

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) "Cut man," a second designated by the Commission to attend to contestants between rounds. A cut man 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;

(9) "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;

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

(11) "Physician," a person who is licensed as a doctor of medicine or doctor of osteopathy in the South Dakota and in good standing with the issuing licensing board;

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

(13) "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;

(14) "Referee," the person in charge of enforcing the rules during any contest;

(15) "Second," an individual who attends to a contestant between rounds;

(16) "Timekeeper," a person responsible for keeping accurate time during any contest.

Source: 41 SDR 7, effective July 28, 2014; 44 SDR 102, effective December 18, 2017.

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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.

DISCUSSION ONLY

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. A request for approval must be accompanied by the minimum fee set forth in § 28:81:02:03.

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).

20:81:01:04. 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.

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;
- (5) Quality of previous fights by the contestants;
- (6) Duration of previous fights by the contestants;
- (7) Time since the last fight of the contestants;
- (8) Suspensions of the contestants by the Commission or other states;
- (9) Training status of the contestants; and
- (10) Available recordings of contestant's past fights.

The Commission's determination of whether contestants are fairly matched must consider the safety of the contestants.

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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~~ a Commission designee immediately prior to competing. A female contestant is not eligible to compete if the result of an early pregnancy test indicates a positive result.

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

DISCUSSION ONLY

20:81:01:07. Officials designated by Commission. The Commission shall approve and assign the officials for all contests. Compensation for assigned officials shall be the responsibility of the promoter. If the promoter and an assigned official do not agree to compensation for the contest, the Commission shall set the compensation for the official. If the official does not agree to the compensation set by the Commission, the Commission shall assign another official.

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

DISCUSSION ONLY

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.

The promoter shall provide the Commission with the agreed compensation for each assigned official prior to the start of the contest.

Source: 41 SDR 7, effective July 28, 2014; 44 SDR 102, effective December 18, 2017.

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

20:81:01:09. Bout contracts -- Requirements. At least seven days ~~Prior~~ 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 at least seven days 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, cut men, 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.

Seating for assigned officials and the Commission must be available ringside and at least fifteen feet from any ticketholders for the event. The space must be demarcated by a barrier to allow ringside officials and the Commission access to the entire space without interference from ticketholders.

Smoking and alcoholic beverages are prohibited at 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 Commission before they receive passes.

Source: 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016; 44 SDR 102, effective December 18, 2017.

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

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

DISCUSSION ONLY

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.

~~A contestant who signs a bout agreement with the promoter of an approved event, is subject to discipline for failure to meet the requirements of a signed bout contract, regardless of whether the contestant submitted an application for registration or licensure applicable fee.~~

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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 as evidenced by the current application or previous conduct by the applicant;

(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) Actions by the applicant that demonstrate a lack of candor or professionalism with the Commission which are inconsistent with the public interest, convenience, or necessity and the safety of contestants and with the best interest of the sport, generally, or

~~(5)~~ (6) 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.

The Commission shall not issue a registration to a promoter in arrears on a contest fee.

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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.

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. The Commission may allow a contestant to compete in an approved event if, in the opinion of the Commission, the suspension in another jurisdiction is for an administrative only infraction.

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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. This includes a licensed promoter or matchmaker submitting an excessive number of bouts for an approved event in which one contestant's skills or abilities is significantly in excess of the other contestant.

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 of 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.

DISCUSSION ONLY

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. Such testing may be conducted by the Commission or by a third-party approved by the Commission to conduct such testing.

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

General Authority: SDCL 42-12-10.

Law Implemented: SDCL 42-12-10.

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 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 weighed in, failing to make the weight agreed to in the signed bout contract by more than 10 percent of the agreed weight, or failing to show for a bout; ~~or~~
- (5) 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;
- (6) Actions by the applicant that demonstrate a lack of candor or professionalism with the Commission which are inconsistent with the public interest, convenience, or necessity and the safety of contestants and with the best interest of the sport, generally;
- (7) For promoters, failure to pay the required contest fee within thirty days of the contest; or
- ~~(5)~~ (8) 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.

DISCUSSION ONLY