



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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12/20/2016 10:21:58 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Regulation of Mixed Martial Arts	TITLE-SERIES	177-02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-02



Rule Id: 10177



Document: 33165



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Regulation of Mixed Martial Arts	TITLE-SERIES	177-02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

PRIMARY CONTACT

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Charleston, STATE SECONDARY ZIP SECONDARY

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Regulation of Mixed Martial Arts	TITLE-SERIES	177-02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The proposed changes to W. Va. Code R. § 177-2-1 are not anticipated to impact the cost and revenue of state government. The proposed rule includes authorization for the West Virginia State Athletic Commission to perform for cause drug testing of fighters governed under this rule and allocates the cost of these tests to the Commission. However, under the proposed rule, the number of drug tests the Commission will conduct is discretionary. Therefore, it will be possible for the Commission to conform the frequency of testing to its budgetary restrictions.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Athletic Commission

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 177-

RULE NAME Regulation of Mixed Martial Arts 02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES	\$0.00	\$0.00	\$0.00
CURRENT EXPENSES	\$0.00	\$0.00	\$0.00
REPAIRS AND ALTERATIONS	\$0.00	\$0.00	\$0.00
ASSETS	\$0.00	\$0.00	\$0.00
OTHER	\$0.00	\$0.00	\$0.00
ESTIMATED TOTAL REVENUES	\$0.00	\$0.00	\$0.00

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-02



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Regulation of Mixed Martial Arts	TITLE-SERIES	177-02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

The proposed changes to W. Va. Code R. § 177-2-1 are not anticipated to impact the cost and revenue of state government.

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-02



Rule Id: 10177



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY	Athletic Commission		
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	Yes
RULE NAME	Regulation of Mixed Martial Arts	TITLE-SERIES	177-02

CITE AUTHORITY W. Va. Code 29-5A-1, 29-5A-3a(f), 29-5A-24(b)

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.

The proposed changes to W. Va. Code R. § 177-2-1 are not anticipated to impact the cost and revenue of state government.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Douglas P Buffington -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 177-02



Rule Id: 10177



Document: 33165

177CSR2

TITLE 177
LEGISLATIVE RULE
STATE ATHLETIC COMMISSION

SERIES 2
REGULATION OF 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. -- ~~May 24, 2013~~

1.4. Effective Date. -- ~~June 24, 2013~~

1.5. Sunset Date. – This rule shall terminate and have no further force and effect upon the expiration of five (5) years from its 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, events, 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. "Contestant" – means: a fighter that competes in a Mixed Martial Arts event, match, or exhibition or any form thereof. A contestant can be either a professional or amateur contestant.

~~3.2.1. A person who competed in a minimum of 8 amateur MMA matches. Amateur matches which cannot be verified by the Commission do not count toward the minimum number of matches required. or~~

~~3.2.2. A person who has been licensed as a professional MMA contestant by~~

~~another state to compete in a sanctioned event and has competed as a professional MMA contestant in a sanctioned event in another state.~~

~~3.2.3. No contestant may be licensed by the Commission who does not have a winning record.~~

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

3.4. "Event" -- means a series of matches in which contestants compete.

3.5. "Match" -- means a fight between contestants.

3.6. "Mixed Martial Arts" (MMA) -- 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.

3.7. "Permit" -- means a document allowing an event to occur.

3.8. "Promoter" -- means any individual, club, corporation or association engaged in the promotion of regularly scheduled or individual MMA shows or contests.

3.9 "Professional" means:

3.9.a. A contestant who has competed in a minimum of 4 bouts in any amateur ring sport and has developed the skills to be able to compete for money. Amateur matches which cannot be verified by the Commission do not count toward the minimum number of matches required;

3.9.b. A person who has been licensed as a professional MMA contestant by West Virginia or another state to compete in a sanctioned event and has competed as a professional MMA contestant in a sanctioned event in West Virginia or another state; or

3.9.c. A person who has been licensed as a professional in any ring sport other than MMA, has fought in a minimum of two professional fights, and has developed the necessary skill to be licensed as a professional MMA contestant.

3.10. "Amateur" – means a fighter who has not been licensed as a professional fighter in the State of West Virginia or any other jurisdiction.

§177-2-4. Licenses.

4.1. General. -- The Commission may issue a license to promote, conduct or hold an event to a promoter.

4.2. Application requirements.

(a) 4.2.a. Applications for a license shall be signed by the applicant. The applicant shall provide the requested information.

~~(b)~~ 4.2.b. An application for license of contestant shall be accompanied by 2 passport size photographs of the applicant.

4.3. 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)~~ 4.3.a. Is skilled and/or trained in ~~the profession of~~ Mixed Martial Arts;

~~(b)~~ 4.3.b. Is physically fit and mentally sound;

~~(c)~~ 4.3.c. Has not been convicted of a felony or misdemeanor involving moral turpitude;

~~(d)~~ 4.3.d. 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 the sport;

~~(e)~~ 4.3.e. Will adhere to and comply with all rules;

~~(f)~~ 4.3.f. In the case of a corporate applicant, these factors shall pertain to its officers, directors, principal stockholders and employees; and

~~(g)~~ 4.3.g. Every license and licensee shall be subject to the provisions of W. Va. Code §§ 29-5A-I *et seq.*

4.4. Suspensions, revocation or probation of license or licensee. --

The Commission may suspend, revoke or place on probation the license of any licensee licensed under this rule, who in the discretion of the Commission:

~~(a)~~ 4.4.a. Is guilty of failure to obey any lawful order of the Commission or any inspector;

4.4.b. Is guilty of gross immorality;

4.4.c. Is unfit or incompetent by reason of negligence;

~~(b)~~ 4.4.d. Is guilty of violating any provision of this rule;

~~(e)~~ 4.4.e. Has committed fraud or deceit in securing a license for himself or another, or by falsifying a license application;

~~(d)~~ ~~Has failed to report to the commission his/her conviction of a felony or misdemeanor involving moral turpitude in any jurisdiction within 10 years preceding the suspension or revocation;~~

4.4.f. Has been convicted of a felony or misdemeanor involving moral turpitude in any jurisdiction within one year preceding the suspension or revocation and such conviction not previously reported to the commission by said licensee;

~~(e)~~ 4.4.g. Is an habitual drunkard or addicted to the use of narcotics, as determined by a physician;

~~(f)~~ 4.4.h. Is or has become mentally incompetent, as determined by a physician;

~~(g)~~ 4.4.i. 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;

~~(h)~~ 4.4.j. Has failed to furnish the proper party a copy of any contract or agreement required by this rule or has breached such contract;

~~(i)~~ 4.4.k. Has loaned or permitted another person to use his license or has borrowed or used the license of another;

~~(j)~~ 4.4.l. Has failed to maintain in force the bond required by this rule;

~~(k)~~ 4.4.m. Has by act or omission conducted himself or herself 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;

~~(l)~~ 4.4.n. Has been disciplined in any manner by the Commission or similar agency or body of any jurisdiction;

~~(m)~~ 4.4.o. Has failed to pay a fine or forfeiture imposed by this rule;

~~(n)~~ 4.4.p. Has either 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 or amateur MMA event; or

~~(o)~~ 4.4.q. Has ~~either~~ 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.

~~(p)~~ ~~Has been convicted of a felony or misdemeanor;~~

4.5. License fees.

4.5.1.(a) Promoters (1 year) _____ \$125.00

4.5.2.(b) Contestant (1 year) _____ ~~\$10.00~~ \$25.00

4.5.4.(c) Seconds and Trainers, Professional _____ ~~\$10.00~~ \$20.00

4.5.5.(d) Managers, Professional (no charge for amateur) _____ ~~\$10.00~~ \$50.00

4.5.6.(e) Referees and other Officials _____ ~~\$10.00~~ \$30.00

4.6. Amateur license. There is no fee for an amateur contestant or manager of an amateur contestant. However, each amateur contestant and manager of an amateur contestant must meet the requirements for a license and register with the Commission.

~~§177-2.5. Venues must have a minimum seating capacity of 2,500. However, the Commission may waive the minimum seating capacity requirement. Venues with a seating capacity of 3,500 or more must have a minimum of four video monitors displaying a continuous live feed of the match 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 match for the spectators. All such video monitors must be a minimum of six feet by six feet.~~

§177-2-5. Venue.

No event shall take place until the venue has been approved by the commission. The venue shall be approved by the Commission based on its suitability for an MMA style event as well as the health and safety of contestants and spectators.

§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 \$10,000.00 dollars. The bond shall be available to cover any fees associated with Contestant, managers, seconds, doctors, other match related participants, medical expenses or deductible costs for injured boxers (insurance deductibles), and match 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 Permit and Permits for Professionals.

7.1. Application for permit.

Before any professional Mixed Martial Arts event is authorized in the State of West Virginia, the promoter shall obtain an individual permit and permit from the Commission at least 30 days before the date of any such contest or exhibition.

~~(a)~~ 7.1.a. Requirements of applicants. -- Each application for a permit shall name all contestants, the number of rounds and the date and place of the contest.

~~(b)~~ 7.1.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 Commission no later than 12PM of the day of the event. No contestant will be allowed to enter the cage unless he or she has signed a contract for the event. ~~Contestants who are substituted to the card~~ All contestants who are added to the card as a substitute 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)~~ 7.1.c. Books open for inspection. -- As a condition for issuance of a permit,

each applicant must agree to accord the Commission the right to examine the books, accounts and other records for which the permit is issued.

7.2. Permits.

Request for event permits shall be submitted to the Commission a minimum of 30 days in advance. Permits will be issued by the Commission 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 permit to have a fewer number of rounds.

7.4. Pre-permit publicity.

The promoters are not permitted to give publicity to a card until the card has been approved by the Commission, unless otherwise approved by the Commission.

7.5. Changes or substitutions.

All changes and substitutions must be approved ~~in writing~~ by ~~the chairman~~ of the Commission.

(a) 7.5.a. Notice. Notice of any change in the announced or advertised programs for any contest must be filed with the Commission at least 4 hours prior to the contest, conspicuously posted at the box office and announced from the cage before the opening contest.

(b) 7.5.b. Forfeitures. -- If an MMA contestant 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 contestant his or her contract price unless a forfeit is provided.

(c) 7.5.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 match. 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 Event~~. -- Substitutions ~~are~~ shall not be permitted in ~~the main~~ any bout unless approved by the Commission.

7.7. Late changes to card. --The Commission may allow changes to the 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 Contestants.

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 ~~Contestant~~ contestant appearing and participating in such events. The minimum amount of Accidental Death & Dismemberment insurance shall be \$20,000.00.

8.2. Coverage. -- Insurance coverage shall provide for reimbursement to the MMA contestant for medical, surgical and hospital care with a minimum coverage of \$20,000 per participant for injuries sustained while participating in any permitted MMA event under the control of a licensed promoter, club, corporation or association.

8.3. Policy Deductible-The MMA contestant shall not be subject to payment of any deductible amount required under the insurance policy. The promoter may provide insurance coverage to the ~~boxers~~ MMA contestants 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 contestant under a policy which requires a deductible payment from the MMA contestant for medical treatment, then the promoter will be required to pay all deductible payments incurred on behalf of the MMA contestant directly to the medical provider. No promoter will be permitted to require an MMA contestant 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~~ Insurance.--The promoter must submit a valid ~~certificate~~ Certificate of insurance Insurance coverage to the Commission no later than 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~~ Chairman of the 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.~~ a written report showing the number of tickets sold and the amount of the gross proceeds including sponsorships.

9.4. Penalties.- The Commission may impose an administrative penalty or suspend the license of any promoter for the failure to submit a 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~~ 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 ~~48~~ forty-eight (48) hours after the event with the ~~e~~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~~ Chief Inspector or ~~chief deputy~~ Chief Deputy.

(~~a~~) 10.3.a. General Duties- The ~~deputy in charge~~ 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~~ Chief Inspector or ~~deputy in charge~~ Deputy-In-Charge of an event shall be held accountable for the actions of every other deputy assigned to that particular ~~show~~contest. The ~~deputy in charge~~ 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~~) 10.3.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 permitted 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 ensure that all necessary equipment is provided, that the contestants 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 match are enforced.

10.6. Participants.

(~~a~~) 10.6.a. Gloves. -- Contestant are not permitted to put on their gloves until the bandages are examined by a representative of the Commission.

(~~b~~) 10.6.b. Weights. -- ~~Contestant~~ A contestant will be suspended for a period not to exceed 60 days if they come in over the contracted weight unless authorized by the Commission.

(~~c~~) 10.6.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 Commission, shall have a right to administrative review. The Commission shall use the procedure provide in § 29-5A-1 *et seq.* and set out in the boxing rules under W. Va. Code R. § 177-1-10.

11.2. Judicial Review.- Judicial review of the Commission's decision shall be subject to the contested cases provisions of the WV Administrative Appeals Act set forth in W. Va. Code § 295A-4.

§177-2-12. Minimum Age Limit.

12.1. Contestants. --No person under the age of eighteen (18) shall be licensed as an MMA contestant.

12.2. Managers. -- No person under the age of ~~20~~eighteen (18) shall be licensed as a manager.

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

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

§177-2-12a. Testing for Older Fighters

12a.1. Persons over the age of forty (40) who apply for a license as a MMA contestant, in addition to the other requirements for a license under this rule, must also receive a Magnetic Resonance Angiogram (MRA) of the brain.

12a.2. If the results of this test is abnormal or suggests an increase risk following head trauma, the person's application for a license shall be denied.

12a.3. A person over the age of forty (40), who has previously been licensed by the Commission and seeks to renew his or her license, shall receive the following testing on an annual basis:

12a.3.a. Magnetic Resonance Imaging (MRI) of the brain without contrast;

12a.3.b. Electrocardiogram (EKG);

12a.3.c. Blood work which includes a complete blood count and complete metabolic panel including hepatic tests, blood urea nitrogen, creatinine, and glucose.

12a.4. If any of the annual tests are abnormal or suggest deterioration that would increase the

risk of head trauma, the person's license shall be suspended or revoked.

§177-2-13. Assumed Names.

In applying for a license, an applicant shall give his or her ~~correct~~ legal 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 MMA.

§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 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 Commission must be at least eighteen (18) years of age.

§177-2-15. Failure to Appear.

15.1. Automatic suspension. -- Any contestant 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~~ reasonable excuse or furnishing a doctor's certificate in case of physical disability, shall be automatically suspended for a period of 60 days. The Commission may suspend the contestant for a period not to exceed 12 months for good cause.

15.1.a. The automatic suspension shall not apply to an amateur contestant who fails to appear. However, the Commission shall have discretion to suspend or sanction an amateur contestant if he or she fails to appear and fight at two (2) approved contests within a six (6) month period.

15.2. Reporting requirements. -- If a licensed contestant, 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. -- A licensed contestant 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.

§177-2-16. Weigh-in.

16.1. General. -- Contestants 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 contestants, duly accredited newspaper representatives shall, upon request, be admitted. Contestant performing at outdoor shows are required to weigh-in on the day they contract for their services. In the event of a 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 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) 6 hours prior to the start of the contest. Contestant appearing late will not be weighed-in, will not be allowed the opportunity to fight, and will be ~~indefinitely~~ suspended up to sixty (60) days. The 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. If a weigh-in is conducted more than three (3) hours prior to the start of the contest, the promoter shall pay the official designated by the Commission to conduct the weigh-in a minimum of \$75.00 for each day of the early weigh-in.

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 ~~Contestant~~ a contestant 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 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 contestants 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 contestant licensed in West Virginia must be filed when an application for license is made. The contracts shall be maintained in the archives of the 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~~ determined to be intentionally conspired participant in any prearranged or "Fake" contest shall be subject liable to suspension and other penalties provided for in this rule.

§177-2-20. No Pay Before Contest.

No ~~Contestant~~ contestant shall be paid for his or her services before a contest.

§177-2-21. Wagering.

Wagering on ~~the~~ a contest is prohibited ~~in any area~~ for any event under the jurisdiction of the Commission.

§177-2-22. Length of Rounds.

22.1 Rounds for ~~match~~ a professional contest shall be of ~~5~~ five (5) minutes' duration with a rest period of ~~4~~ one (1) minute between rounds.

22.2. For an amateur contestant's first three (3) amateur MMA bouts, the rounds shall be of two (2) minutes duration with a rest period of one (1) minute between rounds. For an amateur contestant's fourth bout and each subsequent bout, the rounds shall be of three (3) minutes duration with a rest period of one (1) minute between rounds.

§177-2-23. Number of Rounds.

Title events (championship events) shall consist of five (5) rounds; all other matches shall consist of three (3) rounds.

§177-2-24. Reporting In.

Contestant 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.

In addition to any federal requirement, a contestant may not be ~~allowed to fight who has fought in a match until 6 days have elapsed excluding the day of the previous event.~~ permitted to compete in a sanctioned contest if he or she has fought within six (6) days prior. The Commission shall have the discretion to extend the interval between ~~matches,~~ bouts 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 ~~Contestants~~ contestants and seconds are dressed in accordance with the rules, that tape, gloves and ~~accouterments~~ accoutrements are as required and there is no delay between fights. ~~He~~ The inspector shall see to it, that a set of contestants is ready to enter the cage while the preceding match is in progress.

26.2. No one shall be allowed in the contestant's dressing room except managers, seconds who are working the event, representative of ~~and~~ the Commission, or the promoter's representatives.

§177-2-27. Managers.

27.1. General. -- ~~No~~ A manager shall neither attempt to select or insist upon the selection of any designated referee in a bout in which a ~~Contestant~~ contestant under his management is to appear, nor ~~shall he~~ have the name of any referee ~~written into~~ included in the official contract covering such bouts.

27.2. Assignments of interest. -- No assignment of a contestant'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 contestants 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 licensed by the Commission.

27.4. Limitation on earnings. -- A contestant is permitted to have 1 manager. That manager is not allowed to receive more than 33 1/3% of the match earnings of the contestant.

27.5. Limitation on supervision. -- A manager may not have more than 2 contestants under their management in any ~~show~~ contest without special permission from the Commission.

§177-2-28. Contestants with No Managers.

A contestant who is not under contract to a manager may make his own matches and sign contracts and is not required to have a manager's license to handle his own affairs.

§177-2-29. Seconds.

29.1. Dress. -- Seconds and managers acting as seconds must be attired.

29.2. Demeanor. -- Seconds may not excessively 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.

29.3. Conduct. -- Seconds may not enter a cage until an audible device indicates the end of the round and are prohibited from spraying or forcefully throwing water on a contestant. ~~they~~ Seconds 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 an audible devices.

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 or her contestant should not continue; otherwise, the referee is the sole judge as to the ability of a contestant to continue.

29.5. Prohibition of certain dressings. -- No second shall be permitted to use grease or any other substances on the body of a contestant. The use of petroleum jelly in corners is not allowed except in the use of stopping blood and on cuts. Petroleum jelly, or other substances approved by the commission, may be used in between rounds in the use of stopping blood and on cuts and only in the presence of a representative of the commission. The use of drugs, alcohols or stimulants during a match by any contestant, second, trainer, or manager is adequate cause for revoking 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~~ must have an audible device 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. -- 10 seconds before the beginning of each round the timekeeper shall give warning to the seconds of the contestants using an audible device.

§177-2-31. The Announcer.

31.1. Responsibilities. ~~—The announcer shall be approved by the Commission.~~

(a) 31.1.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) 31.1.b. Decisions. -- The announcer must get the judges' ~~verdicts~~ decision 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 ringside. This official shall check the slips and inform the announcer of the decisions.~~ Once both opponents are center ring with the referee, the ~~The~~ announcer shall then announce ~~the~~ the decision to the crowd. He or she may announce whether or not the decision is ~~unanimous,~~ majority, or a split decision.

31.2. Conduct. -- The announcer in a contest shall be neatly dressed. His or her 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 match 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 duly licensed 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 enforcing compliance ~~with~~ 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 match 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 may take part in a match 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 matches. In addition to other findings, the physician shall find specifically that the contestant shows no obvious symptoms of a severe brain concussion.

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. 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 match shall be stopped immediately and shall not resume until the physician, attending EMT's, and oxygen bottles return to ring side.

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.~~ 33.2. Location of judges. -- The three (3) judges shall be stationed at opposite sides of the cage.

~~33.4.~~ 33.3. Scoring System.- The 10-Point Must System will be the standard system of scoring a bout.

~~33.4.a.~~ 33.3.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.~~ 33.3.b. Judges shall evaluate ~~mixed martial arts~~ 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.e.~~ 33.3.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 contestants using an active, threatening guard.

~~33.4.d.~~ 33.3.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.~~ 33.3.e. Effective aggressiveness means moving forward and landing a legal strike or takedown.

~~33.4.f.~~ 33.3.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 a contestant.

34.2. Holding or grabbing the fence.

~~A contestant~~ Contestants may put their hands or feet on the fence and push off of it at ~~anytime~~ any time. ~~A contestant may place their feet onto the cage and have their toes go through the fencing material at any time. When a contestant'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.~~ Contestant's fingers or toes may go through the cage. However the contestant shall not hold on to the fence to control his or her body position or their opponent's body position by holding onto the cage. If a contestant is caught holding the fence or cage material, the referee shall issue a one-point deduction from the offending ~~contestants~~ contestant's 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 contestant ends up in a superior position due to the foul, the contestants should be re-started ~~by the referee,~~ standing in a neutral position by the referee.

34.3. Holding opponent's shorts or gloves.

A contestant may not control their opponent's movement by holding onto their opponent's shorts or gloves. A contestant may hold onto or grab ~~their~~ his or her opponent's hand as long as

~~they~~ he or she ~~are~~ is 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 contestant'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 contestant must recognize that a referee may not be able to physically observe some actions, and must make the referee aware if ~~they~~ he or she ~~are~~ is being bitten during an exhibition of unarmed combat.

34.7. Hair pulling.

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

34.8. Fish Hooking.

Any attempt by a contestant to use ~~their~~ his or her 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." Fish hooking generally is the placing of fingers into the mouth ~~or~~ of your an opponent and pulling ~~your~~ his or her hands in opposing directions while holding onto the skin of ~~your~~ an 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 contestant may not place ~~their~~ his or her fingers into an open laceration in an attempt to enlarge the cut. A contestant may not place ~~their~~ his or her fingers into an opponent's, nose, ears, mouth, or any body cavity.

34.11. Downward pointing of elbow strikes;

A contestant 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 contestant pulling his or her opponents head in a way to open the neck area for a striking attack. A contestant may not gouge ~~their~~ his or her fingers or thumb into their opponent's neck or trachea in an attempt to submit ~~their~~ his or her opponent.

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

Any attack that targets the contestant'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 contestant who has more than just the soles of ~~their~~ his or her feet on the ground. (i.e. could have one shin or one finger down to be considered a downed contestant). If the referee determines that a contestant would be a grounded contestant but ~~is not solely because~~ for the cage fence ~~has held~~ holding the contestant from the ground, the referee ~~can~~ may instruct the ~~combatants~~ contestants that he or she is treating the contestant who is being held up solely by the cage or ropes as a grounded contestant.

34.18. Kneeing the head of a grounded opponent.

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

34.19. Stomping of a grounded contestant.

Stomping is considered any type of striking action with the feet where the contestant ~~if its~~ lifts their his or her leg up bending ~~their leg~~ it 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 contestant.

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

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

34.22. Attacking an opponent on or during the break.

A contestant shall not engage ~~their~~ his or her 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 contestant who purposely avoids contact with his or her opponent or runs away from the action of the fight. Timidity can also be called by the referee for any attempt by a contestant to receive time by falsely claiming a foul, injury, or ~~purposely~~ purposefully dropping or spitting out ~~their~~ his or her mouthpiece or other action designed to stall the fight.

34.25. Interference from a ~~mixed martial artists~~ Mixed Martial Artists seconds.

Interference is defined as any action or activity aimed at disrupting the match or causing an unfair advantage to be given to one combatant. ~~Comers~~ Seconds 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 contestant shall not throw their opponent out of the cage.

34.27. Flagrant disregard of the referee's instructions.

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

34.28. Spiking the opponent to the floor on the head or neck (pile-driving).

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

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 contestant'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~~ Call time;

37.1.b. Direct the non-injured contestant to a neutral corner;

37.1.c. ~~check~~ Check the fouled contestant's condition and safety; and

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

37.2. If a bottom contestant commits a foul, unless the top contestant is injured, the match 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 ~~corner's~~ 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 contestant who has been struck with a low blow is allowed up to 5 minutes to recover from the foul as long as in the cage side doctor's opinion the contestant may possibly continue on in the match. If the contestant states that they can continue on before the 5 minutes of time have expired, the referee shall as soon as practical restart the fight. If the contestant goes over the 5 minute time allotment, the match cannot be restarted and the contest must come to an end with the outcome determined by the round and time in which the match was stopped.

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

38.2.a. If a match or exhibition is stopped because of an accidental foul, the referee shall determine whether the contestant who has been fouled can continue or not. If the contestant'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 contestant who has been fouled, the referee may

order the match or exhibition continued after a recuperative interval of not more than 5 minutes. Immediately after separating the contestants, the referee shall inform the Commission's representative of his or her determination that the foul was accidental.

38.2.b. If a contestant is fouled by a blow that the referee deems illegal, the referee ~~should~~ may stop the action and call for time. The referee may take the injured contestant to the cage side doctor and have the cage side doctor examine the contestant as to ~~their~~ his or her ability to continue on in the contest. The cage side doctor has up to 5 minutes to make ~~their~~ a determination. If the cage side doctor determines that the contestant can continue in the contest, the referee shall, as soon as practical, restart the fight. However, unlike the low blow foul rule, the contestant 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 contestant 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~~ stop the match. If the contestant is deemed not fit to continue by the referee or cage side physician but some of the 5 minute foul time is still remaining, the contestant ~~cannot avail himself of~~ is not entitled to use the remaining time.

38.2.d. If the referee stops the match and employs the use of the cage side doctor, the cage side physician's examinations may not exceed 5 minutes. If 5 minutes is exceeded, the match cannot be re-started and the match 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. Matches may take place in a cage or ring that has been approved by the ~~commission~~ Commission. The cage or ring shall meet the requirements set forth by the ~~commission~~ Commission and is subject to inspection prior to each match by a Commission representative such as a referee.

41.2. Cages. -The cage specifications shall meet the following requirements.

41.2.a. The fighting area floor shall be no smaller than 18 feet by 18 feet and no larger than 32 feet by 32 feet. The fighting area floor 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. The floor must be covered with canvas, vinyl or

other plastic rubberized material. The ~~Athletic~~ Commission shall have discretion to approve the flooring materials prior to use at the event. The fighting area floor 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 floor and shall be properly padded in a manner approved by the Commission. The fighting area floor shall be enclosed by a fence made of such material as will not allow a contestant 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 floor.

41.3. The Commission shall determine all seating arrangements at cage side necessary to effectuate the match. A promoter may submit a proposed seating arrangement to the ~~commission~~ Commission one week before the event.

41.4. Ring – The ring specification shall meet the following requirements:

41.4.a. The ring shall be no smaller than ~~twenty~~ eighteen feet square and no larger than thirty-two feet square within the ropes. One corner shall have a red designation and the corner directly opposite shall have a blue designation.

41.4.b. The floor must extend at least eighteen inches beyond the ropes. The ring floor must be padded in a manner as approved by the ~~commission~~ Commission, with at least one inch layer of foam padding. The floor must be covered with canvas, vinyl or other plastic rubberized material. The ~~Athletic~~ Commission shall have discretion to approve the flooring materials prior to use at the event. The fighting area floor 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.

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

41.4.d. There ~~must~~ shall be five ring ropes not less than one inch in diameter and wrapped in soft material. The lowest ring rope must be twelve inches above the ~~ring~~ ring floor.

41.4.e. There ~~must~~ shall not be any obstruction or object, including, without limitation, a triangular border, on any part of the ring floor.

§177-2-42. Referee's License.

42.1. Qualifications. -- Referees shall be appointed by the Commission and shall be ~~licensed~~ certified by the Association of Boxing Commissions.

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 an event, shall be ~~granted a~~ permitted to referee's license said event.

42.3. Powers of the referee. -- After a match starts, the referee has the power to declare a match "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 match if, in his or her opinion, a contestant is badly outclassed, ~~or~~ injured, or the referee may temporarily stop a match and consult the examining physician on the advisability of stopping the contest in the case where a contestant appears to be 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) 42.4.a. General. -- Subject to the supervision of Commission members or Deputy Commissioners, the chief official of the match is the referee who has general supervision over matches.

(b) 42.4.b. Ascertainment of seconds. -- The referee shall, before starting a match, 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) 42.4.c. Instructions. -- The referee shall call contestants together in the cage before each match for the final instructions at which time each contestant shall be accompanied by only his chief second.

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 contestant. -- Should a contestant leave the cage during the 1 minute period between rounds and fail to be in the cage when the audible sound signals to resume the match 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 or her feet in the cage at the end of 10 seconds, the referee shall declare ~~him~~ the contestant counted out.

§177-2-44. Withholding Purse.

When counting a contestant out or disqualifying a contestant for fouling, the purse shall be held, in effect, giving pending a decision, ~~should~~ Should the referee ~~decide~~ determine that

one (1) or both the contestants are not honestly competing, ~~or~~ that the knockdown is "~~A Dive~~" "a dive," or ~~the found~~ that there is a prearranged termination of the bout, the referee shall stop the bout and order the purses of both ~~Contestant~~ contestants be held pending investigation by the Commission.

§177-2-45. Gloves.

Contestants shall wear gloves which weigh a minimum of 4 ounces in weight. Contestants shall wear the same weight gloves. If gloves used in any match have been used before, they must be whole, clean and in sanitary condition. Gloves must be supplied by the promoter and approved by the Commission. No contestant ~~may be~~ is allowed to supply their own gloves for any match.

§177-2-46. Hand Wraps.

46.1. All contestants shall be required to gauze and tape their hands prior to a match. 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 2 inches in width, held in place by not more than 10 feet of surgeon's tape, 1 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.

46.2. 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~~ Petroleum Jelly, Gels, or other similar substances.

Contestants may 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~~ petroleum jelly 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~~ petroleum jelly in an approved fashion at cage side may be penalized a point or subject to loss by disqualification.

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

48.1. Trunks. -- A contestant shall wear ~~mixed martial arts~~ 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 Commission.

§177-2-49. Protective Equipment.

49.1. Male contestants must provide and shall wear a groin protector during the match.

49.2. Female contestants may not wear groin protectors. Female contestants must provide and shall wear a breast protector.

49.3. All contestants must provide and wear a mouthpiece during the match. 49.4. No other protective gear shall be allowed.

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

§177-2-50. Appearance.

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

§177-2-51. Water Buckets, etc.

~~There shall be provided by the promoter~~The promoter shall provide a sufficient number of water buckets for the use of all contestants. Promoters shall also provide fans, stools for seconds and other articles as are required in the conduct of a match. Promoters shall provide a sufficient number of buckets so that each contestant shall have a new bucket for his or her fight.

§177-2-52. ~~Officials Fees.~~ Minimum Fees for Officials.

52.1. The following amounts, at a minimum, shall be paid by the promoter to the officials designated by the Commission to officiate an event.

- ~~52.1.~~ 52.1.a. Day of Show Chief Deputy or Deputy in Charge _____ \$75.00.
- ~~52.2.~~ 52.1.b. Judges _____ \$50.00 per day.
- ~~52.3.~~ 52.1.c. Time Keeper _____ \$50.00 per day.
- ~~52.4.~~ 52.1.d. Referee _____ \$75.00 per day.
- ~~52.5.~~ 52.1.e. Inspectors _____ \$50.00 per day.

§177-2-53. Medical Testing Requirements.

53.1 ~~A~~ Every professional and amateur contestant licensed under this Series shall submit evidence to the Commission that the contestant is free of Human Immunodeficiency Virus (HIV)

and proof of passing a Hepatitis ~~B~~ B and a Hepatitis C virus test. The Commission will only accept laboratory results that are no older than twelve (12) months.

53.2. Upon seeing blood, the referee will take the contestant to a neutral corner and wipe off the blood. If the bleeding stops, the fight will continue. If, in the referee's discretion, the bleeding cannot be stopped, the fight will be stopped.

~~53.2~~ 53.3. A female contestant shall submit a negative pregnancy test to the Commission. The test must be no older than 2 days prior to the date of the match.

~~53.3~~ 53.4. The Commission may require additional medical testing of a contestant in order to protect ~~the~~ his or her health and safety ~~of the contestant~~. Additional testing may include an electrocardiogram (EKG), neurological exam, ~~eat~~ CAT scan (CT), cardiovascular stress test, or any other examination, ~~which~~ that the Commission deems necessary.

~~53.4~~ 53.5 A contestant who fails ~~may not participate in a match.~~ a medical test provided for under this Section shall not participate in the next subsequent match and the contestant's license shall be subject to suspension or revocation if the Commission determines that a suspension or revocation is required to protect the health and safety of the contestant, other MMA contestants, or the public.

§177-2-53a. Drug Testing.

53a.1. In order to ensure the safety of all contestants and to protect the integrity of professional and amateur MMA, the Commission herein prohibits the use of alcohol and any "controlled substance" as defined under Chapter 60A of the West Virginia Code by a licensed contestant while participating in an event regulated by the Commission unless the contestant has a legal prescription for the controlled substance.

53a.2. During an event regulated by the Commission, a contestant shall not be under the influence of alcohol or a controlled substance for which he or she does not have a legal prescription.

53a.2.a. While under the influence of alcohol or a controlled substance for which he or she does not have a legal prescription, a contestant shall not be permitted to participate in any bout sanctioned by the Commission.

53a.3. Acting with good cause, a member of the Commission, deputy commissioner, or inspector may direct any contestant to submit a sample of his or her urine for testing. Samples or tests pursuant to the requirement of this rule may be requested at any time on the day of the bout or event in which the contestant is participating.

53a.3.a. Initial Test – if a contestant is selected by good cause for a test on the day of the bout or event, the person designated by the Commission shall perform an initial urinalysis.

53a.3.b. If the initial test results are negative or inconclusive for a controlled substance, no action shall be taken.

53a.3.c. If the initial test is positive for a controlled substance, the contestant shall not be permitted to participate in a bout unless the contestant can demonstrate at the time of the initial test that he or she has a legal prescription for the controlled substance.

53a.4. A positive result in the initial test for any controlled substance for which – at the time of the test – the contestant does not have a legal prescription shall constitute cause for the Commission to revoke, suspend, or place on probation the license of any fighter licensed under this Title. Following a decision by the Commission which revokes, suspends, or gives probation based on a violation under this section, the licensee affected by the decision has the right to a review of the decision under the procedures set out in Section 177-2-11 of this Rule.

53a.5. Refusal of any contestant to supply a urine sample when requested by a person designated by the Commission shall constitute a failed test and subject the contestant to a suspension of not more than one year. A second and all subsequent failures or refusals to provide a requested urine or blood sample shall be considered grounds for license revocation.

§177-2-54. Safety of Contestants.

Notwithstanding any provision of these rules to the contrary, the Commission may take any additional measures deemed necessary to protect the safety of all contestants.

~~§ 177-2-56.~~ §177-2-55. Types of Match Results.

A match may end under the following results:

~~56.1.~~ 55.1. Submission:

(~~a~~) 55.1.a. Tap out: when a contestant physically uses ~~their~~ his or her hand(s) to indicate that ~~they~~ he or she no longer wishes to continue.

(~~b~~) 55.1.b. Verbal tap out: when a contestant verbally announces to the referee that ~~they~~ he or she do not wishes to continue.

~~56.2.~~ 55.2. Knockout "~~(KO)~~" "(KO)": failure to rise from the floor.

~~56.3.~~ 55.3. Technical knockout "(TKO)":

(~~a~~) 55.3.a. Referee stops bout because contestant can no longer defend ~~themselves~~ himself or herself; ~~or~~

(~~b~~) 55.3.b. Cage side physician advises referee to stop bout; or

(~~c~~) 55.3.c. When an injury as a result of a legal maneuver is severe enough to terminate the bout.

~~56.4.~~ 55.4. Decision via scorecards:

(~~a~~) 55.4.a. Unanimous: when all 3 judges score the match for the same contestant.

(b) ~~55.4.b.~~ Split decision: when 2 judges score the match for 1 contestant and 1 judge scores for the opponent.

(c) ~~55.4.c.~~ Majority decision: when 2 judges score the bout for the same contestant and 1 judge scores the bout a draw.

~~56.5.~~ 55.5. Draws:

(a) ~~55.5.a.~~ Unanimous: when all 3 judges score the bout a draw;

(b) ~~55.5.b.~~ Majority: when 2 judges score the bout a draw;

(c) ~~55.5.c.~~ Split when all 3 judges score it differently and the score total results in a draw.

~~56.6.~~ 55.6. Disqualification: when an injury sustained during competition as a result of an intentional foul severe enough to end the match.

~~56.7.~~ 55.7. Forfeit: when a contestant fails to begin competition or prematurely ends the match for reasons other than injury or indicating a tap out.

~~56.8.~~ 55.8. Technical draw:

(a) ~~55.8.a.~~ When an injury is sustained during the match 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) ~~55.8.b.~~ When an injury is sustained during the match and is 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.~~ 55.9. Technical decision: when the match is prematurely stopped due to an injury and a contestant is leading on the scorecards.

~~56.10.~~ 55.10. No contest: when a match 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~~ §177-2-56. Consumables.

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

§ 177-2-57. Amateur Specific Rules.

All previous rules and regulations shall apply for Amateur Mixed Martial Art bouts unless indicated as such under this section.

57.1. Protective Equipment:

57.1.a. The use of ankle wraps is optional.

57.1.b. Six ounce gloves shall be worn for all weight categories.

57.1.c. The use of female chest protectors is optional.

57.2. Rounds: A contestant's first three amateur fights shall each consist of three (3) rounds that shall be two (2) minutes in duration with a 60 second rest between each round. A contestant's fourth amateur fight and every subsequent amateur fight shall each consist of three (3) rounds that shall be three (3) minutes in duration with a 60 second rest between each round.

57.3. Fouls:

57.3.a. Use of the head for striking is not allowed.

57.3.b. Except to the body of an opponent, elbow strikes are not allowed.

57.3.c. Knees to the head are not allowed.

57.3.d. Fist strikes to the head of grounded opponent are allowed. Striking the back of the head of either a standing or grounded opponent is not allowed.

57.3.e. Neck cranks are not allowed.

57.3.f. Twisted leg submissions are not allowed.

57.3.g. Linear Kicks to the knees are not allowed.

57.3.h. Heel kicks to the kidneys are not allowed.

APPENDIX 1
MIXED MARTIAL ARTS WEIGHT CLASSES
Male and female Contestant shall use the same weight classes.

Weight Class: ~~Weights~~ Weight Difference Allowed:

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 match another boxer when the weight differential is more than 10 pounds. *See W. Va. Code § 29-5A-19.*

Note 1 : If both ~~Contestant~~ contestants 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.

Matches which cross weight classes:

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

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