

ATHLETIC COMMISSION

Agency Regulatory Review Report Format

Executive Order Number 3-18, Regulatory Review, signed by Governor Justice on January 10th, 2018, requires executive agencies with rule-making authority to provide a regulatory review report to the Governor's Office and the Legislative Rule-Making Review Committee. Please provide the following information in said report on or before November 1, 2018.

I. DESCRIPTION OF EACH RULE UNDER THE AGENCY'S JURISDICTION.

Series 1 of Title 177 of the Code of State Rules: The rule provides for the general administration of the West Virginia State Athletic Commission and specifies the requirements for professional, semi-professional, and amateur boxing and kick-boxing in West Virginia. The series was first promulgated in June 26, 1970, and subsequently modified on December 28, 1981, June 12, 1985, April 18, 2000, July 10, 2002, July 1, 2010, June 1, 2017, and June 1, 2018. The Commission submitted a proposed amendment for this rule to the Legislative Rulemaking Review Committee on July 24, 2018, following the required public comment period. If authorized, the amendment provides fight-sport promoters the option to host a single-night, tournament style event.

Series 2 of Title 177 of the Code of State Rules: The rule provides for the regulation of professional and amateur mixed martial arts. The series was first promulgated on May 2, 2012, following the enactment of W. Va. Acts 2011, c. 12, which authorized the Commission to regulated mixed martial arts and required it to promulgate legislative rules to implement this authority. W. Va. Code § 29-5A-3a(f). The series was modified on June 24, 2013, June 1, 2017, and June 1, 2018.

II. RECOMMENDATION OF WHETHER THE RULE SHOULD BE UNCHANGED, MODIFIED OR REPEALED.

The Commission does not recommend repeal of Series 1 of Title 177 of the Code of State Rules or any further modification of the rule except the proposed amendment which it submitted to the Legislative Rulemaking Review Committee on July 24, 2018.

The Commission also does not recommend a change, modification, or repeal of Series 2 of Title 177 of the Code of State Rules.

III. REASONS FOR THE RECOMMENDATION BY THE AGENCY.

The Commission is currently proposing a modification of Series 1 of Title 177 which is intended to provide fight-sport promoters greater flexibility in hosting tournament style fight-sport events. The Commission intends to support this proposed amendment throughout the legislative rulemaking process. The Commission does not recommend an additional change, modification, or repeal of this rule. The Commission has sole control over the jurisdiction of professional, semi-professional, and amateur boxing. W. Va. Code § 29-5A-3(a). Absent its permission, no fight-sport events may be promoted or held in the State. W. Va. Code § 29-5A-9. Furthermore, the Legislature mandated that the Commission exercise its authority and supervision over boxing pursuant to properly enacted legislative rules. W. Va. Code § 29-5A-24(b). If Series 1 is repealed, the boxing industry in West Virginia would be severely hindered—if not entirely eliminated.

The Commission also does not recommend a change, modification, or repeal of Series 2 of Title 177. The Commission also has sole power and responsibility to regulate professional and amateur mixed martial arts contests in West Virginia. W. Va. Code § 29-5A-3a(a). Without properly promulgated rules, promoters and contestants would not be allowed to host, conduct, or participate in mixed martial arts contest in West Virginia. W. Va. Code § 29-5A-9; W. Va. Code § 29-5A-24(b).

**IV. IF RECOMMENDATION IS FOR MODIFICATION OR REPEAL, IDENTIFY
STAKEHOLDERS AFFECTED.**