

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #7

Do Not Mark In This Box  
Filing Date

2011 SEP 21 PM 1:38

WEST VIRGINIA  
SECRETARY OF STATE

Effective Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: West Virginia State Athletic Commission TITLE NUMBER: 177

CITE AUTHORITY: W. Va. Code § 29A-3-15 and 29-5A-3a(f)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Not Applicable

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 2

TITLE OF RULE BEING PROPOSED: Administrative Rules Of The West Virginia State Athletic Commission Regulating  
Mixed Martial Arts

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Use additional sheets if necessary

  
Authorized Signature



**EMERGENCY RULE QUESTIONNAIRE**

DATE: September 19, 2011

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) West Virginia State Athletic Commission

Steven Allred, Chairman  
318 Camp Creek Road  
Julian, West Virginia 25529  
304-369-1387 E-mail: stevenallred@yahoo.com

EMERGENCY RULE TITLE: Admin. Rules-W.Va. State Athletic Comm. Regulating MMA

1. Date of filing September 19, 2011

2. Statutory authority for promulgating emergency rule:  
W. Va. Code §§ 29A-3-15(a) and 29-5A-3a(f)

3. Date of filing of proposed legislative rule: June 17, 2011

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? The emergency rule is a new rule. Therefore, the entire rules is composed of new language

5. Has the same or similar emergency rule previously been filed and expired?  
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.  
See Attachment 1

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

---

Not Applicable

---

---

---

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

---

See Attachment 1

---

---

---

**BRIEF SUMMARY OF TITLE 177, SERIES 2 LEGISLATIVE RULE**

On March 12, 2011 the West Virginia Legislature passed the Enrolled Committee Substitute for H.B. 2562 which legalized Mixed Martial Arts in this State. The proposed legislative rule will regulate professional mixed martial arts, prohibit amateur mixed martial arts, adopt definitions related to mixed martial arts, establish bonding requirements for promoters, establish insurance requirements for promoters, establish standards related to the conduct of events, and set general standards for competition.

## ATTACHMENT 1

### **Notice of Emergency Rules West Virginia Athletic Commission**

177CSR 2

### **LEGISLATIVE RULES OF THE WEST VIRGINIA STATE ATHLETIC COMMISSION REGULATING MIXED MARTIAL ARTS**

#### **STATEMENT OF CIRCUMSTANCES WHICH CONSTITUTE AN EMERGENCY**

On March 12, 2011 the West Virginia Legislature passed the Enrolled Committee Substitute for H.B. 2562 which legalized Mixed Martial Arts in this State. Prior to the passage of H.B. 2562, mixed martial arts was prohibited in this State. The Legislature passed a sparse outline authorizing Mixed Martial Arts and directed the Athletic Commission to adopt legislative rules governing the sport. H.B. 2562 was silent regarding whether the Athletic Commission can file emergency rules.

Nevertheless, the facts and circumstances require the filing of emergency rules for the review and approval of the Secretary of State. H.B. 2562 became effective on June 12, 2011. The obvious intent of the West Virginia Legislature was to allow the practice of Mixed Martial Arts after the bill became effective. Since the sport is new to West Virginia, there are no rules in place today governing the practice of Mixed Martial Arts in this State.

By law, an emergency which may justify the use of an emergency rule is defined as :

For the purposes of this section, an emergency exists when the promulgation of an emergency rule is necessary (1) for the immediate preservation of the public peace, health, safety or welfare, (2) to comply with a time limitation established by this code or by a federal statute or regulation, or (3) to prevent substantial harm to the public interest.

WV Code § 29A-3-15(f)(3).

H.B. 2562 specifically directed the Athletic Commission to propose legislative rules

which *inter alia* adopt the unified rules of mixed martial arts, limit or restrict the practice of Mixed Martial Arts as necessary to guarantee the safety of participants, and to enact provisions for the fair and honest conduct of MMA events. *See* WV Code § 29-5A-3a(f). The Athletic Commission filed proposed legislative rules with the Secretary of State's Office for review and consideration by the Legislative Rule Making Review Committee on June 17, 2011. However, the legislative rules are only at the beginning of the review and adoption process. The proposed legislative rules will not take effect until the spring of 2012 at the earliest. At the present time, there are no rules in effect in West Virginia to accomplish any of the mandatory requirements imposed by statute.

Assume for the sake of argument that a promoter wants to conduct a Mixed Martial Arts event in West Virginia. Until the West Virginia Legislature approves the legislative rules next spring, the Athletic Commission has no jurisdictional basis to regulate a combative sport. As of today, the Athletic Commission has no standards in place to license MMA fighters and promoters. The Athletic Commission has no authority in place to impose and collect licensing fees for MMA fighters, promoters, seconds, managers, and referees. The Athletic Commission has no authority to impose a bonding requirement to ensure that MMA fighters, seconds, managers, other fight related participants, and the related medical expenses of injured fighters be paid. No standards exist requiring MMA promoters to even provide medical insurance coverage for MMA fighters.

Since no rules are in effect, two possibilities exist. First, the MMA event must be prohibited since there are no rules or regulations governing the sport. Prohibiting the practice of Mixed Martial Arts after H.B. 2655 has become effective would seem to directly contradict the clear will of the Legislature in authorizing the sport. Second, the MMA event could take place without any regulation by the Athletic Commission for competition and safety. Without any legislative rules in effect, the MMA promoter would have no guidance from the Athletic Commission regarding the rules of competition and safety concerns. The MMA promoter would not be required to employ the Unified Rules of MMA as adopted by the Association of Boxing Commissions which the Legislature mandated the Athletic Commission to adopt by regulation. The MMA promoter would be free to employ any rules he chooses to employ and to follow or ignore the safety concerns in the Unified Rules. The proposed legislative rules prohibit minors from competing in MMA events; absent emergency rules, a promoter would be free to hold events with juvenile MMA fighters. The proposed legislative rules prohibit amateur MMA events in West Virginia; without the emergency rules an amateur MMA event could be held in a school gymnasium, a bar, or a parking lot.

The existing Athletic Commission Legislative Rules for boxing do not readily translate into the practice of Mixed Martial Arts any more than the rules of football would apply to a basketball game. For example, Mixed Martial Arts include elements of grappling in which the competitors may go to the ground and fight for domination over the opponent. *See* WV Code § 29-5A-3a(b) (defining the term Mixed Martial Arts). The existing legislative rules for boxing specifically prohibit one boxer from striking another boxer while he is down on the canvas. *See* 177 CSR 1 § 177-1-32.2. Any boxer who is knocked down must take a mandatory eight count before the fight can continue. *See* 177 CSR 1 § 177-1-31.6. However, Mixed Martial Arts contestants are permitted to attack an opponent who is knocked down; imposing a similar

interruption in Mixed Martial Arts would severely alter the nature of the sport. Mixed Martial Arts allows the striking of an opponent with the elbow which is specifically prohibited under the boxing rules. *See* 177 CSR 1 § 177-1-32.8. Consequently, legal blows in a Mixed Martial Arts contest are prohibited by the only set of Athletic Commission Rules in effect today. Boxing gloves must be a minimum of eight ounces in weight for weight classes of 154 pounds or less while weight classes for boxers weighing more than 154 pounds must use gloves weighing a minimum of ten ounces. *See* 177 CSR 1 § 177-1-38.1. The general standard in Mixed Martial Arts is that the gloves must weigh a minimum of four ounces. The lighter glove weight is necessary due to the fact that MMA contestants use their hands to grab and control their opponents in the ring. Boxing generally prohibits one boxer from holding his opponent. *See* 177 CSR 1 § 177-1-32.3. The application of the existing boxing rules to Mixed Martial Arts would severely alter the nature of the sport in West Virginia. Therefore, Mixed Martial Arts contestants cannot effectively engage in a sport which the West Virginia Legislature has specifically authorized in this State.

Mixed Martial Arts is a combative sport. Without emergency rules in effect, Mixed Martial Arts may be conducted without any oversight regarding the terms of competition and safety. The absence of any regulations to ensure fair and honest competition in these events and to protect the safety of the participants constitutes an emergency pursuant WV Code § 29A-3-15(3)(f).

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Administrative Rule Of The West Virginia State Athletic Commission Regulating Mixed Martial Arts

Rule Title: \_\_\_\_\_

Type of Rule:  Legislative  Interpretive  Procedural

Agency: West Virginia State Athletic Commission

Address: Steve Allred, Chairman  
318 Camp Creek Road  
Julian, West Virginia 25529

Phone Number: 304-369-1387 Email: stevenallred@yahoo.com

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The proposed rule will have no impact on the costs and revenues for state government.

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

<b>FISCAL YEAR</b>			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
<b>1. Estimated Total Cost</b>	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
<b>2. Estimated Total Revenues</b>	0.00	0.00	0.00

Administrative Rules Of The West Virginia State Athletic Commission Regulating Mixed Martial Arts

Rule Title: \_\_\_\_\_

Rule Title: \_\_\_\_\_

**3. Explanation of above estimates (including long-range effect):**

Please include any increase or decrease in fees in your estimated total revenues.

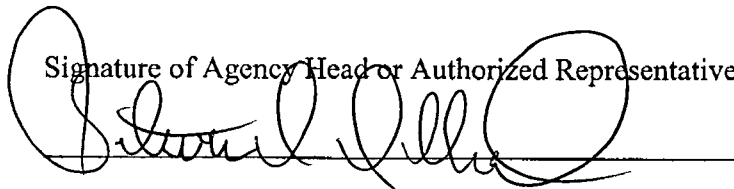
The proposed rule will not affect any receipts or expenditures of state funds. All fight officials will be paid by Mixed Martial Arts promoters. All Mixed Martial Arts fighters, promoters, etc., will pay license fees to the Athletic Commission.

**MEMORANDUM**

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 9-19-2011

Signature of Agency Head or Authorized Representative



177CSR 2

FILED  
2011 SEP 21 PM 1:38

**TITLE 177  
LEGISLATIVE RULE  
STATE ATHLETIC COMMISSION**

OWEN L. EASTMAN  
SECRETARY OF STATE

**SERIES 2  
ADMINISTRATIVE RULES OF THE  
WEST VIRGINIA STATE ATHLETIC COMMISSION  
REGULATING MIXED MARTIAL ARTS**

**§177-2-1. General.**

1.1. Scope. -- This rule establishes the procedures to be followed for all Mixed Martial Arts (MMA) events under the jurisdiction of the State Athletic Commission. It applies to any Mixed Martial Arts event or any showing exhibiting of any simultaneous telecast of any live, current or spontaneous Mixed Martial Arts, or a closed circuit telecast subscription television viewed within this State or any other state and for which an admission charge is made.

1.2. Authority. -- W. Va. Code §29-5A-24 and W. Va. Code § 29-5A-3a(f).

1.3. Filing Date. -- September 21, 2011.

1.4. Effective Date. --

**§177-2-2. Jurisdiction.**

The Athletic Commission shall have sole power, direction, management and control over all professional mixed martial arts contests, matches, performances, shows, and exhibitions, or any form thereof, to be promoted, conducted, held or given within the state. All Mixed Martial Arts (MMA) events, matches, and exhibitions, or any form thereof, other than Professional Mixed Martial Arts Events are prohibited.

**§177-2-3. Definitions.**

The words used in this rule shall have the following meanings, unless the content indicates a different meaning:

3.1. "Commission" -- means the West Virginia State Athletic Commission.

3.2. "Deputy" -- means an individual appointed by the Commission to represent the Commission in its absence.

3.3. "Mixed Martial Arts"-- means a combative sporting contest, the rules of which allow two competitors to attempt to achieve dominance over one another by utilizing a variety of techniques including, but not limited to, striking, grappling and the application of submission holds.

3.4. "Professional Mixed Martial Arts Fighter " -- means a Mixed Martial Arts fighter who competed in a minimum of ten (10) amateur MMA bouts. Amateur bouts which cannot be verified by the Athletic Commission shall not count toward the minimum number of bouts required. No MMA fighter may be licensed as a professional by the Athletic Commission who does not have a winning record.

3.5. "Professional Mixed Martial Arts Event" -- means an event or performance in which professional Mixed Martial Arts Fighters compete. These regulations may use the term "event" or "performance" interchangeably and as having the same meaning.

3.6. "Promoter" -- means any individual, club, corporation or association incorporated if necessary under the laws of the State of West Virginia engaged in the promotion of regularly scheduled or individual MMA shows or contests.

3.7. "Sanction" -- means permitting a Professional Mixed Martial Arts Event to occur.

#### **§177-2-4. Press Relations.**

The Commission may, in its discretion, after each meeting, issue a bulletin to the press of news items of interest to the public, and may, in its discretion, invite members of the press to attend meetings or hearings of the Commission.

#### **§177-2-5. Licenses.**

5.1. General. -- The Commission at its discretion may issue a license to promote, conduct or hold professional Mixed Martial Arts matches and exhibitions to any individual, club, corporation or association eligible for a license under this chapter.

5.2. Application requirements.

(a) All applications for a license shall be signed by the applicant and verified by an official of the Commission. In making application for such license, the applicant shall set forth such facts as this rule may require.

(b) Each application for license of professional MMA fighter shall be accompanied by two (2) passport size photographs of the applicant.

5.3. Requirements for granting or renewing license.

Before being granted a license or license renewal the applicant must establish to the satisfaction of the Commission that he or she:

- (a) Is skilled in the profession of Mixed Martial Arts;
- (b) Is of good moral character;
- (c) Is physically fit and mentally sound;
- (d) Has not been convicted of a felony or misdemeanor involving moral turpitude;
- (e) Will conduct his business in the best interest and welfare of the public, preserving the safety and health of participants and the best interest of professional Mixed Martial Arts;
- (f) Will adhere to and comply with all rules;
- (g) In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees; and
- (h) Every license and licensee shall be subject to the provisions of W. Va. Code §§29-5A-1 *et seq.*

5.4. Suspensions, revocation or probation of license or licensee. -- The Commission shall have the additional authority and power to suspend, revoke or place on probation the license of any licensee licensed under this rule, who in the discretion of the Commission:

- (a) Is guilty of failure to obey any lawful order of the Commission or any inspector thereof;
- (b) Is guilty of gross immorality;
- (c) Is unfit or incompetent by reason of negligence;
- (d) Is insolent or disrespectful to any member of the Commission or representative thereof;
- (e) Is guilty of violating any provision of this rule;
- (f) Has committed fraud or deceit in securing a license for himself or another, or by falsifying a license application;
- (g) Has failed to report to the commission his/her conviction of a felony or misdemeanor involving moral turpitude in any jurisdiction within ten (10) years preceding the suspension or revocation;

- (h) Is an habitual drunkard or addicted to the use of narcotics, as determined by a physician;
- (i) Is or has become mentally incompetent, as determined by a physician;
- (j) Is or has been guilty of unprofessional or unethical conduct or such conduct as to require a suspension or revocation of license in the best interest of the public;
- (k) Has failed to furnish the proper party a copy of any contract or agreement required by this rule or has breached such contract;
- (l) Has loaned or permitted another person to use his license or has borrowed or used the license of another;
- (m) Has failed to maintain in force the bond required by this rule;
- (n) Has by act or omission conducted himself in a manner which would tend to be detrimental to the best interests of Mixed Martial Arts or to the public interest and general welfare;
- (o) Has been disciplined in any manner by the Athletic Commission or similar agency or body of any jurisdiction;
- (p) Has failed to pay a fine or forfeiture imposed by this rule;
- (q) Has either within or without this State by any act, threat, statement or otherwise, restrained, hindered, interfered with or prevented another applicant or promoter, club, corporation, association or booking agent from presenting any professional MMA event within the State of West Virginia; or
- (r) Has either within or without this State engaged directly or indirectly in restraints or monopolies, or taken any action tending to create or establish restraints or monopolies, or conspired with others to restrain any person or persons from participating or competing in any professional MMA event for any promoter, club, corporation, association or booking agent.

5.5. License fees.

5.5.1. Promoters (1 year) \$125.00

5.5.2. Professional Mixed Martial Arts Fighter (1 year) \$10.00

5.5.4. Seconds, Professional \$10.00

5.5.5. Managers, Professional \$10.00

5.5.6. Referees and other Officials\$10.00

5.6. Venues– Venues must have a minimum seating capacity of 2,500 and video replay capabilities in good working order. Venues with a seating capacity of 3,500 or more must have a minimum of four (4) video monitors displaying a continuous live feed of the fight for the spectators; venues with a maximum seating capacity of 3,499 or less must have at least two monitors displaying a continuous live feed of the fight for the spectators. All such video monitors must be a minimum of 6 feet by 6 feet. No event shall take place until the venue has been approved by the Athletic Commission.

**§177-2-6. Bond Required.**

Before any license is issued to any promoter conducting any Mixed Martial Arts contest, he shall execute and file with the Commission a surety bond sufficient to cover all purses, awards and payments to be paid by the promoter. The bond shall be determined by the Commission. The minimum bond shall be thirty-five thousand ( \$ 35,000.00) dollars. The bond shall be available to cover any fees associated with MMA fighters, managers, seconds, other fight related participants, medical expenses or deductible costs for injured boxers (insurance deductibles), and fight officials. The bond may not be available to cover expenses such as building rental, concession stand operations, advertisements, or other similar expenses.

**§177-2-7. Individual Sanction and Permits for Professionals.**

7.1. Application for sanction. -- Before any professional Mixed Martial Arts performance shall be authorized in the State of West Virginia, the promoter shall obtain an individual sanction and permit from the Commission at least thirty (30) days before the date of any such contest or exhibition.

(a) Requirements of applicants. -- Each application for sanction or permit of a professional fight shall name all contestants, the number of rounds and the date and place of the contest.

(b) Contracts made must be filed. -- All contracts made by the promoter with contestants who are to appear on the event must be filed at the same time. All signed contracts must be submitted to the Athletic Commission no later than noon of the day of the event. No fighter will be allowed to enter the cage unless he or she has signed a contract for the event. Fighters who are substituted to the bout card on the day of the event pursuant to Section 7.5, *infra*, must sign a contract for the event prior to entering the cage.

(c) Books open for inspection. -- As a condition for issuance of a sanction, each applicant must agree to accord the Commission the right to examine the books, accounts and other records for which such sanction is issued.

7.2. Permits. -- Request for event permits shall be submitted to the Commission a minimum of thirty (30) days in advance. Permits will be issued by the Commission five (5) days in advance of all contests. Permits for events must be exhibited in a conspicuous place at the box office.

7.3. Minimum Number of Rounds. -- There shall be a minimum of thirty (30) rounds on a card unless special written permission is obtained from the Commission at the time of granting the sanction to have a fewer number of rounds.

7.4. Pre-permit publicity. -- Under no conditions are the promoters permitted to give publicity to a card until the card has been approved by the Commission.

7.5. Changes or substitutions. -- All changes and substitutions must be sanctioned in writing by the chairman of the Commission.

(a) Notice. -- Notice of any change in the announced or advertised programs for any contest must be filed with the Commission and with the press at least four (4) hours prior to the contest, conspicuously posted at the box office and announced from the cage before the opening contest.

(b) Forfeitures. -- If an MMA fighter who is under contract to appear at an event appears at the weigh-in time and is ready to fulfill his or her contractual obligations, but his or her opponent does not appear or his or her opponent is not able to compete due to a medical condition as determined by the examining physician and a substitute opponent is not provided, the event promoter must pay the fighter his or her contract price unless a forfeit is provided.

(c) Refunds. -- Whenever a substitution is made in an advertised contest, the official announcer shall advise the audience of the substitution prior to the opening bout. If any of the patrons desire to have the price of the ticket refunded, a refund will be given if the tickets are presented at the box office prior to the fight. The box office must remain open for at least twenty (20) minutes to redeem the tickets.

7.6. Substitutions -Main bout. -- Substitutions will not be permitted in the main bout unless made forty-eight (48) hours before weigh-in time of the day of the contest and then only when the substitution has been approved by the Commission. Public notice must be made in the local press of the substitutions.

7.7. Late changes to bout card. --The Athletic Commission shall have the authority to allow changes to the bout card on the day of the event if a scheduled contestant fails to attend the match, fails to pass the physical examination, fails to make the required weight for the fight, or for other good cause as determined in its discretion.

## **§177-2- 8. Insurance for Mixed Martial Arts Fighters.**

8.1. General. -- All promoters, clubs, associations and corporations engaged in the presentation of professional Mixed Martial Arts events will provide Accidental Death & Dismemberment insurance for the protection of MMA fighters appearing and participating in such events. The minimum amount of Accidental Death & Dismemberment insurance shall be thirty thousand dollars (\$ 30,000.00).

8.2. Coverage. -- Insurance coverage shall provide for reimbursement to the MMA fighter for medical, surgical and hospital care with a minimum coverage of thirty thousand dollars (\$ 30,000.00) per participant for injuries sustained while participating in any sanctioned MMA event under the control of a licensed promoter, club, corporation or association.

8.3. Policy Deductible--The MMA fighters shall not be subject to payment of any deductible amount required under the insurance policy. The promoter may provide insurance coverage to the boxers under a policy which has no deductible amount or a "zero" dollar deductible amount. In the alternative, if the promoter provides insurance coverage to the MMA fighters under a policy which requires a deductible payment from the MMA fighter for medical treatment, then the promoter will be required to pay all deductible payments incurred on behalf of the MMA fighter directly to the medical provider. No promoter will be permitted to require an MMA fighter to pay the deductible amount to the medical provider and seek reimbursement from the promoter.

8.4. Penalty for nonpayment of premium. -- Failure to pay premiums on insurance required by this rule, shall be cause for suspension or revocation of the license of such promoter, club, corporation or association.

8.5. Certificate of insurance.--The promoter must submit a valid certificate of insurance coverage to the Athletic Commission no later than seventy-two (72) hours prior to the start of the event.

#### **§177-2-9. Promoters Report.**

9.1. Report required.-- Every promoter, club, association or corporation holding a Mixed Martial Arts event must complete and file the promoter's report in the format provided by the Commission. The report must be received by the chairman of the State Athletic Commission within four (4) business days after the date of the event.

9.2. Failure to submit report. -- Any licensee that fails to file a report of any contest within four (4) business days or makes an unsatisfactory report to the Commission shall be subject to penalties as set forth by this rule.

9.3. Report requirements. -- The promoter must file within four (4) business days after any event a list of all matches which shall include the name of each participant, weight of each participant, address of each participant, and all decisions rendered by the judges.

9.4. Penalties.— The Athletic Commission may impose an administrative penalty or suspend the license of any promoter for the failure to submit reports. The fine may not exceed \$ 100.00 per day for each day the report is not submitted after the fourth business day.

#### **§177-2-10. Inspectors or Deputies.**

10.1. General. -- The Commission shall appoint inspectors as the Commission may deem necessary. At least one (1) inspector shall be at all Mixed Martial Arts events.

10.2. Inspector's report. -- At each MMA event, an official or inspector of the Commission shall attend. Upon its conclusion, the Chief Deputy or the deputy in charge shall sign a detailed report showing the results of the fights and the physician's report. The inspector shall be responsible for all details of the contest and shall file all necessary reports within forty-eight (48) hours after the event with the chairman of the Commission. The inspector may choose other inspectors to assist him with his duties with the approval of the Commission.

10.3. Duties of chief inspector or chief deputy.

(a) General Duties— The deputy in charge of an event shall have complete charge of the licenses. It is his or her duty to see that this rule is carried out. The chief inspector or deputy in charge of an event shall be held accountable for the actions of every other deputy assigned to that particular show. The deputy in charge shall file, in addition to the official report, a detailed account of any violations of this rule and the law governing MMA events — particularly where a purse or gate has been ordered held.

(b) Prohibition to act as judge or referee— The deputy in charge of a show and any additional deputies or inspectors may not act as a referee or a judge in any event sanctioned by the Commission: Provided, that Deputies or inspectors may act as a referee or judge on an emergency basis due to the failure of the scheduled referee or judge to appear or the inability of the scheduled referee or judge to perform the designated duties at the event.

10.4. Cooperation with law-enforcement agencies. -- The inspectors shall work in cooperation and in conjunction with any police officers detailed for MMA events.

10.5. Equipment. -- The inspector shall see that all necessary equipment is provided, that the fighters are ready on time, that the seconds are properly instructed in their duties, that the doctor's report and the statement of weights are delivered to the Commission and that all rules pertaining to the proper conduct of the bouts are enforced.

10.6. Participants.

(a) Gloves. -- MMA fighters shall not be permitted to put on their gloves until the bandages are examined by a representative of the Commission.

(b) Weights. -- MMA fighters will be suspended for a period not to exceed sixty (60) days if they come in over the contracted weight unless authorized by the Commission.

(c) Miscellaneous. -- Cage equipment must be approved by the Commission's inspector. Clubs must have dressing rooms set aside for the use of contestants and no person, except those specifically referenced in §26.2 of this Rule, shall be permitted in the room.

#### **§177-2-11. Administrative Review.**

11.1. Administrative Review.— Any licensee subject to a suspension, penalty, or any enforcement action issued by the Athletic Commission, shall have a right to administrative review. The licensee must request the administrative review in writing within twenty (20) days of receipt of the notice of the suspension, penalty or enforcement action from the Commission. The request must be served on the Athletic Commission via certified mail, return receipt requested. The Athletic Commission may hear the appeal itself or appoint a hearing examiner to conduct an inquiry into the events which caused the suspension, penalty or enforcement action. The hearing shall be conducted within twenty (20) days of the date on which the Athletic Commission received the request for administrative review unless good cause is shown to continue the hearing to a later date. Both the licensee and the Commission may agree to conduct the hearing at a later date.

11.2 Hearing Examiner.— The hearing examiner must submit proposed findings of fact and conclusions of law to the Athletic Commission within twenty (20) days of conducting the hearing unless both parties agree otherwise. The Athletic Commission shall issue its final decision within ten (10) business days of receiving the hearing examiner's proposed findings of fact and conclusions of law. The Athletic Commission may accept the hearing examiner's proposed decision, modify hearing examiner's proposed decision, or make its own decision based upon the record from the hearing.

11.3. Athletic Commission.— If the Athletic Commission decides to conduct the administrative hearing itself, it shall issue its decision within twenty (20) days of conducting the administrative hearing.

11.4. Judicial Review.— Judicial review of the Athletic Commission's decision shall be subject to the contested cases provisions of the WV Administrative Appeals Act set forth in WV Code § 29-5A-4.

#### **§177-2-12. Minimum Age Limit.**

12.1. Mixed Martial Arts fighters. -- No person under the age of eighteen (18) shall be licensed as an MMA fighter.

12.2. Managers. -- No person under the age of twenty (20) shall be licensed as a manager.

12.3. Seconds. -- No person under the age of eighteen (18) shall be licensed as a second.

12.4. All MMA fighters, managers, and seconds, shall be required to provide acceptable proof of age to the Commission upon request.

**§177-2-13. Assumed Names.**

In applying for a license, a contestant shall give his or her correct name, any ring name or fight name, address, social security number and date of birth, and any other names appearing on any license held by him or her under other boxing Commission, athletic commission, and any other body regulating Mixed Martial Arts.

**§177-2-14. Designation of Officials.**

For all Mixed Martial Arts contests, the referee or referees, judges and timekeeper shall be designated by the Commission. Only the officials so designated have the authority to perform their respective functions. No referee or judge shall be designated by the Athletic Commission who does not hold a valid certification for that position issued by the Association of Boxing Commissions. Examining physicians must be furnished by the promoter and approved by the Commission. All officials appointed by the Athletic Commission must be at least eighteen (18) years of age.

**§177-2-15. Failure to Appear.**

15.1. Automatic suspension. -- Any fighter who fails to appear at a show for which he or she had signed a contract or a contract has been signed by his or her duly licensed manager to appear, without a valid excuse or furnishing a doctor's certificate in case of physical disability, shall be automatically suspended for a period of sixty (60) days. The Athletic Commission may suspend the contestant for a period not to exceed twelve (12) months for good cause.

15.2. Reporting requirements. -- Whenever a licensed fighter, because of injuries or illness, is unable to take part in a contest for which he or she is under contract, he or she (or his or her manager) must immediately report that fact to the Commission and submit to an examination by a physician designated by the Commission.

15.3. Investigation and final penalty. -- Any licensed fighter who is unable to take part in a contest shall submit to the Commission, in person or in writing his or her reasons for nonappearance. If such reasons are not satisfactory to the Commission, he or she shall forfeit the appearance, his or her license shall be canceled and notification of the Commission's action shall be forwarded to other boxing Commissions, athletic commissions, and other agencies that regulate Mixed Martial Arts. His or her manager shall be held accountable in the same manner as the fighter, with the same penalty, unless the manager satisfies the Commission that he or she had no part in the fighter's nonappearance.

#### **§177-2-16. Weigh-in.**

16.1. General. -- Mixed Martial Arts fighters shall be weighed on the same scales in the presence of each other and an official of the Commission at such time and place prior to the event as may be designated by the Commission. At the weigh-in of all fighters, duly accredited newspaper representatives shall, upon request, be admitted. MMA fighters performing at outdoor shows are required to weigh-in on the day they contract for their services. In the event of a twenty-four (24) hour postponement due to weather conditions, weights and physical examinations for the original date of the contract are valid. In the event of a postponement requiring the show to be held later than twenty-four (24) hours after original date, new weights and physical examinations will be required.

16.2. Time of completion. -- Weigh-in ceremonies must be completed no later than two(2) hours prior to the start of the contest. MMA fighters appearing late will not be weighed-in, will not be allowed the opportunity to fight, and will be indefinitely suspended. The Athletic Commission shall have the discretion to conduct the weigh-in ceremonies on the day prior to the event or on the day of the event.

16.3. Who must be present. -- Promoters or matchmakers must personally attend weigh-in ceremonies and are not permitted to delegate their duties to an assistant. Inspectors will not weigh-in MMA fighters until the arrival of the promoters or matchmakers staging the contest. All equipment of contestants shall be approved by the inspector at weigh-in time.

#### **§177-2-17. Weights and Classes.**

The Athletic Commission shall utilize the weight classes set forth in Appendix 1 for all Mixed Martial Arts events. The Commission shall have the discretion to utilize different weight classes as necessary for the event.

#### **§177-2-18. Contracts.**

18.1. Contracts must be filed. -- The Commission shall be furnished with certified copies of all contracts between promoting corporations, Mixed Martial Arts fighters or managers. A copy of all contracts and agreements between a promoter, club, association or corporation, licensed under this rule and any person or persons not named in the license, who by virtue of the contract or agreement might gain financial benefit from the promotion and presentation of MMA events in West Virginia by a promoter, club, associations or corporation, must be placed on file with the Commission for approval.

18.2. When filed. -- An original copy of every contract between a manager and an MMA fighter licensed in West Virginia must be filed when an application for license is made. The contracts shall be maintained in the archives of the West Virginia State Athletic Commission.

#### **§177-2-19. Fake Contests.**

Any promoting corporation, referee, second or contestant, who in the judgment of the Commission, is guilty of intentional conniving or participation in any prearranged or "Fake" contest shall be liable to suspension and other penalties provided for in this rule.

**§177-2-20. No Pay Before Contest.**

No Mixed Martial Arts fighter shall be paid for his services before a contest.

**§177-2-21. Wagering.**

Wagering on the contest is prohibited in any area under the jurisdiction of the Commission.

**§177-2-22. Length of Rounds.**

Rounds for Mixed Martial Arts events shall be of five (5) minutes' duration with a rest period of one (1) minute between rounds for all male fighters. Rounds for Mixed Martial Arts events shall be of three (3) minutes' duration with a rest period of one (1) minute between rounds for all female fighters.

**§177-2-23. Number of Rounds.**

Mixed Martial Arts title events (championship events) shall consist of five rounds; all other MMA events shall consist of three rounds. Both male and female fighters shall be subject to the same limitations on the number of rounds per bout.

**§177-2-24. Reporting In.**

MMA fighters shall report to the inspector in the dressing room at least one (1) hour before they are due in the cage.

**§177-2-25. Interval Between Fights.**

No Mixed Martial Arts fighter shall be allowed to fight in West Virginia who has fought in an MMA event until six (6) days have elapsed excluding the day of the previous event. The Athletic Commission shall have the discretion to extend the interval between MMA fights up to a maximum of fifteen (15) days if the Commission determines that the health or safety of the contestant would otherwise be in jeopardy.

**§177-2-26. Dressing Room.**

26.1. A Commission inspector shall be in charge of and supervise the conduct of the dressing room, see that the Mixed Martial Arts fighters and seconds are dressed in accordance with the rules, that tape, gloves and accouterments are as required and there is no delay between fights. He shall

see to it, that one (1) set of MMA fighters is ready to enter the cage while the preceding fight is in progress.

26.2. No one shall be allowed in the MMA fighters' dressing room except managers and seconds who are working the event, representatives of the Athletic Commission, and the promoter's representatives.

**§177-2-27. Managers.**

27.1. General. -- No manager shall attempt to select or insist upon the selection of any designated referee in a bout in which a Mixed Martial Arts fighter under his management is to appear, nor shall he have the name of any referee written into the official contract covering such fights.

27.2. Assignments of interest. -- No assignment of an MMA Fighter's or manager's interest in a contract, or of any part thereof, shall be made without the written approval and consent of the Commission.

27.3. Contracts to be filed. -- All copies of the contracts entered into between managers and MMA fighters must be placed on file with the Commission for approval. A contract becomes null and void if any time during his term the manager is not duly licensed by the Commission.

27.4. Limitation on earnings. -- A Mixed Martial Arts fighter is permitted to have one (1) manager. That manager is not allowed to receive more than thirty-three and a third percent (33 1/3%) of the cage or fight earnings of the fighter.

27.5. Limitation on supervision. -- Managers shall not have more than two (2) MMA fighters under their management in any one (1) show without special permission from the Commission.

**§177-2-28. Mixed Martial Arts Fighters with No Managers.**

Any MMA fighter not under contract to a manager may make his own matches and sign contracts and need not apply for a manager's license to handle his own affairs.

**§177-2-29. Seconds.**

29.1. Dress. -- Seconds and managers acting as seconds, must be neatly attired when in the cage and wear jerseys or shirts of plain colors with sleeves.

29.2. Demeanor. -- Seconds shall not coach or in any way assist a principal during a round, or by word or action attempt to heckle or annoy his principal's opponent. They shall remain seated in place and silent.

29.3. Conduct. -- Seconds shall not enter a cage until the bell indicates the end of the round and are prohibited from spraying or forcefully throwing water on a contestant, they shall leave the cage at the sound of the timer's whistle ten (10) seconds before a round is to begin, removing all obstructions, buckets, stools, etc., promptly at the sounding of the gong.

29.4. Throwing in the towel. -- Seconds may throw a towel in the cage as a token of defeat or may step upon the cage apron and indicate to the referee that his fighter should not continue; otherwise, the referee is the sole judge as to the ability of a Mixed Martial Arts fighter to continue.

29.5. Prohibition of certain dressings. -- No second will be permitted to use grease or any other substances on the body of a contestant. The use of Vaseline in corners is not allowed except in the use of stopping blood and on cuts. The use during a MMA match of any drugs or compounds for stopping hemorrhaging in the cage is prohibited. The use of drugs, alcohols or stimulants during a match by any contestant is adequate cause for revoking his license.

### **§177-2-30. Timekeepers.**

30.1. Qualifications. -- Timekeepers shall be appointed by the Commission and shall be of recognized good standing and character.

30.2. Duties. -- The timekeeper shall be seated at the cage side close to the timer or bell. The timekeeper shall use an electronic timer or bell to indicate the beginning and end of each round so the contestants shall hear the timer or bell.

30.3. Equipment. -- The timekeeper shall provide himself with a whistle and an accurate stop watch that has been properly examined and certified by an inspector of the Commission before it is used.

30.4. Warnings. -- Ten (10) seconds before the beginning of each round the timekeeper shall give warning to the seconds of the contestants by blowing the whistle.

### **§177-2-31. The Announcer.**

31.1. Responsibilities. -- The announcer shall be approved by the Commission.

(a) Announcing contestants. -- After contestants and their chief seconds are in the cage, the announcer shall announce the names of the contestants, their correct weights and such other matters as may be approved by the Commission. Promoters shall make provisions for the announcement of rounds.

(b) Decisions. -- The announcer must get the judges' verdicts on paper and he must not reveal a judge's decision to another prior to the announcement. The announcer shall immediately after each bout turn these tally slips over to a representative of the Commission at the cage side. This

official shall check the slips and inform the announcer of the decisions. The announcer shall then announce it to the crowd. He may announce whether or not the decision is unanimous.

31.2. Conduct. -- The announcer in MMA contests shall be neatly dressed. His conduct is subject to the supervision of the Commission.

#### **§177-2-32. Physician; Medical Requirements.**

32.1. Physical examination required. -- Every contestant shall, at weighing-in time or at any other time on the day of the contest that may be designated by the Commission, be subjected to a physical examination by a duly licensed physician approved by the Commission. The physician must be a medical doctor (MD) or a doctor of osteopathy (DO) duly licensed by the State of West Virginia.

32.2. Inspectors to enforce. -- Inspectors are charged with the duty of seeing that this provision is, in every case, complied with. The physician, attending EMT's, and oxygen bottles shall be at ring side at all times. In the event that the physician, attending EMT's, or oxygen bottles are not at ringside, the bout shall be stopped immediately and shall not resume until the physician, attending EMT's, and oxygen bottle return to ring side.

32.3. Fitness certification required. -- No contestant shall take part in a contest until pronounced fit to do so by the physician approved by the Commission. The facts of physical examinations and of the physical fitness of contestants shall be certified over the signature of the physician as a part of the inspector's report submitted after each set of bouts.

32.4. Attendant required. --A physician shall attend at cage side until the conclusion of the final bout. In addition, the promoter shall have at least one (1) ambulance plus two (2) Emergency Medical Technicians– Intermediate (EMT I's ) or individuals with greater medical qualifications present until the conclusion of the final bout.

32.5 Oxygen bottles required.– The promoter must ensure that oxygen bottles are kept at cage side for the duration of all Mixed Martial Arts events.

#### **§177-2-33. Decisions.**

33.1. By judges. -- Three (3) judges, appointed by the Commission, shall render a decision at the termination of each Mixed Martial Arts bout. Judges shall be of recognized good standing and character.

33.2. Special judges. -- Licensed referees, members of the Commission, or designated officials of the Commission may, in an emergency, act as judge.

33.3. Location of judges. -- The three (3) judges shall be stationed at opposite sides of the cage

33.4. Scoring System.– The 10-Point Must System will be the standard system of scoring a bout.

33.4.a. Under the 10-Point Must Scoring System, 10 points must be awarded to the winner of the round and nine points or fewer must be awarded to the loser, except for an even round, which is scored (10-10).

33.4.b. Judges shall evaluate mixed martial arts techniques, such as effective striking, effective grappling, control of the fighting area, effective aggressiveness and defense. Evaluations shall be made in the order in which the techniques appear, giving the most weight in scoring to effective striking, effective grappling, control of the fighting area and effective aggressiveness and defense. Effective striking is judged by determining the number of legal strikes landed by a contestant and the significance of such legal strikes.

33.4.c. Effective grappling is judged by considering the amount of successful executions of a legal takedown and reversals. Examples of factors to consider are take downs from standing position to mount position, passing the guard to mount position, and bottom position fighters using an active, threatening guard.

33.4.d. Fighting area control is judged by determining who is dictating the pace, location and position of the bout. Examples of factors to consider are countering a grappler's attempt at takedown by remaining standing and legally striking; taking down an opponent to force a ground fight; creating threatening submission attempts, passing the guard to achieve mount, and creating striking opportunities.

33.4.e. Effective aggressiveness means moving forward and landing a legal strike or takedown.

33.4.f. Effective defense means avoiding being struck, taken down or reversed while countering with offensive attacks.

33.5. The following scoring criteria shall be utilized by the judges when scoring a round;

33.5.a. A round is to be scored as a 10-10 Round when both contestants appear to be fighting evenly and neither contestant shows dominance in a round;

33.5.b. A round is to be scored as a 10-9 Round when a contestant wins by a close margin, landing the greater number of effective legal strikes, grappling and other maneuvers;

33.5.c. A round is to be scored as a 10-8 Round when a contestant overwhelmingly dominates by striking or grappling in a round;

33.5.d. A round is to be scored as a 10-7 Round when a contestant totally dominates by striking or grappling in a round.

**§177-2-34. Fouls (with explanations as warranted).**

34.1. The following are fouls and will result in penalties if committed by an MMA fighter.

34.2. Holding or grabbing the fence.

A fighter may put their hands on the fence and push off of it at anytime. A fighter may place their feet onto the cage and have their toes go through the fencing material at any time. When a fighter's fingers or toes go through the cage and grab hold of the fence and start to control either their body position or their opponent's body position it now becomes an illegal action. If a fighter is caught holding the fence or cage material, the referee shall issue a one-point deduction from the offending fighters scorecard if the foul caused a substantial change in position such as the avoidance of a takedown

If a point deduction for holding the fence occurs, and because of the infraction, the fouling fighter ends up in a superior position due to the foul, the fighters should be re-started by the referee, standing in a neutral position

34.3. Holding opponent's shorts or gloves.

A fighter may not control their opponent's movement by holding onto their opponent's shorts or gloves. A fighter may hold onto or grab their opponent's hand as long as they are not controlling the hand only by using the material of the glove, but by actually gripping the hand of the opponent. It is legal to hold onto your own gloves or shorts

34.4. Butting with the head.

Any use of the head as a striking instrument whether head to head, head to body or otherwise is illegal.

34.5. Eye gouging of any kind.

Eye gouging by means of fingers, chin, or elbow is illegal. Legal strikes or punches that contact the fighter's eye socket are not eye gouging and shall be considered legal attacks.

34.6. Biting or Spitting at an opponent.

Biting in any form is illegal. A fighter must recognize that a referee may not be able to physically observe some actions, and must make the referee aware if they are being bit during an exhibition of unarmed combat.

34.7. Hair pulling.

Pulling of the hair in any fashion is an illegal action. A fighter may not grab a hold of his opponent's hair to control their opponent in any way.

34.8. Fish Hooking.

Any attempt by a fighter to use their fingers in a manner that attacks their opponent's mouth, nose or ears, stretching the skin to that area will be considered Fish hooking. Fish hooking generally is the placing of fingers into the mouth or your opponent and pulling your hands in opposing directions while holding onto the skin of your opponent.

34.9. Groin attacks of any kind.

Any attack to the groin area including, striking, grabbing, pinching or twisting is illegal .

34.10. Intentionally placing a finger into any orifice, or into any cut or laceration of your opponent.

A fighter may not place their fingers into an open laceration in an attempt to enlarge the cut. A fighter may not place their fingers into an opponent's, nose, ears, mouth, or any body cavity.

34.11. Downward pointing of elbow strikes;

A fighter may not employ ceiling to floor (12 o'clock to 6 o'clock) elbow strikes.

34.12. Small joint manipulation.

Fingers and Toes are small joints. Wrists, Ankles, Knees, Shoulders and Elbows are all large joints.

34.13. Strikes to the spine or the back of the head.

Strikes behind the crown of the head and above the ears are not permissible within the Mohawk area. Strikes below the top of the ear are not permissible within the nape of the neck area.

34.14. Heel kicks to the kidney.

34.15. Throat strikes of any kind, including, without limitation, grabbing the trachea.

No directed throat strikes are allowed. A directed attack would include a fighter pulling his opponents head in a way to open the neck area for a striking attack. A fighter may not gouge their fingers or thumb into their opponent's neck or trachea in an attempt to submit their opponent.

34.16. Clawing, pinching, twisting the flesh or grabbing the clavicle.

Any attack that targets the fighter's skin by clawing at the skin or attempting to pull or twist the skin to apply pain is illegal. Any manipulation of the clavicle is a foul.

34.17. Kicking the head of a grounded opponent.

A grounded opponent is any fighter who has more than just the soles of their feet on the ground. (i.e. could have one shin or one finger down to be considered a downed fighter). If the referee determines that a fighter would be a grounded fighter but is not solely because the cage fence has held fighter from the ground, the referee can instruct the combatants that he is treating the fighter who is being held up solely by the cage or ropes as a grounded fighter.

34.18. Kneeing the head of a grounded opponent.

A grounded opponent is any fighter who has more than just the soles of their feet on the ground. If the referee determines that a fighter would be a grounded fighter but is not solely because the cage fence has held fighter from the ground, the referee can instruct the combatants that he is treating the fighter held up solely by the cage or ropes as a grounded fighter.

34.19. Stomping of a grounded fighter.

Stomping is considered any type of striking action with the feet where the fighter if its their leg up bending their leg at the knee and initiating a striking action with the bottom of their foot or heel . Axe kicks shall not be classified as stomps. Standing foot stops shall not be classified as a foul; therefore, this foul does not include stomping the feet of a standing fighter.

34.20. The use of abusive language in the fighting area.

34.21. Any unsportsmanlike conduct that causes an injury to opponent.

34.22. Attacking an opponent on or during the break.

A fighter shall not engage their opponent in any fashion during a time-out or break of action in competition

34.23. Attacking an opponent who is under the care of the referee.

34.24. Timidity.

Timidity is defined as any fighter who purposely avoids contact with his opponent or runs away from the action of the fight. Timidity can also be called by the referee for any attempt by a fighter to receive time by falsely claiming a foul, injury, or purposely dropping or spitting out their mouthpiece or other action designed to stall the fight.

34.25. Interference from a mixed martial artists seconds.

Interference is defined as any action or activity aimed at disrupting the fight or causing an unfair advantage to be given to one combatant. Corners are not allowed to distract the referee or influence the actions of the referee in any fashion.

34.26. Throwing an opponent out of the caged area.

A fighter shall not throw their opponent out of the cage.

34.27. Flagrant disregard of the referee's instructions.

A fighter must follow the instructions of the referee at all times. Any deviation or failure to comply may result in the fighter's disqualification.

34.28. Spiking the opponent to the canvas onto the head or neck (pile-driving).

A pile driver is considered to be any throw where you control your opponent's body placing his feet straight up in the air with his head straight down and then forcibly drive your opponents head into the canvas or flooring material. It should be noted when a fighter is placed into a submission hold by their opponent, if that fighter is capable of elevating their opponent they may bring that opponent down in any fashion they desire because they are not in control of their opponents body. The fighter who is attempting the submission can either adjust their position, or let go of their hold before being slammed to the canvas.

34.29. Attacking an opponent after the bell has sounded the end of the period of unarmed combat.

34.30. Linear Knee Strikes are prohibited.

**§177-2-35. Scoring the fouls.**

Fouls may result in a point being deducted by the official scorekeeper from the offending Mixed Martial Arts fighter's score. The scorekeeper will be responsible for calculating the true score after factoring in the point deduction; judges shall not deduct for fouls.

**§177-2-36. Assessing Fouls.**

Only a referee may assess a foul. If the referee does not call the foul, judges shall not make that assessment on their own and cannot factor such into their scoring calculations.

**§177-2-37. Foul Procedures.**

37.1. If a foul is committed, the referee shall:

37.1.a. call time;

37.1.b. check the fouled fighter's condition and safety; and

37.1.c. assess the foul to the offending contestant, deduct points, and notify each corner's seconds, judges and the official scorekeeper.

37.2. If a bottom contestant commits a foul, unless the top contestant is injured, the fight shall continue, so as not to jeopardize the top contestant's superior positioning at the time.

37.2.a. The referee shall verbally notify the bottom contestant of the foul.

37.2.b. When the round is over, the referee shall assess the foul and notify both corners' seconds, the judges and the official scorekeeper.

37.2.c. The referee may terminate a bout based on the severity of a foul. For such a flagrant foul, a contestant shall lose by disqualification.

**§177-2-38. Time Considerations for Fouls.**

38.1. Low Blow Foul.

38.1.a. A fighter who has been struck with a low blow is allowed up to five minutes to recover from the foul as long as in the cage side doctor's opinion the fighter may possibly continue on in the contest. If the fighter states that they can continue on before the five minutes of time have expired, the referee shall as soon as practical restart the fight. If the fighter goes over the five minute time allotment the fight cannot be restarted and the contest must come to an end with the outcome determined by the round and time in which the fight was stopped.

38.2. Fighter who is not fouled by low blow but another foul.

38.2.a. If a contest or exhibition of mixed martial arts is stopped because of an accidental foul, the referee shall determine whether the unarmed combatant who has been fouled can continue or not. If the unarmed combatant's chance of winning has not been seriously jeopardized as a result of the foul and if the foul did not involve a concussive impact to the head of the unarmed combatant who has been fouled, the referee may order the contest or exhibition continued after a recuperative interval of not more than 5 minutes. Immediately after separating the unarmed combatants, the referee shall inform the Commission's representative of his determination that the foul was accidental.

38.2.b. If a fighter is fouled by blow that the referee deems illegal, the referee should stop the action and call for time. The referee may take the injured fighter to the cage side doctor and have the cage side doctor examine the fighter as to their ability to continue on in the contest. The cage side doctor has up to 5 minutes to make their determination. If the cage side doctor determines that the fighter can continue in the contest, the referee shall as soon as practical restart the fight. However, unlike the low blow foul rule, the fighter does not have up to 5 minutes of time to use at their discretion.

38.2.c. For a foul other than a low blow, the fouled fighter is not guaranteed 5 minutes of recovery time. If deemed not fit to continue by the referee or cage side physician, the referee must immediately call a halt to the bout. If the fighter is deemed not fit to continue by the referee or cage side physician but some of the five minute foul time is still remaining, the fighter cannot avail himself of the remaining time.

38.2.d. If the referee stops the contest and employs the use of the cage side doctor, the cage side physician's examinations shall not exceed five minutes. If five minutes is exceeded, the fight cannot be re-started and the contest must end.

#### **§177-2-39. Scoring of Incomplete Rounds.**

The judges shall score an incomplete round. If the referee penalizes either contestant, then the appropriate points shall be deducted when the scorekeeper calculates the final score for the partial round.

#### **§177-2-40. Tap Out.**

40.1. Submission by Tap Out.— When a contestant physically uses his hand to indicate that he or she no longer wishes to continue.

40.2. Verbal Tap Out.— When a contestant verbally announces to the referee that he or she does not wish to continue or makes audible sounds such as screams indicating pain or discomfort.

#### **§177-2-41. Combat Area.**

41.1. All MMA contests will take place in either a cage that has been approved by the Commission. The cage will meet the requirements set forth by the Athletic Commission and also be subject to inspection prior to each event by a Commission representative such as a referee.

41.2. Cages. – The cage specifications for Mixed Martial Arts events must meet the following requirements.

41.2.a. The fighting area canvas shall be no smaller than 18 feet by 18 feet and no larger than 32 feet by 32 feet. The fighting area canvas shall be padded in a manner as approved by the Commission, with at least one inch layer of foam padding. Padding shall extend beyond the fighting area and over the edge of the platform. No vinyl or other plastic rubberized covering shall be permitted. The fighting area canvas shall not be more than four feet above the floor of the building and shall have suitable steps or ramp for use by the participants.

41.2.b. Post shall be made of metal not more than six inches in diameter, extending from the floor of the building to a minimum height of 58 inches above the fighting area canvas and shall be properly padded in a manner approved by the Commission. The fighting area canvas area shall be enclosed by a fence made of such material as will not allow a fighter to fall out or break through it onto the floor or spectators, including, but not limited to, vinyl coated chain link fencing. All metal parts shall be covered and padded in a manner approved by the Commission and shall not be abrasive to the contestants. The fence shall provide two separate entries onto the fighting area canvas.

41.3. The Athletic Commission shall determine all seating arrangements at cage side.

#### **§177-2-42. Referee's License.**

42.1. Qualifications. -- Referees shall be appointed by the Commission and shall be licensed after first satisfying the Commission of their professional and physical qualifications.

42.2. Prohibitions. -- No person who is, directly or indirectly, interested in the management of a contestant, or who is an individual promoter, or stockholder in, or an employee of a corporation, or interested in an unincorporated club or association engaged in the promotion of contests, shall be granted a referee's license.

42.3. Powers of the referee. -- After a contest starts, the referee has power to declare a bout "No Contest," and order the purse held, pending the decision of the Commission. The referee shall immediately make a report to the Commission. The referee may stop a contest if, in his opinion, one (1) of the contestants is badly outclassed or injured or the referee may temporarily stop a contest and consult the examining physician on the advisability of stopping the contest in case a contestant appears injured. The referee is empowered to enforce discipline and the rules pertaining to the conduct and behavior of contestants and seconds.

#### 42.4. Duties of referee.

(a) General. -- Subject to the supervision of Commission members or Deputy Commissioners, the chief official of the contest shall be the referee who shall have general supervision over bouts and take his place in the cage.

(b) Ascertainment of seconds. -- The referee shall, before starting a contest, ascertain from each contestant the name of his chief second and shall hold the chief second responsible for the conduct of his assistant seconds during the progress of the contest.

(c) Instructions. -- The referee shall call contestants together in the cage before each bout for the final instructions at which time each contestant shall be accompanied by only his chief second. The principals after receiving instructions shall be required to shake hands at the beginning of the first round.

42.5. Referee's inspection. -- The referee shall inspect the bandages and the gloves and make sure that no grease or other foreign substances have been applied to either the gloves or the bodies of the contestants to the detriment of the opponent.

42.6. Referee's uniform. -- Referees shall wear official uniforms as authorized by the Commission.

#### **§177-2-43. "Down" Without Being Struck; Counted Out.**

43.1. General. -- A contestant who goes down without being struck and stays down shall be disqualified.

43.2. Absence of fighter. -- Should a contestant leave the cage during the one (1) minute period between rounds and fail to be in the cage when the gong rings the signal to resume fighting or should a contestant fail to rise from his chair at the beginning of a round, the referee shall start counting immediately and unless the contestant is on his feet in the cage at the end of ten (10) seconds, he shall declare him counted out.

#### **§177-2-44. Withholding Purse.**

As counting a contestant out, or disqualifying one (1) of the contestants for fouling, is held to be, in effect, giving a decision, should the referee decide that one (1) or both the contestants are not honestly competing, or that the knockdown is "A Dive" or the found prearranged termination of the bout, the referee shall stop the bout and order the purses of both MMA fighters held pending investigation by the Commission.

#### **§177-2-45. Gloves.**

All contestants shall wear gloves which weigh a minimum of four (4) ounces in weight. Both fighters shall wear the same weight gloves. If gloves used in any bouts have been used before, they must be whole, clean and in sanitary condition. Gloves must be supplied by the promoter and approved by the Athletic Commission. No contestant shall be allowed to supply their own gloves for any fight.

**§177-2-46. Hand Wraps.**

All mixed martial arts contestants shall be required to gauze and tape their hands prior to all contests. In all weight classes, the bandages on each contestant's hand shall be restricted to soft gauze cloth not more than 15 yards in length and two inches in width, held in place by not more than 10 feet of surgeon's tape, one inch in width, for each hand. Surgeon's adhesive tape shall be placed directly on each hand for protection near the wrist. However, as opposed to boxing wraps, the tape may cross the back of the hand twice and extend to cover and protect the knuckles when the hand is clenched to make a fist. The bandages shall be evenly distributed across the hand. Bandages and tape shall be placed on the contestant's hands in the dressing room in the presence of the inspector and, if warranted, in the presence of the manager or chief second of his or her opponent.

Under no circumstances are gloves to be placed on the hands of a contestant until the approval of the inspector is received. Substances other than tape and gauze shall not be utilized. For example, pre-wraps may not be used.

**§177-2-47. Use of Vaseline, Gels, or other similar substances.**

Mixed Martial Arts fighters shall not apply any body grease, gels, balms, lotions, oils, or other substances to the hair, face or body. This includes the use of excessive amounts of water "dumped" on a contestant to make him/her slippery. However, Vaseline may be applied solely to the facial area at cage side in the presence of an inspector, referee, or a person designated by the commission. Any contestant applying anything other than Vaseline in an approved fashion at cage side may be penalized a point or subject to loss by disqualification.

**§177-2-48. Contestants's Attire and Appearance.**

48.1. Trunks.— Each contestant shall wear mixed martial arts shorts, biking shorts, or kick boxing shorts.

48.2. Shirt or Gi.— Male contestants may not wear a shirt or gi during competition. Female contestants shall wear a body shirt or other appropriate attire during competition.

48.3. Shoes.— Contestants may not wear shoes or padding on their feet during a competition.

48.4. No articles of clothing other than as specified above shall be allowed.

48.5. No articles of clothing shall be worn by any contestant unless approved by the Athletic Commission.

**§177-2-49. Protective Equipment.**

49.1. Male fighters must provide and shall wear a groin protector during the competition.

48.2. Female fighters may not wear groin protectors. Female fighters must provide and shall wear a breast protector.

49.3. All contestants must provide and wear a mouthpiece during the competition.

49.4. No other protective gear shall be allowed.

49.5. No protective equipment shall be worn by any contestant unless approved by the Athletic Commission.

**§177-2-50. Appearance.**

The inspector or Athletic Commission representative shall determine whether head or facial hair presents any hazard to the safety of the contestant or their opponent or will interfere with the supervision and conduct of the event. Facial hair may not be braided. Fingernails and toenails must be trimmed subject to the approval of the Athletic Commission.

**§177-2-51. Water Buckets, etc.**

There shall be provided by the promoting corporation a sufficient number of water buckets for the use of all contestants. Promoters shall also provide fans, stools for seconds and such other articles as are required in the conduct of a contest. Promoters shall provide a sufficient number of buckets so that each MMA fighter shall have a new bucket for his fight.

**§177-2-52. National Anthem.**

The National Anthem shall be played at the beginning of each Mixed Martial Arts program.

**§177-2-53. Officials Fees.**

53.1. Day of Show Chief Deputy or Deputy in Charge \$75.00.

53.2. Judges \$50.00 per day.

53.3. Time Keeper \$50.00 per day.

53.4. Referee \$75.00 per day.

53.5. Inspectors \$50.00 per day.

**§177-2-54 Medical Testing Requirements.**

54.1 Every professional Mixed Martial Arts fighter must submit evidence to the Commission that the boxer is free of Human Immunodeficiency Virus (HIV) and proof of passing a Hepatitis B and a Hepatitis C virus test. The Athletic Commission will only accept laboratory results that are no older than twelve (12) months.

54.2 Every female Mixed Martial Arts fighter must submit a negative pregnancy test to the Athletic Commission. The test must be no older than 14 days prior to the date of the MMA match.

54.3 The Athletic Commission shall have the discretion to require additional medical testing of any MMA fighter in order to protect the health and safety of athletes. Additional testing may include an electrocardiogram (EKG), neurological exam, cat scan (CT), cardiovascular stress test, or any other examination, which the Commission deems necessary.

**§177-2-55 Safety of Fighters.**

Notwithstanding any provision of these rules to the contrary, the Athletic Commission shall have plenary authority to take any additional measures deemed necessary to protect the safety of all MMA fighters.

**§ 177-2-56 Types of Bout Results.**

A mixed martial arts contest may end under the following results:

56.1. Submission:

(a) Tap out: when a contestant physically uses their hand(s) to indicate that they no longer wish to continue.

(b) Verbal tap out: when a contestant verbally announces to the referee that they do not wish to continue.

56.2. Knockout "(KO)": failure to rise from the canvas.

56.3. Technical knockout "(TKO)":

(a) Referee stops bout because contestant can no longer defend themselves; or

(B) Cage side physician advises referee to stop bout; or

(c) When an injury as a result of a legal maneuver is severe enough to terminate the bout.

56.4. Decision via scorecards:

(a) Unanimous: when all three judges score the bout for the same contestant.

(b) Split decision: when two judges score the bout for one contestant and one judge scores for the opponent.

(c) Majority decision: when two judges score the bout for the same contestant and one judge scores the bout a draw.

56.5. Draws:

(a) Unanimous: when all three judges score the bout a draw;

(b) Majority: when two judges score the bout a draw;

(c) Split when all three judges score it differently and the score total results in a draw.

56.6. Disqualification: when an injury sustained during competition as a result of an intentional foul severe enough to terminate the contestant.

56.7. Forfeit: when a contestant fails to begin competition or prematurely ends the contest for reasons other than injury or indicating a tap out.

56.8. Technical draw:

(a) When an injury sustained during competition as a result of an intentional foul causes the injured contestant to be unable to continue and the injured contestant is even or behind on the score cards at the time of the stoppage.

(b) When an injury sustained during competition as a result of an unintentional foul causes the injured contestant to be unable to continue and the sufficient number of rounds have been completed with the results of the scorecards being a draw.

56.9. Technical decision: when the bout is prematurely stopped due to an injury and a contestant is leading on the scorecards.

56.10. No contest: when a contestant is prematurely stopped due to accidental injury and a sufficient number of rounds have not been completed to render a decision via the scorecards.

**§ 177-2-57 Consumables.**

MMA fighters may only consume water or an electrolyte replacement drink (such as Gatorade, power aid, etc.,) at cage side.

**APPENDIX 1  
MIXED MARTIAL ARTS WEIGHT CLASSES**

Male and female MMA fighters shall use the same weight classes.

<u>Weight Class</u>	<u>Weights</u>	<u>Weight Difference Allowed</u>
Flyweight	up to 125 lbs.	10*
Bantamweight	over 125 to 135 lbs.	10*
Featherweight	over 135 to 145 lbs.	10*
Lightweight	over 145 to 155 lbs.	10*
Welterweight	over 155 to 170 lbs.	10*
Middleweight	over 170 to 185 lbs.	Note 1
Light Heavyweight	over 185 to 205 lbs.	Note 1
Heavyweight	over 205 to 265 lbs.	Note 1
Super Heavyweight	over 265 lbs.	Note 1

\* If a boxer weighs 158 pounds or less, the boxer shall not be allowed to fight another boxer when the weight differential is more than 10 pounds. *See WV Code § 29-5A-19.*

Note 1 : If both MMA fighters weigh 159 pounds or more at the scheduled weigh in and their weights fall within the same weight class, then there is no restriction on the weight differential.

Bouts which cross weight classes :

If the two MMA fighters are weighed at the scheduled weigh in and their weights fall in different weight classes, the Maximum Weight Difference Allowed shall be :

One MMA fighter weighs 158 pounds or less :	10 pounds
One MMA fighter is Middleweight :	10 pounds
One MMA fighter is Light Heavyweight	15 pounds
One MMA fighter is Heavyweight	20 pounds
One MMA fighter is Super Heavyweight	50 pounds

**RESPONSE OF THE  
WEST VIRGINIA STATE ATHLETIC COMMISSION  
TO PUBLIC COMMENTS RECEIVED  
FOR THE PROPOSED CHANGES TO THE  
LEGISLATIVE RULES**

Background

On March 12, 2011 the West Virginia Legislature passed the Enrolled Committee Substitute for H.B. 2562 which legalized Mixed Martial Arts in this State. The Athletic Commission filed proposed legislative rules on June 17, 2011 with the WV Secretary of State. The public comment period ran from June 17, 2011 through July 18, 2011. The Commission timely received eight sets of comments and considered all timely comments regardless of whether they were submitted by letter or e-mail. The comments included one set of anonymous comments which were also considered.

On July 27, 2011, the Athletic Commission conducted a public meeting and reviewed the comments which had been timely received. Members of the public who attended the meeting were free to discuss their viewpoints and opinions with the Commission. Four individuals attended the public meeting and two individuals made significant contributions to the discussion as the proposed rules were reviewed by the Athletic Commission.

The Athletic Commission received forty-seven comments from the public. While the number of comments appear to be lengthy, many people raised the same issues. Consequently, the comments overlap a great deal. Eight comments related to the amount of insurance coverage required; four comments related to the venue size; four comments related to the use of a cage and the prohibition against using a standard boxing ring; three comments related to the minimum number of rounds or bouts required; and three comments related to the prohibition of amateur MMA by the proposed rule.

The Athletic Commission's Response is set forth below. Deletions from the rules which were published for public comment are shown in ~~strike-through~~ while the new language is shown in underlining. A complete set of all of the public comments is included in Appendix 1.

**Comments submitted by D. Geoffrey Varney, Esq.**

**Comment 1**

177CSR-2-7.3 - Minimum Number of Bouts

The proposed MMA rules requires a minimum of ten (10) bouts on a card unless special written permission is obtained from the Commission. The corresponding rule for boxing [177CSR-1-6.3] requires only a minimum number of *rounds* (30) for an event.

This is significant because it will require a MMA promoter to schedule, and pay, for 20 or more fighters to compete on a card. The proposed rule appears to favor boxing over MMA in this regard. The proposed MMA rule could have been written similar to the existing boxing rules regarding rounds, but the Commission chose to require a minimum number of bouts per event. This will limit the number of MMA events which can be held in the state because only the largest and lucrative MMA promotions will be able to compete under such restrictive rules.

**Response** – The Athletic Commission accepted the comment and amended the proposed rule accordingly to require a minimum of 30 rounds per event. By changing the requirement from 10 bouts per event to 30 rounds per event, the rule would allow for an event to include both MMA fights as well as boxing matches as suggested by one person at the public meeting.

Section 177CSR-2-7.3 will be revised to read as follows :

7.3. Minimum Number of ~~Bouts~~ Rounds. -- There shall be a minimum of ~~ten (10) bouts~~ thirty (30) rounds on a card unless special written permission is obtained from the Commission at the time of granting the sanction to have a fewer number of ~~bouts~~ rounds.

## **Comment 2**

### 177CSR-2-8.1 - Insurance for MMA Fighters - General

This proposed MMA rule greatly increases the amount of accidental Death & Dismemberment insurance required from promoters of MMA events than their counterparts in boxing. MMA promoters will be required to provide a minimum amount of \$100,000 to hold an MMA event. Boxing promoters are required to provide only \$20,000 in such insurance for boxers under 177CSR-1-7.2. It is unnecessary to elaborate on how this more restrictive requirement would severely limit MMA promoters; the numbers speak for themselves.

**Response** – The Athletic Commission accepted the comment, in general, and decided to reduce the accidental death and dismemberment coverage to \$ 30,000.00. The Commission heard a great deal of argument concerning the additional costs of insurance to the promoters and the high cost of medical treatment for injuries.

Section 177CSR-2-8.1 will be revised to read as follows :

8.1. General. -- All promoters, clubs, associations and corporations engaged in the presentation of professional Mixed Martial Arts events will provide Accidental Death

& Dismemberment insurance for the protection of MMA fighters appearing and participating in such events. The minimum amount of Accidental Death & Dismemberment insurance shall be ~~one hundred thousand dollars (\$100,000);~~ thirty thousand dollars ( \$ 30,000.00).

### **Comment 3**

#### 177CSR-2-8.2 - Insurance for MMA Fighters - Coverage

Likewise, MMA promoters are required to provide \$50,000 of insurance coverage per participant for injuries sustained while participating in a sanctioned MMA event. The corresponding provision for boxing [177CSR-1-8.2] requires only \$20,000 of insurance coverage per boxing participant.

There is no scientific evidence to justify a higher insurance requirement for MMA. In fact, the leading scientific studies suggest the opposite: that boxing is more dangerous than MMA in regard to serious injuries sustained by participants [see Attachment #1]. If anything, boxing should require higher insurance coverage than MMA. At the very least, the insurance requirements should be the same for both boxing and MMA in West Virginia.

**Response** – The Athletic Commission accepted the comment, in general, and decided to reduce the medical insurance coverage to \$30,000.00. The Commission heard a great deal of argument concerning the additional costs of insurance to the promoters and the high cost of medical treatment.

Section 177CSR-2-8.2 will be revised to read as follows :

8.2. Coverage. -- Insurance coverage shall provide for reimbursement to the MMA fighter for medical, surgical and hospital care with a minimum coverage of ~~fifty thousand dollars (\$50,000)~~ thirty thousand dollars ( \$ 30,000.00) per participant for injuries sustained while participating in any sanctioned MMA event under the control of a licensed promoter, club, corporation or association.

### **Comment 4**

#### 177CSR-2-22 - Length of Rounds

This section proposes that female MMA fighters be limited to three (3) minute rounds in comparison to their male counterparts' five (5) minute rounds. Besides being sexist and paternalistic, there is no scientific evidence to suggest that females are less capable than males of fighting in five (5) minute round fights. Every state that regulates MMA allows females to participate in five (5) minute round fights just like males. Treating females different in this regard is akin to telling female athletes that "girls aren't as good as boys."

**Response** – The Athletic Commission rejected the comment. No change will be made to the proposed rule.

### **Comment 5**

#### 177CSR-2-41.2 - Cages

This proposed rule mandates that MMA events be held in cages. Approximately 40% of all MMA events occur in a ring, like boxing. The Unified Rules of MMA make these provisions to allow for MMA to be held in a ring:

All MMA contests will take place in either a Cage or a Ring that has been approved by the Commission. The Cage or Ring will meet the requirements set forth by each Commission. The Cage or ring will meet the requirements set forth by each Commission and also be subject to inspection prior to each event by a Commission representative such as a referee.

The ring specifications for mixed martial arts must meet the following requirements: (1) The ring may be no smaller than twenty fee square and no larger than thirty-two feet square within the ropes; (2) One of the corners must have a blue designation, the corner directly across must have a red designation; (3) The ring floor must extend a least eighteen inches beyond the ropes. The ring floor must be padded with ensolite for a similar closed-cell foam, with a least one inch layer of foam padding. Padding must extend beyond the ring ropes and over the edge 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 and ridges may not be used; (4) The ring platform must not be more than four feet above the floor of the building and must have suitable steps for the use of the contestants; (5) Ring posts must be made of metal, not more than three inches in diameter, extending from the floor, and must be properly padded in a manner approved by the commission. Ring posts must be eighteen inches away from the ring ropes; (6) There must be five ring ropes, not less than one inch in diameter and wrapped in soft material. The lowest rope must be no higher than twelve inches from the ring floor; (7) There must not be any obstruction or object, on any part of the ring floor. [see Attachment #2]

Mandating a cage-only option for MMA prevents a promoter from holding an event showcasing both MMA and boxing. Also, cages are more expensive, and this would likely hinder some promoters from competing in the industry.

**Response** – The Athletic Commission rejected the comment as a safety concern. No change will be made to the proposed rule.

The Commission concluded that MMA fighters would be more likely to be thrown from a

roped ring which could cause a risk of injury instead of an enclosed cage. In addition, Commissioner Simpson pointed out that if 40% of all MMA events occur in rings (according to the comment), then 60% of all MMA events occur in cages. Commissioner Simpson felt that West Virginia should follow the majority position.

### **Comment 6**

177CSR-2-45 - Gloves

This proposed rule requires both a fighter and his opponent to wear the same weight gloves. This is problematic because boxing and MMA are two different sports, and the requirements cannot be the same in regard to glove size. MMA gloves are made to fit the hand, and every human being has different sized hands. A larger light-heavyweight would naturally have a larger hand than a smaller light-heavyweight. MMA glove size does not afford any advantage to a fighter, the gloves are chosen according to physical comfort. For example, Shane Carwin (of UFC fame), fights at Heavyweight and wears a size 5XL glove. Requiring his opponent to wear gloves so large would look ridiculous. Requiring Shane Carwin to wear a much smaller glove to meet the proposed West Virginia Athletic Commission rule would look even more ridiculous. [see Attachment #3]. This is the most obvious example. Depending on the size of a fighter's hand, MMA gloves will weigh between 4 and 8 ounces. Hand girth is not something that gives a fighter any advantage over his opponent, and therefore, a rule requiring fighters to wear the same size of glove in a bout makes no sense.

To clear up any confusion, the language of the Unified Rules of MMA reads as follows: All contestants shall wear gloves which are at least 4 ounces and are approved by the Commission. The language should not place a limit on 6 ounce gloves. The discussion by the group was prompted by the introduction of triple XL or five XL gloves which, due to the additional material, may weigh over 6 ounces. Gloves should be supplied by the promoter and approved by the commission. No contestant shall supply their own gloves for participation.

**Response** – The Athletic Commission rejected the comment as a safety concern. No change will be made to the proposed rule.

The Commission concluded that if two MMA fighters have substantially different hand sizes (as argued in the comment), then there might be too big of a weight discrepancy between fighters.

### **Comment 7**

177CSR-2-48.2 - Contestant's Attire and Appearance - Shirt or GI

For females, this proposed rule would require a female combatant to wear, not only a body shirt, but also a blouse during competition. The corresponding boxing rule [177CSR-1-40.6] requires a female

boxer to wear only a body shirt. There is no logical reason for the added requirement for MMA. No other state requires the extra article of clothing in its MMA rules for female combatants. The proposed rule appears to be archaic-minded and paternalistic.

**Response** – The Athletic Commission accepted the comment.

Section 177CSR-2- 48.2 will be revised to read as follows :

48.2. Shirt or Gi.– Male contestants may not wear a shirt or gi during competition. Female contestants shall wear a body shirt ~~and blouse~~ or other appropriate attire during competition.

### **Comment 8**

177CSR-2-55 - Safety of Fighters

This may be the worst of all of the proposed rules because of its vagueness and appearance of unlimited regulatory control. The proposed rule reads: “Notwithstanding any provision of these rules to the contrary, the Athletic Commission shall have plenary authority to take any additional measures deemed necessary to protect the safety of all MMA fighters.” Seemingly, the Athletic Commission could require MMA combatants to house themselves in large plastic bubbles and sort of bounce into their opponent. The proposed rule would give the Athletic Commission, this power and more. Many limitations could be placed on MMA under the guise of a “concern for safety.” It should be noted that the Commission’s existing rules for boxing do not contain such a provision.

**Response** – The Athletic Commission rejected the comment. No change will be made to the proposed rule.

### **Comments submitted by Roni Pack**

#### **Comment 9**

Will training be provided to bring judges and referees, appointed by the athletic commission, to ensure proper certification? At this time judges are compensated at \$50 per night per event and referees are compensated \$75 per night/event. Who will bear the burden of the expense? I do not believe referees and judges should bear the cost as neither are highly paid for any event. Therefore, the cost would be too much which may impede the ability to hire qualified and experienced officials for events.

**Response** – The Athletic Commission rejected the comment. No change will be made to the proposed rule. The Athletic Commission concluded that referees and other officials must obtain training which is approved by the Association of Boxing Commissions at their own expense.

### **Comment 10**

I believe MMA fights should take place in a 5 rope ring. Use of the cage interferes with audience viewing, which may affect attendance. I have seen events which have taken place in both a 5 rope ring and a cage and believe the spectator receives a much better viewing experience with the ring.

**Response** – This issue was previously addressed in Comment 5.

### **Comment 11**

I do not believe the venue size should be limited to only large centers. Limiting venue size would basically exclude most, if not all, venues located in southern West Virginia.

**Response** – The Athletic Commission decided to reduce the venue size to 2500 minimum seating capacity. (See also Comment 19.)

Section 177CSR-2-5.6 will be revised to read as follows :

5.6. Venues– Venues must have a minimum seating capacity of ~~3,500~~ 2,500 and video replay capabilities in good working order. No event shall take place until the venue has been approved by the Athletic Commission.

### **Comments submitted by Annette Simpson**

#### **Comment 12**

I see there was a zero cost fiscal note attached to this bill. Will there be any training involved to bring the existing judges and referees that are appointed by the athletic commission up to proper certification? I see advertised training session for MMA referees costing \$500 - 1000 per weekend not including travel expenses. Currently the referees are compensated \$75 per night/event. Are we to expect these people to bear the burden of this cost when they would have to work 12 - 14 events to break even on their training investment? It is my opinion that no events should be held until we have qualified and certified referees from the state to ensure the fairness and safety of the fights.

**Response** – This issue was previously addressed in Comment 9.

#### **Comment 13**

I feel the AD & D insurance of \$100,000 is appropriate as this may replace the salary of the injured fighter for a couple years, but the medical insurance of \$50,000 seems terribly low. With facial and head CT's averaging \$2500 - 4000 dollars and emergency surgery being so expensive, I fear that the proposed amount may be too low. If the \$50,000 is expended, who will be responsible to the hospital for the overruns ? The fighter, the promoter, the State of WV, the taxpayers? I think it

should be increased to match the AD & D level of \$100,000.

**Response** – This issue was previously addressed in Comments 2 and 3.

#### **Comment 14**

During a boxing match when a referee calls a foul and deducts a point from a fighter, the judges are informed immediately by the referee of the point deduction. The referees are trained to mark this deduction on their score sheet. It seems confusing that under the Unified Rules, the points are deducted by the official scorekeeper and not the judges. I fear that an experienced Boxing judge would score a 10-9 round as a 10-8; therefore, assessing the foul, only to have the scorekeeper take another point away. This assessment of fouls should be consistent in all combative sports.

**Response** – This comment was determined to be a housekeeping matter. Judges must be cognizant of the fact that a point for a foul will be deducted by the scorekeeper and not the judges. Section 177-2-35 of the proposed rule is consistent with the Unified Rules of Mixed Martial Arts as adopted by the Association of Boxing Commissions.

#### **Comment 15**

I am very happy to see that the Athletic commission is taking fighter safety seriously in only allowing MMA fights to take place in an approved cage. I have been to MMA events in Ohio and Virginia that allow the 5 rope ring to be used. At every event one or two fighters are pushed or slip through the ropes only to fall 3 - 4 feet to the hard cement. This is the most violent of the combative sports and by ensuring the fighters are in a cage, this will avoid incidental injuries by falls from a ring.

**Response** – This issue was previously addressed in Comment 5.

#### **Comment 16**

Although I understand keeping the venue size limited to large conference centers and civic centers, I think that by limited fights to seating of 3500 or more would exclude places like the Raleigh County Convention Center, the Brushford and Summersville Armory's and the State Fairgrounds. This will limit the availability of venues that qualify to Charleston, Morgantown and Wheeling and no contests could be held in the southern part of the State, this would also limit places like the Greenbrier holding a pay-per-view event like they did this past January.

**Response** – This issue was previously addressed in Comment 11.

#### **Comment 17**

How will the state benefit from pay-per-view revenue? Is there currently a bill or statute to enforce a minimum percentage of gross sales in PPV back to the state? I understand that other states gain

revenue from the production of PPV events held in those states. Is the Legislature currently working on a bill to address this, as revenue production was pushed to all the Senators and Delegates during the last session in which this bill was passed.

**Response** – The Athletic Commission could not address this issue. Enacting a fee or tax on pay-per-view shows would require a new statute which is beyond the scope of this regulation.

### **Comments submitted by Brian Simpson, RN., Member of Athletic Commission**

#### **Comment 18**

I am definitely against using a 5 rope ring for these types of contests. For the safety of the fighters, a cage is necessary. Not only is this a very violent form of a combative contest, the additional injuries that could occur from a fall from 4-5 feet from the ring apron would be devastating!

**Response** – This issue was previously addressed in Comment 5.

#### **Comment 19**

We should be more specific about the video broadcasting needs within the event venue. I recently attended the UFC event in Pittsburgh PA and noticed that in addition to the 4 jumbo screens that are standard in professional sports venues like the Consol Energy Civic Center, the UFC also had 6 other large screens placed in the upper seating areas. This is because when the fighters go to the ground and grapple/wrestle, even the ringside viewers can not see anything. By specifying the size and minimum number of broadcast screens, the general public in attendance will be allowed to view the contest as it is intended.

**Response** – The Athletic Commission adopted this comment in order to promote better viewing of the fight once the fighters go to the ground. (See also Comment 11.)

Section 177CSR-2-5.6 will be revised to read as follows :

5.6. Venues– Venues must have a minimum seating capacity of ~~3,500~~ 2,500 and video replay capabilities in good working order. Venues with a seating capacity of 3,500 or more must have a minimum of four (4) video monitors displaying a continuous live feed of the fight for the spectators; venues with a maximum seating capacity of 3,499 or less must have at least two monitors displaying a continuous live feed of the fight for the spectators. All such video monitors must be a minimum of 6 feet by 6 feet. No event shall take place until the venue has been approved by the Athletic Commission.

#### **Comment 20**

The event promoter should have a minimum of 10-12 fights. This is because most fights end in the first round. I was actually unaware of how often this takes place but was informed by legal counsel from Zuffa Inc that owns the UFC that most fights are by submission or knockout in the first round. 8 out of the scheduled 11 fights ended this way Sunday. This led to long delays between fights of 20-30 minutes. One of my fears as a consumer of local entertainment would be if only scheduling 6-8 fights, the event could be over in 60-90 minutes and therefore the general public in attendance would feel cheated in attending such a shortened event. Also, by making the recommendation the same as boxing, like 20-30 rounds, when these events end in the first round more often than not, spectators will only get a minimum amount of entertainment for their investment.

**Response** – This issue was previously addressed in Comment 1.

#### **Comment 21**

I feel that the accidental death and dismemberment insurance of \$100,000 is an appropriate number to start with to cover the athletes and their families, but the medical insurance of \$50,000 is too low. A complicated emergency room visit in a level 1 trauma center can be \$50,000 in itself, not including inpatient care if necessary. \$100,000 medical insurance is a more realistic number to start with in my opinion. If the event is held in an area outside Morgantown, Huntington or Charleston (the only level one trauma centers in WV) you could tack on 2 emergency room visits and possibly a transfer fee from EMS by ground or air transport.

**Response** – This issue was previously addressed in Comments 2 and 3.

#### **Comment 22**

The event sizing of 3500 seating minimum is important in limiting the "fly by night" promoters from coming to the state and holding small fights without meeting proper bonding and medical minimum standards. I would like a clause in place to allow for smaller events to be held at the approval of the Athletic Commission for special events that could meet all other requirements. The minimum seating could be adjusted down to 1000-1500 persons for high-end events like at the Greenbrier or the Waterfront in Morgantown. Due to the requirements of having referees, judges and medical support staff in attendance, allowing these events take place in small venues would place competitors at risk for injury without qualified persons there to attend to them. Small gyms and back room MMA events will also stretch the available resources the state has available to police these events.

**Response** – This issue was previously addressed in Comment 11.

#### **Comment 23**

It concerns me that no legislation has been considered to mandate a set percentage of revenue from pay-per-view events possibly to be held in this state. In all the meetings that were held either with

the Athletic Commission, in the joint House/Senate committees, and with the representatives of Zuffa Inc, the main push by all the proponents of MMA was the revenue from pay per view that the state is "missing out on". We will be unable to capture this revenue unless there is a law, bill, or statute making the promoter, producer or event organizer pay the state a set percentage for pay per view revenue. I feel that passing the legislation we are working on currently to legalize and manage MMA is putting the "cart before the horse" when nothing is currently in place to recover these potential revenue sources.

**Response** – The Athletic Commission could not address this issue. Enacting a fee or tax on pay-per-view shows would require a new statute which is beyond the scope of this regulation.

#### **Comment 24**

I understand the concern expressed by the comment made on wording saying "the exact same gloves". As we are new at coming up with guidelines to manage this sport, it is understandable that some wording will need changed. It does make sense that someone with larger hands would have more padding just due to the sizing of the gloves. By making competitors use the same type of glove with a minimum weight of 4 ounces, we would allow for increasing the padding due to sizing differences.

**Response** – This issue was previously addressed in Comment 8.

#### **Comment 25**

I can see people arguing that the minimum insurance and AD&D requirements we are placing on MMA is higher than what's currently on boxing. I feel that it is simply a matter of our experience in dealing with the injuries in boxing is less than our experience in MMA. These minimum requirements should start at the proposed levels and after a period of 5-10 years the Commission should have the proper time to study injuries within our state and decrease or increase these amounts if necessary.

**Response** – This issue was previously addressed in Comments 2 and 3.

#### **Comment 26**

Lastly, it is imperative that we only have professional MMA in place in West Virginia. It must be illegal to hold amateur MMA events and we must set penalties for promoters and participants that will be stiff enough to deter "backyard" and "bar room" MMA "exhibitions". Participants that have the desire to train, and then compete in organized amateur events may have to travel to neighboring states to get in the minimum number of fights to turn pro, but by doing this we place the burden of responsibility for injury on the state holding the amateur competitions. The current State Athletic Commission is not staffed to oversee MMA in the amateur arena. We currently allow for amateur boxing to be regulated by USA Boxing. There is currently no National amateur MMA organization.

The State also has limited number of trained and certified judges and referees to hold professional contests.

**Response** – The Athletic Commission noted that Section 177-2-2 of the proposed rule prohibits all non-professional MMA events. No change was required for the comment.

### **Anonymous comment**

#### **Comment 27**

MMA deserves, and should receive the same treatment that boxing gets in this state. MMA has surpassed boxing in fan base and revenue. MMA is a huge cash cow, and if allowed to, can bring much needed money into the state. Lets look at the numbers which will indicate that something is “fishy” about this commission and the way they are treating MMA. Insurance per boxer = \$20,000.00, insurance per MMA fighter \$100,000.00.

**Response** – This issue was previously addressed in Comments 2 and 3.

#### **Comment 28**

Bond per boxing event = \$20,000.00, bond per MMA Event = 50,000.00. Now by those numbers alone you can definitely see that boxing is getting the preferred treatment, hmmm I wonder why? Deaths in boxing far outweigh the deaths in MMA, there have been 71 boxing related deaths since 1993 and ONLY 2 in MMA (The Vancouver Sun: MMA vs. Boxing, which is more dangerous?, Nov 20th 2008). That was found in a quick search via Google. I’m sure with all the time you have you could go and search and find more details statistics that would prove my point to an even greater length. MMA, statistically is a MUCH safer sport than boxing and DESERVES a platform in which they can succeed, and YOU haven’t provided that for MMA. Thanks for your time.

**Response** – The Athletic Commission accepted the comment, in general, and reduced the minimum bond to \$ 35,000.00.

Section 177CSR-2-6 will be revised to read as follows :

Before any license is issued to any promoter conducting any Mixed Martial Arts contest, he shall execute and file with the Commission a surety bond sufficient to cover all purses, awards and payments to be paid by the promoter. The bond shall be determined by the Commission. The minimum bond shall be ~~fifty thousand (\$50,000)~~ thirty-five thousand ( \$ 35,000.00) dollars. The bond shall be available to cover any fees associated with MMA fighters, managers, seconds, other fight related participants, medical expenses or deductible costs for injured boxers (insurance deductibles), and fight officials. The bond may not be available to cover expenses

such as building rental, concession stand operations, advertisements, or other similar expenses.

**Comments submitted by James Long**

**Comment 29**

177-2-5– Licenses

This ruling dictates what should be done to purchase a license but a criminal statute should be implimented regarding Forgery of Licenses that apply to promoters, fighters, corporations, and any other person that would be involved with the criminal intent of forging a fighting license.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 30**

177-2-7 - Individual Sanction and Permits for Professionals

Regarding applications for sanctions there should a criminal statute dealing with issues of Fraud if books, contracts, permits, applications for sanctions, are not true or have been falsified regarding a fight.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 31**

177-2-9 - Promoters Report

A criminal statute should be implimented regarding a false promoters report.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 32**

177-2-10 - Inspectors or Deputies

Also, there should be a criminal statute implimented regarding the duties of Inspectors and or Deputies regarding reports, bribes, etc.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 33**

177-2-12 - Minimum Age Limit

I also believe there should be a criminal code regarding someone or persons allowing a minor to pose as an adult to fight in a professional fight, unless, a specific regulation is created to allow a minor to compete.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 34**

177-2-13 - Assumed Names

A definite criminal statute should be created regarding a person fighting under a false name, and/or others persons who conspire with a person to fight under a false name, etc.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 35**

177-2-19 - Fake contests

A criminal statute and penalty should be created regarding a Fake or Thrown Fight, which would involve any and everyone involved. Battery/Assault/Bribing/Extorting/Threatening officials, time keepers, referees, judges, special judges, Athletic Commissioners, doctors, etc.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 36**

177-2-33

A criminal statute or law should be created to protect all persons involved in the fight event, such as battery, assault, extortion, bribing, etc.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 37**

177-2-42 - False Swearing

I also suggest a criminal statute be created regarding false swearing on referee licenses, even falsifying someone in a weight class, etc.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comment 38**

Gambling is also an issue that will arise when MMA takes off in West Virginia, that needs to be discussed on how to regulate that as well.

**Response** – The Athletic Commission could not address this issue. Enacting a new criminal statute is beyond the scope of this regulation.

**Comments submitted by Howard R. Petschler**

**Comment 39**

I am West Virginia resident who has promoted over a thousand individual MMA fights around the US and Canada since 1996 without a single fighter requiring even an overnight hospital stay. I agree with regulation and have championed it. Having promoted the first sanctioned MMA events in several states and even a couple of countries, I am used to working closely with state regulators. I have also provided regulatory aid to several states while they prepared to regulate MMA. To arbitrarily, without basis in fact determine that MMA participants need higher insurance limits than boxers is ludicrous and shameful. It is not even a cleverly disguised attempt to limit the development of Mixed Martial Arts in the State of West Virginia.

Insurance limits and licensing requirements should be the same each of the regulated combative sports without allowing personal prejudice to favor one or the other. For any state official to use his authority to defeat the intent of the legislature and the state's chief executive and thus the will of the citizens of the State of West Virginia is beneath contempt.

**Response** – This issue was previously addressed in Comments 2 and 3.

**Comments submitted by Chris Smith, Rough N' Rowdy Brawl**

#### **Comment 40**

##### 177-2-1 - General

1.1 Scope This rule establishes the procedures to be followed for all Mixed Martial Arts (MMA) events under the jurisdiction of the State Athletic Commission

This should be written to the following “This rule establishes the procedures to be followed for all PROFESSIONAL Mixed Martial Arts (MMA) events under the jurisdiction of the State Athletic Commission. The legislature wanted the Athletic Commission to sanction professional MMA. Amateur MMA was not included in H.B. 2562 so it should not refer to “all Mixed Martial Arts”.

**Response** – The Athletic Commission rejected this comment and noted that Section 177-2-2 of the proposed rule prohibits all non-professional MMA events.

#### **Comment 41**

##### 177-2-2 - Jurisdiction

All Mixed Martial Arts (MMA) events matches, and exhibits, or any for thereof, other than professional Mixed Martial Arts Events are prohibited.

Once again, according to H. B. 2562, the Athletic Commission is to sanction all Professional MMA. It says nothing about regulating or banning Amateur MMA.

**Response** – This issue was previously addressed in Comment 40.

#### **Comment 42**

##### 177-2-3 - Definitions

3.4 “Professional Mixed Martial Arts Fighter” - means a Mixed Martial Arts fighter who competed in a minimum of ten (10) amateur MMA bouts. Amateur bouts which cannot be verified by the Athletic commission shall no count toward the minimum number of bouts required. No MMA fighter may be licensed as a professional by the Athletic Commission who does not have a winning record.

Can I ask where these MMA fighters are supposed to get their amateur experience if you are banning amateur MMA for WV? All I heard from supporters of MMA in WV and from the delegates was “money is leaving the state of WV. My son or daughter has to leave WV to get a fight.” Under your proposed rules, money is leaving the state if amateur MMA is banned.

Most states don't require a minimum number of amateur bouts to turn professional. There are currently NO requirements for an amateur or professional boxer to have a winning record or minimum number of amateur bouts to get a professional boxing license in WV. If you're not requiring these rules for professional boxing, then why are you requiring it for Mixed Martial Arts? Requiring MMA fighters to have a winning record seems a bit harsh. So for every fighter that has a losing record will not be able to obtain or lose his or her license in WV and not be able to compete? This is not required by the boxing rules in WV. I've never heard of this.

**Response** – The Athletic Commission rejected this comment.

### **Comment 43**

177-2-5 - Licenses

5.6 Venues - Venues must have a minimum seating capacity of 3,500 and video replay capabilities in good working order. No event shall take place until the venue has been approved by the Athletic Commission.

This rule need striked entirely. This rule restricts business trade, promotes unfair competition, and creates monopolies. Most of my boxing shows are in venues that seat less than 3,500 and I generate a great deal of money for the state of WV and the town I promote in. Once again, this rule does not apply to the boxing rules in WV. It should not apply to the MMA rules you are proposing

Video replay is not required in the boxing rules in WV as well. It should not apply to the MMA rules you are proposing.

**Response** – The minimum venue size was previously addressed in Comment 11. The comment regarding the elimination of video replay was not specifically addressed; however, by retaining the requirement that venues have video replay capabilities in good working order as set forth in Section 177-2-5.6 would, by implication, reject the second comment.

### **Comment 44**

177-2-6 - Bond Required

The minimum bond shall be fifty thousand (\$50,000) dollars

The current surety bond requirement for boxing in WV is ten thousand (\$10,000). This should be the same for MMA.

**Response** – This issue was previously addressed in Comment 28.

### **Comment 45**

## 177-2-7 - Individual Sanction and Permits for Professionals

7.3 Minimum Number of Bouts - There shall be a minimum of ten (10) bouts on a card unless special written permission is obtained from the Commission at the time of granting the sanction to have a fewer number of bouts

Ohio allows pro/am events with a minimum of eight (8) bouts on a card with at least three (3) of those bouts being professional. I believe WV should do the same being that his format well in Ohio.

**Response** – The minimum number of bouts on a fight card was previously addressed in Comment 1. The prohibition of amateur MMA events was previously addressed in Comment 26.

### **Comment 46**

## 177-2-8 - Insurance for Mixed Martial Arts Fighters

8.1 General The minimum amount of Accidental Death & Dismemberment insurance shall be one hundred thousand dollars (\$100,000)

The current Accidental Death & Dismemberment insurance requirement for boxing in WV is twenty thousand (\$20,000). This should be the same for MMA.

8.2 Coverage Insurance coverage shall provide for reimbursement to the MMA fighter for medical, surgical and hospital care with a minimum coverage of fifty thousand dollars (\$50,000) per participant for injuries sustained while participating in any sanctioned MMA event under the control of a licensed promoter, club corporation or association.

The current insurance coverage requirement for boxing in WV is twenty thousand (\$20,000). This should be the same for MMA.

**Response** – This issue was previously addressed in Comments 2 and 3.

### **Comment 47**

## 177-2-41 - Combat Area

41.2 a No vinyl or other plastic rubberized covering shall be permitted.

Why no vinyl? The vinyl mat is easy clean and can be washed immediately with bleach if there is blood. It is more sanitary than the canvas mat you are proposing.

In summary, I believe the new proposed rules need to be revised to not ban amateur mixed martial arts in the state of WV. If there is no amateur program in the state of WV, then there will not be a

professional MMA program in this state. It will be dead.

The amateur boxing program in WV follows the rules of the Amateur Boxing Association and those rules are promulgated by USA Boxing Inc. If the WV Athletic Commission does not want to sanction amateur MMA or have the manpower to do so, then there are other amateur organizations such as the ISCF or the WKA that are currently sanctioning amateur MMA events across the country.

**Response** – The Athletic Commission rejected this comment for safety reasons. Vinyl mats can become slippery when wet which is a safety hazard. Slippery footing for MMA fighters would also impede some fighting techniques.