



## South Dakota Athletic Commission

P.O. Box 340, 1351 N. Harrison Ave., Pierre, SD 57501-0340

Ph: 605.224.1721 Fax: 1.888.425.3032

Email: [SDAC@midwestsolutionssd.com](mailto:SDAC@midwestsolutionssd.com) [www.dlr.sd.gov/bdcomm/athletic](http://www.dlr.sd.gov/bdcomm/athletic)

**South Dakota Athletic Commission  
Regular Meeting  
Kniep Building - Conference Room 3  
700 Governor's Drive, Pierre, South Dakota  
Friday, October 24, 2014 – 11:00 am (central)**

**Agenda - AMENDED**

- 1) Call to Order
- 2) Open Forum: *15 minutes for the public to address the Commission*
- 3) Approval of Minutes: September 2, 2014
- 4) Financial Update
  - a. Summary: As of September 30, 2014
  - b. FY 2015/FY 2016 Projected Financial Condition Statement
- 5) Athletic Commission Statutes, Administrative Rules and Commission Policies – Informational
- 6) Update on Approved Events
  - a. August 22, 2014 MMA Event
  - b. November 1, 2014 MMA Event
  - c. December 13, 2014 MMA Event
- 7) New Business
  - a. Drug Testing Kits
  - b. Assignment of Inspectors for Events
  - c. Purchase of Scales for Events
  - d. Commission Training Opportunities
  - e. Petition for Review and Amendment of Administrative Rules by South Dakota Chiropractor's Association
  - f. Approval of Events
    - i. April 10, 2015 – Media Alliance dba Resurrection Fighting Alliance
    - ii. August 21, 2015 – Media Alliance dba Resurrection Fighting Alliance
- 8) Executive Session – *Pursuant to SDCL 1-25-2(3) for consideration of proposed contested cases or contractual matters*
- 9) Announcements
  - a. Next Meeting Dates:
    - i. Friday, January 30, 2014 (via conference call)
    - ii. Friday, April 17, 2015
    - iii. Friday, July 17, 2015
- 10) Adjourn

To participate in the meeting via telephone, please contact the South Dakota Athletic Commission at 605-224-1721 or [SDAC@midwestsolutionssd.com](mailto:SDAC@midwestsolutionssd.com) to obtain the call-in information. Questions about the meeting may be directed to Jennifer Stalley, Executive Secretary, at 605-224-1721 or by email at [SDAC@midwestsolutionssd.com](mailto:SDAC@midwestsolutionssd.com).



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### South Dakota Athletic Commission Regular Meeting Via Teleconference September 2, 2014

Vice-Chairman Lee Lohff called the meeting to order at 9:10 am (central).

Present via telephone: Commissioners Michael Bergeron, Margaret Gillespie, and Lee Lohff, Jennifer Stalley, Executive Secretary, Amber Mulder, Legal Counsel and member of the public, Shawn Ruml.

Vice-Chairman Lohff asked for public testimony. Shawn Ruml, Mitchell, addressed the Commission. He was complimentary of the first event and the way the Commission handled the event. He also expressed his appreciation for being appointed to be a timekeeper for that event and indicated his interest in serving as a judge, referee, or timekeeper for future events.

Commissioners Mike Kilmer and Richard Little joined the call at 9:13 am.

Commissioner Little moved to approve the Minutes of July 29, 2014. Commissioner Lohff seconded. The Commission voted by roll call. Commissioners Bergeron, Gillespie, Little, Lohff and Kilmer voted Yes. Motion carried.

Stalley informed the Commission that the August 22, 2014 event in Sioux Falls went well. She indicated some recommendations for improved administration of events will be presented at the October Commission meeting. She also reported that final numbers for the event will not be available until September 8, 2014 when the promoter files a final inventory and fee calculation.

Commissioner Little moved to approve the application of Pride and Pain MMA for a mixed martial arts competition on November 1, 2014 in Rapid City, pending the successful licensure of Pride and Pain MMA as a promoter, the posting of a \$20,000 bond by Pride and Pain MMA, and the submission of original application documents and proof of required insurance. Commissioner Lohff seconded. The Commission voted on the motion by roll call. Commissioners Bergeron, Gillespie, Little, Lohff and Kilmer voted Yes. Motion carried.

Commissioner Little moved to approve the application of Fury Fights, Inc. for a mixed martial arts competition on December 13, 2014 in Brookings, pending the successful licensure of Fury Fights, Inc., as a promoter, the posting of a \$20,000 bond by Fury Fights, Inc., and the submission of original application documents and proof of required

insurance. Commissioner Gillespie seconded. The Commission voted on the motion by roll call. Commissioners Bergeron, Gillespie, Little, and Kilmer voted Yes. Commissioner Lohff abstained. Motion carried.

The Commission reaffirmed its future meeting dates as October 24, 2014; January 30, 2015 (via teleconference); April 17, 2015; and July 17, 2015. The meetings will begin at 11:00 am (central).

There being no other business before the Commission, Commissioner Gillespie moved to adjourn at 9:35 am. Commissioner Little seconded. The Commission voted on the motion by roll call. Commissioners Bergeron, Gillespie, Little, Lohff and Kilmer voted Yes. Motion carried.

Respectfully Submitted,

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Commissioner Richard Little  
Secretary

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

CENTER	COMP	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
		COMPANY NO	6503			
		COMPANY NAME	PROFESSIONAL & LICENSING BOARDS			
1039000887	6503	4293070		PROMOTER LICENSE	300.00	900.00
ACCT:	4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	300.00	900.00 *
1039000887	6503	4299080		EVENT FEE	6,382.75	9,382.75
1039000887	6503	4299081		CONTESTANT REGIST FEE	.00	1,000.00
1039000887	6503	4299082		JUDGE REGISTRATION FEE	.00	150.00
1039000887	6503	4299083		REFEREE REGISTRATION FEE	.00	250.00
1039000887	6503	4299084		SECOND REGISTRATION FEE	.00	1,075.00
ACCT:	4299			OTHER LIC, PRMTS, & FEES (NON-GOVERNMENTAL)	6,382.75	11,857.75 *
ACCT:	42			LICENSES, PERMITS & FEES	6,682.75	12,757.75 **
1039000887	6503	4491000		INTEREST & DIVIDENDS-PRGM	582.95	582.95
ACCT:	4491			INTEREST & DIVIDENDS (NON-GOVERNMENTAL)	582.95	582.95 *
ACCT:	44			REVENUE FROM THE USE OF MONEY & PROPERTY	582.95	582.95 **
CNTR:	1039000887				7,265.70	13,340.70 ***
COMP:	6503				7,265.70	13,340.70 ****
B UNIT:	1039				7,265.70	13,340.70 *****

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1039000887	1140000	54,613.36	DR	BOXING COMMISSION FUND
COMPANY/SOURCE TOTAL 6503 887			54,613.36	DR *	
COMP/BUDG UNIT TOTAL 6503 1039			54,613.36	DR **	
BUDGET UNIT TOTAL 1039			54,613.36	DR ***	

BA20JB61

BUDGET UNIT 1039

AVAILABLE FUNDS  
AS OF: 09/30/2014  
FY YEAR REMAINING: 75.1%  
PAY DAYS REMAINING: 18

MONTHLY

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DATE 10/04/2014

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	55,329.00	0.00	0.00	36,349.51	15,425.09	3,554.40	10,086,416.13
BUDGETED TOT	55,329.00	0.00	0.00	36,349.51	15,425.09	3,554.40	
ALL COMP TOT	55,329.00	0.00	0.00	36,349.51	15,425.09	3,554.40	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	6,382.00	0.00	0.00	551.61	3,383.41	2,998.59	47.0
5102 EMPLOYEE BENEFITS	1,647.00	0.00	0.00	90.15	686.16	960.84	58.3
5203 TRAVEL	4,500.00	0.00	0.00	194.15	194.15	4,305.85	95.7
5204 CONTRACTUAL SVCS	40,000.00	0.00	36,349.51	4,277.34	11,140.87	7,490.38-	0.0
5205 SUPPLIES & MATRLS	2,800.00	0.00	0.00	0.00	20.50	2,779.50	99.3
TOTALS	55,329.00	0.00	36,349.51	5,113.25	15,425.09	3,554.40	6.4

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	BUDGET AVAILABLE	PCT AVL
5101000 EMPLOYEE SALARIES	6,382.00	0.00	0.00	551.61	3,383.41	2,998.59	47.0
5102000 EMPLOYEE BENEFITS	1,647.00	0.00	0.00	90.15	686.16	960.84	58.3
5203000 TRAVEL	4,500.00	0.00	0.00	194.15	194.15	4,305.85	95.7
5204000 CONTRACTUAL SVCS	40,000.00	0.00	36,349.51	4,277.34	11,140.87	7,490.38-	0.0
5205000 SUPPLIES & MATRLS	2,800.00	0.00	0.00	0.00	20.50	2,779.50	99.3
PS SUBTOTALS	8,029.00	0.00	0.00	641.76	4,069.57	3,959.43	49.3
OE SUBTOTALS	47,300.00	0.00	36,349.51	4,471.49	11,355.52	405.03-	0.0
COMPANY 6503-I TOT	55,329.00	0.00	36,349.51	5,113.25	15,425.09	3,554.40	6.4

STATE OF SOUTH DAKOTA  
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT  
FOR PERIOD ENDING: 09/30/2014

BA0215V1 10/04/2014

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	251.61	2,243.41
1039000887	6503	51010300	BOARD & COMM MERS FEES	300.00	1,140.00
ACCT: 5101					
EMPLOYEE SALARIES					
1039000887	6503	51020100	OASI-EMPLOYER'S SHARE	551.61	3,383.41
1039000887	6503	51020200	RETIREMENT-ER SHARE	42.12	257.99
1039000887	6503	51020600	HEALTH/LIFE INS.-ER SHARE	15.10	134.56
1039000887	6503	51020800	WORKER'S COMPENSATION	32.68	291.29
1039000887	6503	51020900	UNEMPLOYMENT COMPENSATION	.15	1.28
1039000887	6503	51020900	UNEMPLOYMENT COMPENSATION	.10	1.04
ACCT: 5102					
EMPLOYEE BENEFITS					
1039000887	6503	52030200	AUTO PRIV (IN-ST.) L/RTE	90.40	90.40
1039000887	6503	52031000	LODGING/IN-STATE	56.75	56.75
1039000887	6503	52031500	NON-TAXABLE MEALS/IN-ST	47.00	47.00
ACCT: 5203					
TRAVEL					
1039000887	6503	52040200	DUES & MEMBERSHIP FEES	194.15	194.15
1039000887	6503	52040900	MANAGEMENT CONSULTANT	.00	200.00
1039000887	6503	52041810	BIT DEVELOPMENT COSTS	3,478.77	9,862.11
1039000887	6503	52042000	CENTRAL SERVICES	580.50	580.50
1039000887	6503	52045300	TELECOMMUNICATIONS SRVCS	149.30	429.49
1039000887	6503	52045300	TELECOMMUNICATIONS SRVCS	68.77	68.77
ACCT: 5204					
CONTRACTUAL SERVICES					
1039000887	6503	52050280	OFFICE SUPPLIES	4,277.34	11,140.87
ACCT: 5205					
SUPPLIES & MATERIALS					
1039000887	6503	5228000	OPER TRANS OUT -NON BUDGT	.00	20.50
ACCT: 5228					
NONOP EXP/NONEGTD OP TR					
1039000887	6503	5228000	OPERATING EXPENSES	98.93	135.72
ACCT: 52					
OPERATING EXPENSES					
1039000887	6503	5228000	OPERATING EXPENSES	4,570.42	11,491.24
COMP: 6503 PROFESSIONAL & LICENSING BOARDS					
				5,212.18	15,560.81
CENTER: 1039000887				5,212.18	15,560.81
B UNIT: 1039				5,212.18	15,560.81

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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	CGEX140911	09/17/2014					251.61	DR
	OBJSUB: 5101010	F-T EMP SAL & WAGES							251.61	DR *
6503	1039000887	51010300	CGEX140911	09/17/2014					300.00	DR
	OBJSUB: 5101030	BOARD & COMM MBRS FEES							300.00	DR *
	OBJECT: 5101	EMPLOYEE SALARIES							551.61	DR **
6503	1039000887	51020100	CGEX140911	09/17/2014					42.12	DR
	OBJSUB: 5102010	OST-EMPLOYER'S SHARE							42.12	DR *
6503	1039000887	51020200	CGEX140911	09/17/2014					15.10	DR
	OBJSUB: 5102020	RETIREMENT-ER SHARE							15.10	DR *
6503	1039000887	51020600	CGEX140911	09/17/2014					32.68	DR
	OBJSUB: 5102060	HEALTH/LIFE INS.-ER SHARE							32.68	DR *
6503	1039000887	51020800	CGEX140911	09/17/2014					.15	DR
	OBJSUB: 5102080	WORKER'S COMPENSATION							.15	DR *
6503	1039000887	51020900	CGEX140911	09/17/2014					.10	DR
	OBJSUB: 5102090	UNEMPLOYMENT COMPENSATION							.10	DR *
	OBJECT: 5102	EMPLOYEE BENEFITS							90.15	DR **
	GROUP: 51	PERSONAL SERVICES							641.76	DR ***
6503	1039000887	52030200	CGEX140918	09/19/2014	061805				90.40	DR
	OBJSUB: 5203020	AUTO PRIV (IN-ST.) I/RTE							90.40	DR *
6503	1039000887	52031000	CGEX140918	09/19/2014	061805				56.75	DR
	OBJSUB: 5203100	LODGING/IN-STATE							56.75	DR *
6503	1039000887	52031500	CGEX140918	09/19/2014	061805				47.00	DR
	OBJSUB: 5203150	NON-TAXABLE MEALS/IN-ST							47.00	DR **
	OBJECT: 5203	TRAVEL							194.15	DR **
6503	1039000887	52040900	155C100029 0814	09/10/2014	00125684	MIDWESTSOL	12199902		322.26	DR
6503	1039000887	52040900	155C100029 597	09/05/2014	00124733	MIDWESTSOL	12199902		3,000.00	DR
6503	1039000887	52040900	155C100029 597	09/05/2014	00124733	MIDWESTSOL	12199902		156.51	DR
	OBJSUB: 5204090	MANAGEMENT CONSULTANT							3,478.77	DR *
6503	1039000887	52041810	DP507093	09/19/2014					225.75	DR
6503	1039000887	52041810	DP508093	10/03/2014					354.75	DR
	OBJSUB: 5204181	BIT DEVELOPMENT COSTS							580.50	DR *
6503	1039000887	52042000	PL508068	09/10/2014					149.30	DR
	OBJSUB: 5204200	CENTRAL SERVICES							149.30	DR *



STATE OF SOUTH DAKOTA  
MONTHLY EXPENDITURE REPORT  
FOR PERIOD ENDING: 09/30/2014

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
6503	1039000887	52045300	I-1222132	10/01/2014	00136274	GENESYSCON	12142271	01	68.77	DR
									68.77	DR *
									4,277.34	DR **
									98.93	DR
									98.93	DR *
									98.93	DR **
									4,570.42	DR ***
									5,212.18	DR ****
									5,212.18	DR *****
									5,212.18	DR *****

OBJSUB: 5204530 TELECOMMUNICATIONS SRVCS  
OBJECT: 5204 CONTRACTUAL SERVICES  
GROUP: 52 T105-017

OBJSUB: 5228000 OPER TRANS OUT -NON BUDGT  
OBJECT: 5228 NONOP EXP/NONBUDG OP TR  
GROUP: 52 OPERATING EXPENSES  
COMP: 6503

CNTR: 1039000887  
B. UNIT: 1039

DEPARTMENT OF LABOR & REGULATION  
 ATHLETIC COMMISSION  
 CONDITION STATEMENT (6503 - 887)

	ACTUAL FY2013	ACTUAL FY2014	PROJECTED FY2015	PROJECTED FY2016
Licenses, Permits, & Fees			\$41,750	\$41,750
Fines, Forfeits, & Penalties				
Rev/Use of Money/Property		\$15	\$583	\$600
Operating Transfers In	\$95,000			
<b>TOTAL RECEIPTS</b>	<b>\$95,000</b>	<b>\$15</b>	<b>\$42,333</b>	<b>\$42,350</b>
Personal Services		\$5,289	\$8,029	\$8,029
Travel		\$1,508	\$4,500	\$4,500
Contractual Services		\$31,223	\$40,000	\$40,000
Supplies & Services		\$25	\$2,800	\$2,800
Capital Outlay				
Other		\$205	\$299	\$299
<b>TOTAL DISBURSEMENTS</b>	<b>\$0</b>	<b>\$38,250</b>	<b>\$55,628</b>	<b>\$55,628</b>
<b>NET (Receipts less Disbursements)</b>	<b>\$95,000</b>	<b>-\$38,235</b>	<b>-\$13,296</b>	<b>-\$13,278</b>
<b>BEGINNING CASH BALANCE</b>	<b>\$0</b>	<b>\$95,000</b>	<b>\$56,765</b>	<b>\$43,469</b>
<b>ENDING CASH BALANCE</b>	<b>\$95,000</b>	<b>\$56,765</b>	<b>\$43,469</b>	<b>\$30,191</b>

42-12-11. Boxing commission fund. All fees collected pursuant to this chapter shall be placed in the boxing commission fund that is hereby established in the state treasury. All money deposited in the fund is continuously appropriated to pay for the administration of this chapter and for the compensation and expenses of members of the South Dakota Athletic Commission

## CHAPTER 42-12

### BOXING, KICKBOXING, MIXED MARTIAL ARTS, AND SPARRING

42-12-1 to 42-12-7. Repealed.

42-12-7.1 Definitions.

42-12-8 South Dakota Athletic Commission created.

42-12-8.1 Terms--Vacancies.

42-12-8.2 Meetings--Quorum.

42-12-8.3 Officers.

42-12-8.4 Per diem--Expenses.

42-12-8.5 Immunity from personal liability.

42-12-8.6 Liability coverage.

42-12-9 Direction of boxing, kickboxing, and mixed martial arts competitions and sparring exhibitions.

42-12-9.1 Powers and duties of commission.

42-12-10 Promulgation of rules.

42-12-11 Boxing commission fund.

42-12-12 Competitions and exhibitions to conform to local ordinances.

42-12-13 Certain educational institutions and amateur associations exempt.

42-12-14 Certificate of registration required for boxers, kickboxers, and mixed martial artists--Application--Violation as misdemeanor.

42-12-15 License required to facilitate a competition or exhibition--Application--Violation as misdemeanor.

42-12-16 Certificate of registration required for competition or exhibition--Violation as misdemeanor.

42-12-17 Records pertaining to competition or exhibition.

42-12-18 Inspection of competition or sparring exhibition.

42-12-19 Proceeds subject to forfeiture.

42-12-20 Sanctions for violation of chapter.

42-12-21 Summary suspension of registration or license--Hearing--Appeal.

42-12-22 Proceedings for revocation or suspension.

42-12-23 Appeals from discipline.

42-12-24 Penalties for violation of chapter.

42-12-25 Cease and desist order--Service--Hearing.

42-12-26 Failure to appear--Criminal prosecution.

42-12-27 Report--Orders.

42-12-28 Fees to reimburse commission for proceedings.

42-12-29 Prosecution of criminal action.

42-12-30 Prosecution of civil action.

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42-12-1 to 42-12-7. Repealed by SL 2009, ch 219, § 8, eff. July 1, 2012.

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42-12-7.1. Definitions. Terms used in this chapter mean:

- (1) "Department," the Department of Labor and Regulation;
- (2) "Commission," the South Dakota Athletic Commission;
- (3) "Boxing," the sport or practice of fighting with fists in which participants wear boxing gloves;
- (4) "Kickboxing," the sport of attack and defense in which participants wear boxing gloves and throw punches as in boxing and kick with bare feet as in karate;
- (5) "Mixed martial arts," the sport of fighting in which participants inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent, using a combination of boxing, kickboxing, wrestling, grappling, or other martial arts;
- (6) "Boxer," a participant in a boxing competition or sparring exhibition;
- (7) "Kickboxer," a participant in a kickboxing competition or sparring exhibition;
- (8) "Mixed martial artist," a participant in a mixed martial arts competition or sparring exhibition;
- (9) "Promoter," any person, club, corporation, association, or entity, who produces, arranges, or stages any competition or sparring exhibition;
- (10) "Manager," any person who acts on behalf of a boxer, kickboxer, or mixed martial artist to facilitate the production, arrangement, or staging of any competition or sparring exhibition;
- (11) "Matchmaker," any person, club, corporation, association, or entity that brings together a competition or sparring exhibition;
- (12) "Competition," any match, fight, contest, or event in which the participants intend to and actually inflict punches, blows, kicks, or other techniques to temporarily incapacitate an opponent with the intent to win the competition, and in which the participants receive payment or remuneration, directly or indirectly, as consideration for the participant's performance; and
- (13) "Sparring exhibition," any match, fight, contest, or event in which the participants intend to and actually inflict punches, blows, kicks, or other techniques to temporarily incapacitate an opponent with the intent to display skills without striving to win, and in which the participants receive payment or remuneration, directly or indirectly, as consideration for the participant's performance.

**Source:** SL 2014, ch 209, § 28.

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42-12-8. South Dakota Athletic Commission created. There is hereby created, within the jurisdiction of the Department of Labor and Regulation, the South Dakota Athletic Commission consisting of five members appointed by the Governor. Not all members may be of the same political party. One member shall have experience with, or have been active in boxing, kickboxing, or mixed martial arts. One member shall represent the public at large.

**Source:** SL 2013, ch 221, § 1; SL 2014, ch 209, § 1.

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42-12-8.1. Terms--Vacancies. Each appointment to the commission shall be for a period of three years except for the initial appointments which shall be for staggered terms. Each member shall serve until the expiration of the term for which the commissioner was appointed or until the member's successor is appointed and qualified to serve on the commission. If a vacancy occurs other than by expiration of term, the Governor shall appoint a qualified person to fill the vacancy for the unexpired term. The appointment to an unexpired term is not considered a full term. No member may serve more than three consecutive full terms.

**Source:** SL 2014, ch 209, § 2.

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42-12-8.2. Meetings--Quorum. The commission shall hold at least one meeting annually. The commission may hold other meetings at a time and place set by the chair or by a majority of the commission. A majority of the commissioners constitutes a quorum to conduct business. A majority of those present and voting constitutes a decision of the commission.

**Source:** SL 2014, ch 209, § 3.

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42-12-8.3. Officers. The commission shall select a chair, vice chair, and secretary annually. No member may serve as chair for more than three consecutive years.

**Source:** SL 2014, ch 209, § 4.

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42-12-8.4. Per diem--Expenses. Members of the commission shall receive a per diem established pursuant to § 4-7-10.4 and expenses at the same rate as other state employees while engaged in official duties.

**Source:** SL 2014, ch 209, § 5.

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42-12-8.5. Immunity from personal liability. The commission, its members, and its agents are immune from personal liability for actions taken in good faith in the discharge of the commission's duties, and the state shall hold the commission, its members, and its agents harmless from all costs, damages, and attorney fees arising from claims and suits against them with respect to matters to which such immunity applies. The attorney general shall represent and appear for them in any action or proceeding brought by or against the commission, its members, and its agents because of such acts.

**Source:** SL 2014, ch 209, § 6.

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42-12-8.6. Liability coverage. The commission may acquire liability coverage from an outside entity to provide adequate coverage against claims.

**Source:** SL 2014, ch 209, § 7.

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42-12-9. Direction of boxing, kickboxing, and mixed martial arts competitions and sparring exhibitions. The commission is hereby vested with the sole direction, control, and jurisdiction over all contests and exhibitions of boxing, kickboxing, and mixed martial arts competitions and sparring exhibitions held in the State of South Dakota. No competition or exhibition may be conducted within this state except in accordance with the provisions of this chapter.

**Source:** SL 2013, ch 221, § 2.

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42-12-9.1. Powers and duties of commission. The commission has the following powers and duties:

- (1) Through rules established pursuant to chapter 1-26, establish standards for the practice of boxing, kickboxing, and mixed martial arts;
- (2) Issue licenses and registrations to persons, clubs, corporations, associations, or other entities that meet the qualifications for licensure or registration;
- (3) Have available the names of persons, clubs, corporations, associations, or other entities registered or licensed pursuant to the provisions of this chapter;
- (4) Have available the date, time, and location of any competition or sparring exhibition registered pursuant to the provisions of this chapter;
- (5) Employ personnel in accordance with the needs and budget of the commission;

(6) Enter into contracts as necessary to carry out the commission's responsibilities pursuant to the provisions of this chapter;

(7) Communicate disciplinary actions and registration and license status of boxers, kickboxers, mixed martial artists, managers, promoters, and matchmakers to relevant state and federal governing bodies as may be required; and

(8) Perform other duties directly related to the provisions of this chapter or rules promulgated pursuant to chapter 1-26.

**Source:** SL 2014, ch 209, § 26.

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42-12-10. Promulgation of rules. The commission shall promulgate rules pursuant to chapter 1-26 to:

(1) Govern the conduct of boxing, kickboxing, and mixed martial arts competitions, and sparring exhibitions;

(2) Establish registration criteria and registration fees for all boxers, kickboxers, and mixed martial artists who participate in competitions and sparring exhibitions governed by the commission;

(3) Establish license criteria and license fees for all promoters, managers, and matchmakers of boxing, kickboxing, or mixed martial arts competitions;

(4) Establish registration requirements for all boxing, kickboxing, or mixed martial arts competitions or sparring exhibitions held in the state;

(5) Establish the written records to be maintained for all competitions and sparring exhibitions conducted in the state;

(6) Establish a fee based on the percentage of gross revenues from any boxing, kickboxing, or mixed martial arts competition or sparring exhibition held in the state to cover the expenses of the South Dakota Athletic Commission. The fee established under this subdivision may not exceed five percent of the gross revenues of the exhibition from any and all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax. However, in no event may the fee be less than one thousand dollars;

(7) Establish criteria for approved bona fide educational institutions or national amateur boxing, kickboxing, or mixed martial arts associations for purposes of being exempted from the provisions of this chapter;

(8) Establish procedures for disciplinary proceedings; and

(9) Establish procedures for receiving and conducting complaint investigations.

**Source:** SL 2013, ch 221, § 3; SL 2014, ch 209, § 25.

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42-12-11. Boxing commission fund. All fees collected pursuant to this chapter shall be placed in the boxing commission fund that is hereby established in the state

treasury. All money deposited in the fund is continuously appropriated to pay for the administration of this chapter and for the compensation and expenses of members of the South Dakota Athletic Commission.

**Source:** SL 2013, ch 221, § 4.

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42-12-12. Competitions and exhibitions to conform to local ordinances. Boxing, kickboxing, or mixed martial arts competitions or sparring exhibitions held in any city in this state shall be held in conformity to the ordinances of that city, in addition to the requirements of this chapter. No boxing, kickboxing, or mixed martial arts competition or sparring exhibition may be held in a city where such contests or exhibitions are prohibited by ordinance.

**Source:** SL 2013, ch 221, § 5.

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42-12-13. Certain educational institutions and amateur associations exempt. All boxing, kickboxing, or mixed martial arts or sparring exhibitions conducted by bona fide educational institutions or by national amateur boxing, kickboxing, or mixed martial arts associations or their local affiliates approved by the commission are exempt from the provisions of this chapter.

**Source:** SL 2013, ch 221, § 6; SL 2014, ch 209, § 27.

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42-12-14. Certificate of registration required for boxers, kickboxers, and mixed martial artists--Application--Violation as misdemeanor. No boxer, kickboxer, or mixed martial artist may participate in any competition or sparring exhibition without having a certificate of registration issued by the commission. Each boxer, kickboxer, or mixed martial artist shall submit an application upon a form prescribed by the commission and pay the required application fee. Any boxer, kickboxer, or mixed martial artist in a competition or sparring exhibition who does not have a certificate of registration issued by the commission is guilty of a Class 2 misdemeanor. The commission may file a civil suit to enjoin any person engaging in a competition or sparring exhibition without a certificate of registration issued by the commission.

**Source:** SL 2014, ch 209, § 8.

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42-12-15. License required to facilitate a competition or exhibition--Application--Violation as misdemeanor. No manager, matchmaker, or promoter may participate in,



facilitate, produce, stage, arrange, or profit from a competition or sparring exhibition without having a license issued by the commission. A manager, matchmaker, or promoter shall submit an application upon a form prescribed by the commission and shall pay the required application fee. Any person, club, corporation, association, or entity required to have a license pursuant to this section that participates in, facilitates, produces, stages, arranges, or profits from a competition or sparring exhibition without having a license issued by the commission is guilty of a Class 2 misdemeanor. The commission may file a civil suit to enjoin any person or entity engaging in a competition or sparring exhibition without a license issued by the commission.

**Source:** SL 2014, ch 209, § 9.

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42-12-16. Certificate of registration required for competition or exhibition-- Violation as misdemeanor. No competition or sparring exhibition may be held without having a certificate of registration issued by the commission. The commission shall prescribe the form and the fee for registration. Any person, competitor, club, corporation, association, or entity that participates in, facilitates, produces, stages, arranges, or profits from a competition or sparring exhibition that does not have a certificate of registration issued by the commission is guilty of a Class 1 misdemeanor. The commission may file a civil suit to enjoin any person or entity from participating in, facilitating, producing, staging, arranging, or profiting from a competition or sparring exhibition that does not have a certificate of registration issued by the commission.

**Source:** SL 2014, ch 209, § 10.

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42-12-17. Records pertaining to competition or exhibition. Any competition or sparring exhibition held in South Dakota shall keep any written records pertaining to the competition or sparring exhibition that may be required by the commission. The records shall be made available for inspection by a representative or agent of the commission during normal business hours.

**Source:** SL 2014, ch 209, § 11.

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42-12-18. Inspection of competition or sparring exhibition. Any member of the commission, or its representative or agent, may freely enter upon and inspect a competition or sparring exhibition at the time and place set for the competition or sparring exhibition.

**Source:** SL 2014, ch 209, § 12.

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42-12-19. Proceeds subject to forfeiture. Any assets, interest, revenues, income, and proceeds acquired from a competition or sparring exhibition held without having a certificate of registration issued by the commission are subject to forfeiture to the commission.

**Source:** SL 2014, ch 209, § 13.

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42-12-20. Sanctions for violation of chapter. If the commission determines that a person, club, corporation, association, or entity is in violation of this chapter or any rule promulgated pursuant to this chapter, the commission may take the following actions:

- (1) Deny an application for registration or licensure;
- (2) Suspend, temporarily suspend, revoke, or refuse to renew a registration or license;
- (3) Place on probation, condition, or limit a registration or license;
- (4) Require reimbursement of the commission for expenses resulting from suspension, temporary suspension, revocation, refusal to renew, fines, censure, or reprimand resulting from a violation;
- (5) Pursue legal actions against a person, club, corporation, association, or entity that is not authorized to act by this chapter;
- (6) Impose an administrative fine as provided for by this chapter;
- (7) Seek an injunction as provided for by this chapter;
- (8) Issue a cease and desist order as provided for by this chapter; or
- (9) Other sanctions which the commission finds appropriate.

**Source:** SL 2014, ch 209, § 14.

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42-12-21. Summary suspension of registration or license--Hearing--Appeal. The commission may summarily suspend a registration or license in advance of a final adjudication or during the appeals process if the commission finds that a registrant or licensee represents a clear and immediate danger to the public safety or to the safety of other competitors or participants in any competition or sparring exhibition. Any registrant or licensee whose registration or license is suspended under this section is entitled to a prompt hearing pursuant to § 1-26-29. The registrant or licensee may subsequently appeal the suspension to circuit court in accordance with chapter 1-26.

**Source:** SL 2014, ch 209, § 15.

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42-12-22. Proceedings for revocation or suspension. Proceedings for the revocation or suspension of any registration or license shall be conducted pursuant to chapter 1-26 and any rules promulgated pursuant to this chapter.

**Source:** SL 2014, ch 209, § 16.

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42-12-23. Appeals from discipline. The findings and actions of the commission on disciplinary matters are subject to appeal as provided by chapter 1-26 and any rules promulgated pursuant to this chapter.

**Source:** SL 2014, ch 209, § 17.

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42-12-24. Penalties for violation of chapter. Any person, club, corporation, association, or entity that has violated any provision of this chapter or any rule promulgated pursuant to this chapter is subject to the following penalties:

(1) Administrative fine:

(a) Boxer, kickboxer, or martial artist: any person registered by the commission who violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed five hundred dollars for each offense;

(b) Manager, promoter, or matchmaker: any person, club, corporation, association, or entity licensed by the commission which violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed two thousand dollars for each offense;

(c) Competition or sparring exhibition: any person, club, corporation, association, or entity responsible for facilitating, producing, staging, arranging, or profiting from a competition or sparring exhibition registered by the commission that violates any provision of this chapter or rules promulgated pursuant to this chapter is liable for an administrative fine not to exceed two thousand five hundred dollars for each offense.

An administrative fine not paid within sixty days from the date of the order imposing the fine may be enforced by an action in the appropriate county circuit court. Any person, club, corporation, association, or entity aggrieved by an order under this subdivision may make an appeal pursuant to chapter 1-26;

(2) Injunction: if the commission deems it necessary for the public safety or the safety of competitors or participants in a competition or sparring exhibition, the commission may bring an action in the name of the state in the circuit court in any county in which jurisdiction is proper to enjoin the act, practice, or violation and to enforce compliance with this chapter or any rule promulgated pursuant to this chapter.

Upon showing that a person, club, corporation, association, or entity has engaged in an otherwise unauthorized act or practice, a permanent or temporary injunction, or restraining order, or other appropriate relief shall be obtained against the person, club, corporation, association, or entity to prohibit the continuation of the unauthorized act or practice;

(3) Cease and desist order: the commission may issue and have served upon a person, club, corporation, association, or entity an order requiring the person, club, corporation, association, or entity to cease and desist from any unauthorized practice or act which is in violation of this chapter or any rule promulgated pursuant to this chapter. The cease and desist order shall give reasonable notice of the rights to request a hearing pursuant to chapter 1-26 and shall state the reasons for the entry of the order.

**Source:** SL 2014, ch 209, § 18.

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42-12-25. Cease and desist order--Service--Hearing. Service of the cease and desist order is effective if the order is served on the person, club, corporation, association, entity, or counsel of record personally or by certified mail. Unless otherwise agreed by the commission and the party requesting the hearing, a hearing shall be held no later than ninety days after a request for a hearing is received by the commission.

**Source:** SL 2014, ch 209, § 19.

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42-12-26. Failure to appear--Criminal prosecution. If no hearing is requested within the thirty days of service of the cease and desist order, the order becomes final and remains in effect until the order is modified or vacated by the commission. If the party to whom a cease and desist order is issued requests a hearing, but after being duly notified fails to appear at the hearing, the party is in default and the proceeding may be determined against the party upon consideration of the cease and desist order, the allegations of which may be considered to be true. Action taken pursuant to this section does not relieve a party from criminal prosecution by a competent authority or from disciplinary action by the commission with respect to the party's application, registration, license, or renewal.

**Source:** SL 2014, ch 209, § 20.

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42-12-27. Report--Orders. The commission or hearing examiner shall issue a report within thirty days of the close of the contested case hearing record. Within thirty days after the report and any exceptions to the report, the commission shall

issue a further order vacating, modifying, or making permanent the cease and desist orders as the facts require.

**Source:** SL 2014, ch 209, § 21.

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42-12-28. Fees to reimburse commission for proceedings. The commission may impose a fee to reimburse the commission for all or part of the cost of proceedings resulting in disciplinary action authorized by this chapter or rules promulgated pursuant to this chapter, the imposition of civil penalties or administrative fines, or the issuance of a cease and desist order. The fee may be imposed if the commission shows a person, club, corporation, association, or entity has committed an act or practice in violation of this chapter or rules promulgated pursuant to this chapter, or has violated an order of the commission. The costs include the amount paid by the commission for services from attorneys, investigators, court reporters, witnesses, expert witnesses, reproduction of records, commission members' per diem compensation, commission staff time, and expenses incurred by commission members and staff.

**Source:** SL 2014, ch 209, § 22.

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42-12-29. Prosecution of criminal action. Any criminal action for violation of any provision of this chapter or of any rule promulgated pursuant to this chapter shall be prosecuted by the attorney general of the state, or, at the attorney general's request and under the attorney general's direction, by the state's attorney of any county in which the violation occurred.

**Source:** SL 2014, ch 209, § 23.

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42-12-30. Prosecution of civil action. In any civil action to enforce the provisions of this chapter, the Department of Labor and Regulation and the state may be represented by any qualified attorney who is a regular salaried employee of the department and is designated by the department for this purpose or, at the department's request, by the attorney general.

**Source:** SL 2014, ch 209, § 24.

## ARTICLE 20:81

### ATHLETIC COMMISSION

Chapter	
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#### CHAPTER 20:81:01

#### GENERAL PROVISIONS

Section	
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20:81:01:15	Sham or collusive contests prohibited.
20:81:01:16	Drug testing.
20:81:01:17	Disciplinary action.

**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) "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;

(8) "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;

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

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

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

(12) "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;

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

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

(15) "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.

**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.

**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 fourteen 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.

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

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

**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.

**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 immediately prior to competing.

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

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

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

**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.

**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. 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.

**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; and

(6) A portable resuscitator with oxygen must be kept under the ring.

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

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

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

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

**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.

**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.

**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.

**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.

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.

**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.

**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 weigh-in or failing to show for a bout; 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.

## CHAPTER 20:81:02

### FEES

20:81:02:01 Remittance of fees.

20:81:02:02 Fee schedule.

20:81:02:03 Contest fees.

**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.

**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.

**20:81:02:03. Contest fees.** For each approved contest, the promoter shall pay a fee of one 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 any contest fee owed to the Commission.

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

If, following the contest, the gross revenue of the contest requires the promoter to pay an additional amount, the promoter shall submit such additional fee to the Commission within ten days.

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

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

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

## CHAPTER 20:81:03

### LICENSES AND REGISTRATIONS

#### Sections

20:81:03:01	Terms and conditions of registration -- Boxers and kickboxers.
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.
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20:81:03:10	Terms and conditions of registration -- Timekeepers.
20:81:03:11	Terms and conditions of registration -- Physicians.

**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;

(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.

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

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

**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.

**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 disclose whether the applicant is, or has been, under suspension in any jurisdiction in the preceding twelve months;

(5) 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;

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

(7) 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 prior to the application and that the results are negative;

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

(9) 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

(10) 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.

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

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

**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 fourteen 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 a ring, stools, water buckets, bell, buzzer or whistle, timer, gloves, gauze, tape for hand wraps, and adequate scales. The promoter shall ensure that all the required equipment is in its place;

(8) Prior to approval of a contest, 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) 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) 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 ten 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) 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.

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

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

**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.

**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.

**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-two 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 physician. A 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.

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

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

**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 referee'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.

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

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

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

**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;
- (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.

**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. 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.

**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, 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 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.

## CHAPTER 20:81:04

### BOXING

- 20:81:04:01 Applicability of rules.
- 20:81:04:02 Compliance with Professional Boxing Safety Act of 1996 and Muhammad Ali Boxing Reform Act.
- 20:81:04:03 Rounds.
- 20:81:04:04 Referee.
- 20:81:04:05 Judges.
- 20:81:04:06 Scoring system.



20:81:04:07	Knockdowns.
20:81:04:08	Mouthpiece required.
20:81:04:09	Weight classes.
20:81:04:10	Gloves.
20:81:04:11	Weight differentials.
20:81:04:12	Weigh-ins.
20:81:04:13	Scales.
20:81:04:14	Appearance and attire.
20:81:04:15	Bandage and glove requirements.
20:81:04:16	Standing eight count not in effect.
20:81:04:17	Three knockdown rule not in effect.
20:81:04:18	Boxer out of the ring.
20:81:04:19	Technical knockout.
20:81:04:20	Fouls.
20:81:04:21	Injuries sustained by intentional fouls.
20:81:04:22	Injuries sustained by accidental fouls.
20:81:04:23	Results of contest.
20:81:04:24	Use and administration of drugs, stimulants, or nonprescription preparations.
20:81:04:25	Ring requirements.
20:81:04:26	Automatic suspensions following contests.
20:81:04:27	Amateur contests -- Requirements and rules.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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 twenty-four 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.

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

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

**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. The promoter must arrange for and provide the scales. 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.

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

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

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

## CHAPTER 20:81:05

### MIXED MARTIAL ARTS

#### Section

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20:81:05:20	Amateur contests -- Requirements and rules.

**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.

**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.

**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.

**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 twenty-four 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 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.

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

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

**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. The promoter must arrange for and provide the scales. 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.

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

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

**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.

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

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

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

**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.

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

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

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

**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; 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.

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

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

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

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

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

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

**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; and
- (2) Chairs and stools.

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

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

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

**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.

**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.

**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.

**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.

**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.

**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. 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.

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

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

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

**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.

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

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

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

**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.

## **CHAPTER 20:81:06**

### **KICKBOXING**

Section

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

**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.

## **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.

**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.

**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.

**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.

**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 ten 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.

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

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

**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 ten 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 ten 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.

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

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

**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 ten 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.

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

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

## CHAPTER 20:81:08

### AMATEUR ORGANIZATIONS AND EDUCATIONAL INSTITUTIONS

#### Section

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

**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 institutions' 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.

## 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.

**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.

**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.

**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.

**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.

**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.

**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 proceeding 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.

**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.

**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.

**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.

**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.



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## Commission Policies

*(Updated 9.2.14)*

The Commission will provide preliminary approval of a competition registration, if all requirements for registration are met, pending a signed venue contract or written confirmation of an event venue within 14 business days of approval. (Adopted 9.2.14)

The Commission requires proof of ambulance services exclusive to a competition at least 14 business days prior to the competition. (Adopted 9.2.14)

The Commission will approve no more than 3 competitions per month, subject to the availability of Commissioner and Commission designees to attend the competitions. A multi-day competition may be treated as one competition for purposes of scheduling competitions, if staffing and resources allow. (Adopted 9.2.14)

The Commission requires proof of health insurance and death benefit coverage for each contestant in a competition be filed with the Notification of Contest at least 5 business days prior to the date of the competition. (Adopted 9.2.14)

The Commission authorizes the executive secretary to register and license applicants who meet the qualifications for registration or licensure. (Adopted 9.2.14)

The Commission joined the Association of Boxing Commissions. (Adopted 9.2.14)

**GUNDERSON, PALMER, NELSON & ASHMORE, LLP**

**ATTORNEYS AT LAW**

506 SIXTH STREET  
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RAPID CITY, SOUTH DAKOTA 57709-8045

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JAMES S. NELSON  
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JENNIFER TRUCANO  
DAVID E. LUST  
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BY:

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WYNN A. GUNDERSON  
*Of Counsel*

*Writer's E-mail Address: [jtrucano@gpna.com](mailto:jtrucano@gpna.com)*

*Writer's Fax No.: (605) 342-0480*

October 13, 2014

Jennifer Stalley, Executive Secretary  
South Dakota Athletic Commission  
1351 N. Harrison Ave.  
Pierre, SD 57501

Re: Athletic Commission Rules Revision  
GPNA File No. 11662.0003

Dear Ms. Stalley:

I represent the South Dakota Chiropractors' Association in a complaint arising from discriminatory language in South Dakota Administrative Rule 20:81:01:01(10). To that end, enclosed please find a Verified Petition for Review and Amendment, pursuant to SDCL 1-26-13. Please forward this information to the Commissioners for appropriate action.

Thank you for your attention to this matter.

Sincerely,



Jennifer Trucano

JKT:crl

Enclosure

cc: Dr. Quentin Thompson, South Dakota Chiropractors Association

STATE OF SOUTH DAKOTA DEPARTMENT  
OF LABOR AND REGULATION

SOUTH DAKOTA ATHLETIC COMMISSION

In Re Matter of,

SOUTH DAKOTA CHIROPRACTORS'  
ASSOCIATION,

Petitioner.

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File No.: \_\_\_\_\_

VERIFIED PETITION FOR  
REVIEW AND AMENDMENT

The South Dakota Chiropractors' Association (hereinafter the "Petitioner") by and through their attorney, Jennifer Trucano, and Gunderson, Palmer, Nelson & Ashmore, LLP, hereby make this Petition for Review and Amendment of South Dakota Administrative Rule 20:81:01:01(10) (hereinafter the "Rule"), in accordance with SDCL 1-26-13, by and for the reasons as follows:

1. South Dakota Administrative Rule 20:81:01:01(10) defines "'Physician,' [as] a person who is licensed as a doctor of medicine or doctor of osteopathy and in good standing with the issuing licensing board;" and
2. The Rule inappropriately excludes chiropractic physicians by defining a Physician as only "a person who is licensed as a doctor of medicine or doctor of osteopathy and in good standing with the issuing licensing board;" and
3. SDCL 36-5-15 governs the rules of practice of chiropractors, which includes "all the privileges granted other physicians or healers pertaining to the public health . . . includ[ing]...the privilege of taking a complete, detailed and accurate history for the purposes of doing a physical examination for participation in high school or other athletics, and of certifying that the patient is healthy and able to participate;" and
4. The Rule's current language "is not a reasonable implementation of the law" under SDCL 1-26-4.7(8) as it excludes chiropractors from performing healthcare services within their qualifications and South Dakota licensure; and



5. The Rule and duties of a Physician as defined in ARSD 20:81 are specifically identified as follows:

ARSD 20:81:03:11(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;”

ARSD 20:81:03:11(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 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”

ARSD 20:81:03:11(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.”


6. All of these procedures are within a chiropractor's scope of practice, which is supported by the opinion of the Department of Health - South Dakota Board of Chiropractic Examiners. A copy of the Board's letter dated July 3, 2014 is attached as Exhibit A to the Affidavit of Dr. Quentin Thompson and incorporated in this Petition by reference; and
7. In a comparative situation, the South Dakota High School Activities Association allows any "licensed health care provider" who is "licensed...by the State of South Dakota," and "trained and experienced in the evaluation, management and care of concussions" to evaluate and certify the return of high school athletes to physical activity after suffering or exhibiting signs of a concussion (SDCL §§ 13-36-12 and 13-36-13); and
8. Chiropractors' training includes the assessment and diagnosis of concussions and chiropractors should be defined as "Physicians" under the Rule, and allowed to preform all health care functions in accordance with the requirements of ARSD 20.81.03.11; and
9. The opinion letter of Dr. Verle Valentine, a medical doctor, further supports chiropractors should be included in the definition of the Rule and verifies that chiropractors have been trained in the diagnosis and treatment of head traumas, including concussions, such that many are involved in assessment and release of high school athletes who have undergone such an event. A copy of Dr. Valentine's letter is attached as Exhibit A to the Affidavit of Dr. Josh Carr and incorporated in this Petition by reference; and
10. Petitioner asserts that the notice given prior to the adoption of the Rule was inadequate to give affected persons (i.e. chiropractors) notice to participate in the rule-making process, and request revisions.

WHEREFORE, Petitioner prays for the following relief:

1. That the Athletic Commission revise and amend the Rule to be non-discriminatory against chiropractors pursuant to SDCL 1-26-4.7.
2. That the language of Rule 20:81:01:01(10) be amended as follows:
  - (10) "Physician," a person who is licensed as a doctor of medicine, a doctor of osteopathy, or a doctor of chiropractic under SDCL 36-4 and 36-5, respectively, and in good standing with the issuing licensing board.
3. That language throughout ARSD 20:81 be amended as necessary to reflect the change in definition of Physician to include chiropractors.
4. That the Athletic Commission initiate rule-making proceedings to amend the Rule and serve a copy of this Petition, or any denial of the same, upon the members of

the Interim Rules Review Committee and the director of the Legislative Research Council, as set forth in SDCL 1-26-13.

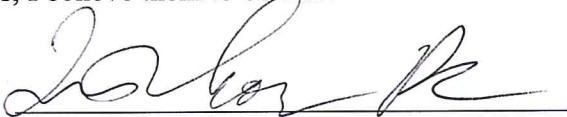
Dated this 13<sup>th</sup> day of October, 2014.

  
Jennifer Trucano  
Attorney for Petitioner  
Gunderson, Palmer, Nelson &  
Ashmore, LLP  
P.O. Box 8045  
Rapid City, SD 57709-8045  
(605) 342-1078

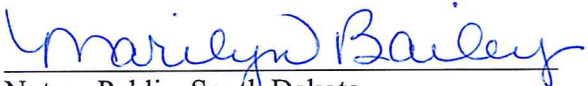
**VERIFICATION**

STATE OF SOUTH DAKOTA     )  
  ) ss.  
COUNTY OF PENNINGTON     )

I, Dr. Quentin Thompson, being first duly sworn, depose and state that I have read the foregoing Verified Petition for Review and Amendment and know the contents thereof, and that the same is true and correct to the best of my knowledge and belief, except as to the matters herein stated on information, and as to those matters, I believe them to be true.

  
South Dakota Chiropractors Association  
By: Dr. Quentin Thompson  
Its: President  
P.O. Box 2110  
Rapid City, SD 57709  
(605) 791-0770

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of October, 2014.

  
Notary Public, South Dakota  
My Commission Expires: 1-11-20

(SEAL)

STATE OF SOUTH DAKOTA DEPARTMENT  
OF LABOR AND REGULATION

SOUTH DAKOTA ATHLETIC COMMISSION

In Re Matter of, )  
 ) File No.: \_\_\_\_\_  
 )  
SOUTH DAKOTA CHIROPRACTORS' )  
ASSOCIATION, )  
 )  
 ) AFFIDAVIT OF  
 ) DR. QUENTIN THOMPSON  
 )  
Petitioner. )  
 )

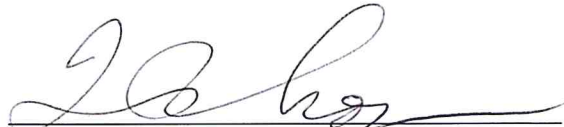
State of South Dakota )  
 ) ss.  
County of Davison )

COMES NOW, the Affiant, Dr. Quentin Thompson, being first duly sworn upon his oath,  
and states:


1. I am a resident of Mitchell, Davison County, South Dakota and President of the South Dakota Chiropractors Association.
2. In support of the South Dakota Chiropractors Association's Petition for Review, the Association requested the South Dakota Board of Chiropractic Examiners issue an opinion about the requirements of ARSD 20:81 as they relate to the scope of practice of chiropractors.
3. The response letter from the South Dakota Board of Chiropractic Examiners is attached hereto as Exhibit A and incorporated herein as if set forth in full.

This concludes my affidavit.

Dated this 9<sup>th</sup> day of October, 2014.

  
Dr. Quentin Thompson

Subscribed and sworn to before me on this 9<sup>th</sup> day of October, 2014.

  
Notary Public, South Dakota  
My Commission Expires: 1-11-20

(SEAL)



DEPARTMENT OF HEALTH  
**SOUTH DAKOTA BOARD  
OF CHIROPRACTIC  
EXAMINERS**

Mark Bledsoe, DC, President  
Jeff Kramer, DC, Vice President  
Jerrid Goebel, DC, Secretary/Treasurer  
Donn Fahrendorf, DC, Board Member  
Jim Lawler, Lay Member  
Marcia Walter, Executive Director



November 1, 2011

Carr Chiropractic Clinics, PC  
Attn: Dr. John Carr  
207 East 3<sup>rd</sup> Street  
Miller, SD 57362

RE: Concussion

To Whom It May Concern:

The South Dakota Board of Chiropractic Examiners is of the opinion that it is within the chiropractic scope of practice for chiropractors to evaluate and manage concussions suffered by athlete's as well as sign the return to play form.

Chiropractors receive significant education while in chiropractic college regarding neuroanatomy which covers diagnosis and management of concussion syndrome as well as traumatic brain injuries. In addition, the Doctors of Carr Chiropractic Clinics, PC also attended a symposium facilitated by specialists from Sanford Health Center which detailed the evaluation and management of concussions as well as return to play form. This symposium fulfilled the requirements outlined by the state law.

The initial education received in Chiropractic College as well as the follow-up training received in concussion management qualifies these chiropractors to evaluate and manage concussions as well as sign the return to play form. If any additional information is needed, please do not hesitate to contact our office.

Respectfully submitted,

*Mark Bledsoe, DC*

Mark Bledsoe, DC  
President  
South Dakota Board of Chiropractic Examiners

*MW*

STATE OF SOUTH DAKOTA DEPARTMENT  
OF LABOR AND REGULATION

SOUTH DAKOTA ATHLETIC COMMISSION

In Re Matter of, )  
 ) File No.: \_\_\_\_\_  
 )  
SOUTH DAKOTA CHIROPRACTORS' )  
ASSOCIATION, ) AFFIDAVIT OF DR. JOSH CARR  
 )  
 )  
Petitioner. )  
 )

State of South Dakota )  
 ) ss.  
County of Beadle )

COMES NOW, the Affiant, Dr. Josh Carr, being first duly sworn upon his oath, and states:

1. I am a resident of Huron, Beadle County, South Dakota and a member of the South Dakota Chiropractors Association.
2. I received a letter dated October 26, 2011 from the National University of Health Sciences that confirms the typical training chiropractors receive encompasses "Diagnosis and Management of Concussion Syndrome as well as the return to play requirements." A copy of the letter and supporting course documentation is attached hereto as Exhibit A, and incorporated herein as if set forth in full.
3. In support of the South Dakota Chiropractors' Association Petition for Review and Amendment of ARSD 20:81, I obtained a letter from Dr. Verle Valentine of Sanford Orthopedics & Sports Medicine's Sports Concussion Program. Dr. Valentine's letter was written in conjunction with the South Dakota High School




Activities' Association legislation on concussion evaluation and release for high school student athletes. Chiropractors are allowed to participate as health care evaluators in that setting based on training received. A copy of Dr. Valentine's undated letter is attached hereto as Exhibit B, and incorporated herein as if set forth in full.

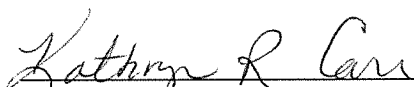
4. As a doctor of chiropractic medicine, I have undergone training on how to diagnose head traumas, including, but not limited to, concussions sustained by athletes during physical activity in the performance of sporting events, and the ability to manage return to play decisions.

This concludes my affidavit.

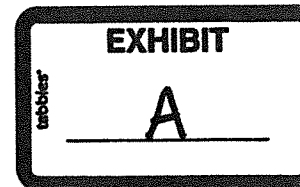
Dated this 6<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Dr. Josh Carr

Subscribed and sworn to before me on this 6<sup>th</sup> day of October, 2014.

  
\_\_\_\_\_  
Notary Public, South Dakota  
My Commission Expires: 11/28/2019





OFFICE OF THE PRESIDENT  
200 East Roosevelt Road Lombard, Illinois 60148-4583  
P 630-889-6604 F 630-889-6600 E jwinterstein@nuhs.edu

October 26, 2011

Dr. John S. Carr  
Carr Chiropractic Clinics, PC  
207 East 3<sup>rd</sup> Street  
Miller, SD 57362

Dear Dr. Carr,

Included with this letter you will find an outline of the courses taught at National University of Health Sciences and its predecessor National College of Chiropractic with regard to the subject of Diagnosis and Management of Concussion Syndrome as well as the return to play requirements.

As you can readily see, this particular subject is thoroughly covered from the initial course in Neuroanatomy through the Clinical Internship II.

Should you have further questions, please do not hesitate to contact me.

Cordially,

A handwritten signature in cursive script that reads 'James Winterstein'.

James Winterstein, D.C.  
President

Compilation of the Topic of Concussion as Taught at NUHS, DCP

Course Name	Course #	Trimester/Term	Description and Detail
Neuroanatomy	ANS203	2nd/Phase I, Term Two	The neuroanatomical basis for concussive symptoms are detailed in the course.
Evaluation & Management of the Head, Neck & Cervical Spine	EM5408	4th/Phase I, Term Four	Closed head trauma (concussion, etc.) is covered relative to diagnosing and conservatively managing such scenarios in a primary care setting.
Evaluation & Management of the Musculoskeletal System	EM6102	5th/Phase II, Term One	Most popular grading scales (American Academy of Neurologists and the Colorado Medical Society guidelines) are covered; the criteria for return to athletic competition post-concussion is covered.
Evaluation & Management of the Neurological System	EM6106	5th/Phase II, Term One	The topic is covered in depth as it relates to evaluating the integrity of the nervous system physiologically and functionally. The criteria for return to athletic competition is emphasized.
Physical and Laboratory Diagnosis	EM6202	6th/Phase II, Term Two	The topic is covered relative to the physical examination of such a patient.
Ambulatory Trauma Care	EC6303	7th/Phase II, Term Three	The topic of concussion and return to play is extensively covered.
Advanced Diagnosis & Problem Solving	EM6304	7th/Phase II, Term Three	A patient post-MVA is presented and the students must prepare differentials including concussion as a possibility. The final diagnosis will vary from term to term, however.
Functional Rehabilitation - Advanced Manual Medicine	FR6309	7th/Phase II, Term Three	The topic of concussion and return to athletic competition is covered extensively. Rehabilitation protocols are emphasized as it relates to getting the athlete back to competition safely.
Clinic Internship I	IC7102	9th/Phase III, Term Three	Interns are taught to utilize patient education protocols from the Centers for Disease Control, the "Heads Up" Program.
Clinic Internship II	IC7201	10th/Phase III, Term Four	Interns are taught to utilize patient education protocols from the Centers for Disease Control, the "Heads Up" Program.

To Whom It May Concern:

For anyone unsure, I'd like to clarify the components of the new state law regarding concussions. It is the intent of the law to further educate coaches, parents and athletes about the dangers of concussion and to remove athletes from play who exhibit signs, symptoms or behaviors of a possible concussion. The other intent of the law was to protect athletes from further injury by keeping them out of play until they are fully recovered from the injury and are cleared to return to play by a licensed health care provider that is trained and experienced in the evaluation and management of concussion.

The wording of the law does not specify what type of educational degree is required by the provider to qualify them for this distinction. It simply states that they need to be licensed and that they should have education and experience in the management of concussions. Based on the interpretation of the law, the providers themselves have to make a determination about their training and scope of practice. Thus, they must make a personal determination about whether or not they qualify as a "licensed health care provider that is trained in the evaluation and management of concussion." The full wording of the state law can be found at [www.legis.state.sd.us/sessions/2011/Bills/SB149ENR.pdf](http://www.legis.state.sd.us/sessions/2011/Bills/SB149ENR.pdf).

Over the past decade, current concepts in the evaluation and management of concussion have been changed due to the knowledge gained from the significant amount of new published research regarding these types of brain injury. I have to commend many of the providers in our state for taking the initiative to update their knowledge in this area by attending our concussion management seminar and for taking extra continuing education. Providers that are proactive, and who initiate these steps in order to update their medical knowledge are clearly showing a genuine interest in the athletes they care for. These providers are also showing that they are adhering to their responsibility under the new law.

During the legislative process, multiple legislators challenged me to do my part in helping to educate providers across the state about the current concepts of concussion management. I have presented numerous lectures and seminars, and we have developed an evaluation and treatment algorithm that can be used as a guide for providers as they manage their patients. The algorithm can be found online at the Sanford Health website ([www.sanfordhealth.org](http://www.sanfordhealth.org)) under keyword "concussion." In addition to this, Michael Bergeron, PhD and I have also presented a four hour tutorial that was free for any provider and was webcast to many areas around the state.

Again, I'd like to specifically commend the providers who took our tutorial and would endorse that they have received the current level of knowledge that is required to made return-to-play and other management decisions for athletes who've been suspected of sustaining a concussion.

Respectfully,



Verle Valentine, MD  
Medical Director  
Sports Concussion Program  
Sanford Orthopedics & Sports Medicine

## South Dakota Concussion Legislation

### Who does the law apply to?

The South Dakota High School Activities Association, in concert with the Department of Education, shall develop guidelines to inform and educate member schools, coaches, athletes, and the parents or guardians of athletes, of the nature and risk of concussion, including continuing to play after sustaining a concussion.

### Education/Training opportunities

Each coach participating in athletic activities sanctioned by the South Dakota High School Activities Association shall complete the training program each academic year. A concussion information sheet shall be signed and returned by any athlete who seeks to compete in activities sanctioned by the South Dakota High School Activities Association and the athlete's parent or guardian prior to the athlete's participation in any youth athletic activities sanctioned by the South Dakota High School Activities Association. A signed information sheet is effective for one academic year. The guidelines and information sheet shall include protocols and content consistent with current medical knowledge for informing and educating each member school, coach, and athlete participating in athletic activities sanctioned by the South Dakota High School Activities Association, and the athlete's parent or guardian as to: the nature and risk of concussions associated with athletic activity; the signs, symptoms, and behaviors consistent with a concussion; the need to alert appropriate medical professionals for urgent diagnosis or treatment if an athlete is suspected to have received a concussion; and the need to follow proper medical direction and protocols for treatment and return to play after an athlete sustains a concussion.

### Removal guidelines

An athlete shall be removed from participation in any athletic activity sanctioned by the South Dakota High School Activities Association at the time the athlete: exhibits signs, symptoms, or behaviors consistent with a concussion; or is suspected of sustaining a concussion.

### Return-to-play

No athlete who has been removed from participation in an athletic activity sanctioned by the South Dakota High School Activities Association may return to athletic activities until the athlete: no longer exhibits signs, symptoms, or behavior consistent with a concussion; and receives an evaluation by a licensed health care provider trained in the evaluation and management of concussions and receives written clearance to return to play from such health care provider.

### Additional/Miscellaneous

A licensed health care provider is a person who is: registered, certified, licensed, or otherwise recognized in law by the State of South Dakota to provide medical treatment; and trained and experienced in the evaluation, management, and care of concussions.

For a complete list of legislative details, please visit  
[www.legis.state.sd.us/sessions/2011/Bills/SB149ENR.pdf](http://www.legis.state.sd.us/sessions/2011/Bills/SB149ENR.pdf)