets required.** The promoter of a contest shall prepare an inventory that identifies all tickets that were printed for the contest and that accounts for any tickets that are overprints, changes or extras, or complimentary. The promoter shall sign the inventory acknowledging that the inventory is true and correct and send the inventory to the commission within thirty days of the contest, competition, or exhibition. The inventory must accompany a form prescribed by the commission for determining the contest fee set forth in § 20:81:02:03.

The inventory provided by the promoter is subject to audit by the commission. The promoter shall maintain the inventory and any documentation necessary to prepare the inventory for a period of not less than three years.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(5\)](#).

**Law Implemented:** SDCL [42-12-10\(5\)](#).

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**20:81:07:05. Gross revenue.** Gross revenues from a bout or contest means any and all revenues, from whatever source derived or received by any promoter, or other principal, on account of any particular bout or contest, including any revenues received from any advance ticket

sales, gate receipts, promotional or advertising consideration, and from any internet, television, or pay-per-view telecasts of such bout or contest, exclusive of any federal tax thereon.

Each promoter, or other principal, liable for the gross revenue fee shall provide an accounting to the commission on a form prescribed by the commission not later than thirty days from the date of the bout or contest, prepared by the promoter or by a certified public accountant on behalf of the promoter using generally accepted accounting principles, which detail the source and amount of each component of gross revenues and contains a calculation showing the amount owed to the commission. Any source documents or records used by the promoter or the certified public accountant in preparing the accounting must be made immediately available to the commission, upon request, for verification.

The gross revenue fee due thereon must be remitted to the commission not later than thirty days from the date of the bout or contest. Any promoter or other principals involved in the receipt of moneys or the staging of the contest are jointly and severally liable for the gross revenue fee provided for by this section.

Any promoter who fails to calculate or remit the gross revenue fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commission or until a hearing requested by the promoter is conducted and concluded by the commission.

The accounting provided by the promoter is subject to audit by the commission. The promoter shall maintain the accounting and any documentation necessary to prepare the accounting for a period of not less than three years.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(5\)](#).

**Law Implemented:** SDCL [42-12-10\(5\)](#).

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**20:81:07:06. Promoter liable for applicable sales tax.** The promoter is liable for any applicable sales tax related to the bout or contest. The promoter shall pay such sales tax within thirty days of the bout or contest or within two days of the promoter's next scheduled contest, competition, or exhibition, whichever occurs first.

**Source:** 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

**General Authority:** SDCL [42-12-10\(2\)](#).

**Law Implemented:** SDCL [42-12-10\(2\)](#).

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## CHAPTER 20:81:08

### AMATEUR ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS

Section

20:81:08:01 Recognition of amateur organizations and educational institutions.

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**20:81:08:01. Recognition of amateur organizations and educational institutions.** An amateur sanctioning body or bona fide educational institution seeking the approval of the Commission shall file a written application for approval on a form prescribed by the Commission and submit the applicable fee. An applicant shall provide supplemental information or affidavits establishing facts upon request within any reasonable time limit set by the Commission. Failure to timely respond to a request for supplemental information or affidavits shall be deemed to be a withdrawal of the application.

An application for approval must include evidence of the amateur sanctioning body or educational institution's reputation.

The Commission may only approve those proposed recognized amateur sanctioning bodies and educational institutions that meet the following requirements:

(1) The proposed amateur sanctioning body or educational institution has a legal existence; it is incorporated or otherwise legally recognized under the laws of its domicile and is authorized to conduct business in South Dakota. In the alternative, a proposed nationally recognized sanctioning body may irrevocably appoint an agent for service of process for all purposes in South Dakota;

(2) The proposed amateur sanctioning body or educational institution has rules that provide for the exclusion of professionals from its competitions;

(3) The proposed amateur sanctioning body or educational institution has rules that provide for the exclusion of contestants under the age of eighteen from its competitions, or alternatively, applies stricter medical safeguards and requirements for all contestants under the age of eighteen;

(4) The proposed amateur sanctioning body or educational institution has rules that provide for the medical safety and care of its contestants. At a minimum, the proposed nationally recognized sanctioning body has policies and procedures that:

(a) Require continuous presence of an ambulance staffed with emergency medical personnel or paramedics at all events;

(b) Assure that bouts do not unreasonably endanger the health of competitors by requiring pre-bout physical examinations completed by a licensed medical doctor or doctor of osteopathy, and excluding the medically unfit from competition;

(c) Require the attendance of a medical doctor or doctor of osteopathy at ringside during the entire event;

(d) Restrict the type of blows that can be delivered and limit the time and frequency of bouts, and such other conditions recommended by medical advisors;

(e) Assure that it is illegal to strike with the elbows or knee in all instances of the contest;

(f) Assure that payment for necessary emergency care for injuries sustained in a contest in sanctioned events is available by purchasing insurance for events or requiring proof that contestants are medically insured; and

(g) Assure that all medical deductibles are the responsibility of the promoter;

(5) The proposed amateur sanctioning body or educational institution has rules that provide for cooperation with the Commission that include:

(a) The prompt investigation and resolution of complaints from contestants, interested persons, and the Commission;

(b) Advanced notification to the Commission upon approval of contests occurring in South Dakota;

(c) Admission of Commission officials without charge to any contest, and any portion of the venue;

(d) A policy to self-report to the Commission of any violation of the body or institution's rules arising out of a contest in South Dakota;

(e) A policy requiring all contestants, officials, and the body or institution itself to appear at reasonable times before the Commission and truthfully answer any lawful inquiry of the Commission;

(f) Sharing the dispositions of complaints with the Commission, upon request;

(g) A system of review that assures that the body or institution fairly applies its rules;  
and

(6) The proposed amateur sanctioning body or educational institution has rules that require the identification of the sanctioning body or educational institution on all advertisements for contests held in South Dakota, at the site of any South Dakota contest, and upon all programs or handbills distributed at any South Dakota contest.

The approval of an amateur sanctioning body or educational institutions expires on the 31<sup>st</sup> day of December in even numbered years;

The Commission may decline to approve an amateur sanctioning body or educational institution, or censure, probate, suspend, or revoke the approval of an amateur sanctioning body or

educational institution for a violation of SDCL chapter [42-12](#) or any rules promulgated pursuant thereto.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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## CHAPTER 20:81:09

### COMPLAINTS

#### Section

- [20:81:09:01](#) Complaints authorized -- Procedure following filing.
- [20:81:09:02](#) Dismissal of complaint.
- [20:81:09:03](#) Informal consultation.
- [20:81:09:04](#) Assurance of voluntary compliance.
- [20:81:09:05](#) Formal proceedings.
- [20:81:09:06](#) Procedure for formal hearing.
- [20:81:09:07](#) Disqualification.
- [20:81:09:08](#) Per diem and mileage.
- [20:81:09:09](#) Final action by Commission.
- [20:81:09:10](#) Action on one license or registration applies to all licenses or registrations.

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**20:81:09:01. Complaints authorized -- Procedure following filing.** A person claiming that a party has engaged or is engaging in conduct constituting grounds for disciplinary action by the Commission may file with the Commission a written complaint stating the name and address of the party complained against. The complaint must fully detail the conduct upon which the complaint is made. If the Commission determines the complaint has merit, the Commission must immediately serve by mail on the party complained against and any other affected parties a copy of the complaint. The party complained against has twenty days to answer after service of the complaint. The answer may admit, deny, qualify, or explain the allegations contained in the

complaint. A Commission member, the Commission, or an agent of the Commission may file a complaint. The Commission may reject a complaint if it does not meet the requirements of this section.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:02. Dismissal of complaint.** After receipt of the answer to the complaint, after the time has expired to answer, or after having determined that no answer is necessary, the Commission must examine the complaint, any answer, and other supporting documents to determine whether the complaint has merit, is frivolous, or whether it charges conduct constituting grounds for disciplinary action. If the Commission determines that the complaint is without merit, is frivolous, or that it does not charge conduct constituting grounds for action by the Commission, the Commission must dismiss the complaint and notify in writing the complainant, the party complained against, and other affected parties, stating the reasons for dismissal. The Commission may investigate the complaint and use extrinsic evidence to determine if the complaint has merit.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:03. Informal consultation.** If the Commission considers the complaint to have merit for action, the Commission may consult with the party complained against and the parties affected in an effort to resolve the matter satisfactorily without a formal hearing. The Commission must notify in writing the complainant, the party complained against, and affected parties of the results of the informal consultation. The informal consultation does not prevent the Commission from conducting a formal hearing.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:04. Assurance of voluntary compliance.** The Commission may accept an assurance of voluntary compliance regarding any act or practice alleged to violate this article or SDCL chapter [42-12](#) from a person who has engaged in, is engaging in, or is about to engage in such acts or practices. The assurance must be in writing and may include a stipulation for the voluntary payment of the costs of the investigation or a monetary penalty and an amount necessary to restore to a person money or property which may have been acquired by the alleged violator because of the acts or practices. Proof of failure to comply with the assurance of voluntary compliance is prima facie evidence of a violation of this chapter. The Commission may approve, reject, or modify an assurance of voluntary compliance.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:05. Formal proceedings.** If the Commission decides to conduct a formal hearing after a complaint has been filed, and after informal consultation, if any, the Commission shall mail a notice of hearing to the party complained against, the person making the complaint, and other affected parties.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:06. Procedure for formal hearing.** The Commission shall use the following procedure in conducting formal hearings:

(1) The Commission shall provide written notice to the party complained against by mail stating the time, place, and date of the formal hearing. The notice shall require the attendance of the party at the hearing. The notice shall be given at least ten days prior to the formal hearing;

(2) The Commission shall keep a transcript of all formal hearings and proceedings;

(3) The Commission chair may conduct the formal proceeding or the Commission may have a hearing examiner conduct the proceedings in part or in full; and

(4) The party appearing before the Commission at a formal hearing shall appear in person, unless otherwise waived by the Commission. The party and legal counsel may be present during the giving of all evidence, may have reasonable opportunity to inspect all documentary evidence, may examine and cross-examine witnesses, may present evidence in support of the party's interest, and may have subpoenas issued to compel attendance of witnesses and production of evidence on the party's behalf.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:07. Disqualification.** If the complaint was filed by a Commission member, that Commission member is disqualified from sitting at the hearing as a Commission member and from participating in the decision made by the Commission. The Commission member may appear as a witness.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:08. Per diem and mileage.** The Commission may authorize per diem and mileage for complainants, witnesses, and affected parties at informal consultations and for complainants and witnesses at formal hearings. The per diem may not exceed the amounts authorized in SDCL [19-5-1](#) for per diem and the mileage may not exceed the amounts authorized by §§ 5:01:02:01 and 5:01:02:02.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:09. Final action by Commission.** After hearing the evidence and reaching a decision, the Commission may dismiss the complaint or take any action or combination of actions provided for in SDCL chapter [42-12](#) or article 20:81. Written findings of fact, conclusions of law, and an order must be entered after the decision. The Commission may allow or require briefs of law before making its decision. The Commission's decision shall be made and entered with notice of the decision in accordance with the provisions of SDCL [1-26-23](#) to [1-26-25](#), inclusive.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).

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**20:81:09:10. Action on one license or registration applies to all licenses or registrations.** Any person who holds more than one license or registration issued by the Commission and is disciplined under one license or registration will be disciplined under all licenses or registrations the person holds.

**Source:** 41 SDR 7, effective July 28, 2014.

**General Authority:** SDCL [42-12-10](#).

**Law Implemented:** SDCL [42-12-10](#).