



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Racing Commission

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Chapter 6 Claiming; Jockey and Starter Rules Amended Rule and New Rules

Rule Number(s): Amended rule 3769-6-24 New Rule 3769-6-25, 3769-6-55 and 3769-6-60

Date of Submission for CSI Review: June 16, 2020

Public Comment Period End Date: July 16, 2020

Rule Type/Number of Rules:

New/ x rules

No Change/ rules (FYR? Yes)

Amended/ x rules (FYR? x)

Rescinded/ rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Reason for Submission

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1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. Requires specific expenditures or the report of information as a condition of compliance.
- d. Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.
Please include the key provisions of the regulation as well as any proposed amendments.

3769-6-24 The jockey's weight requirements before a race.

3769-6-25 The jockey's and other racing personnel safety helmet and safety vest requirements

3769-6-55 The jockey and the jockey's equipment that must be worn when the jockey is weighed before a race. There are weight allowances based on weather allowances

3769-6-60 The riding crop requirements

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

3769.03

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4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**
If yes, please briefly explain the source and substance of the federal requirement.

There are no federal requirements

5. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

There are no federal requirements

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These regulations are necessary to conduct horse racing in an orderly manner.

7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The jockey's weight requirements are being updated to industry wide standards. The riding crop requirements are being updated to industry standards

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. **Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The primary stakeholders are the three commercial permit holders that conduct thoroughbred horse racing and members of the horsemen's association and the Jockey Guild who are required to implement and/or follow these rules.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The stakeholders were sent the rules by e-mail on July 29, 2019.

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10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

These rules were provided to the industry for comments. The Jockey Guild requested these changes.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

No additional scientific data was used to develop these rules.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

No alternative regulations were considered as these rules have been in existence for several years and no changes were found to be warranted by stakeholders or the commission.

13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No, these regulations require permit holders and the jockey's to follow a consistent set of rules to be eligible to enter a race.

14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

No other agency regulates horse racing in Ohio; therefore, no duplication will occur.

15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The Commission has employees at all commercial tracks to ensure compliance with these rules.

Adverse Impact to Business

16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community; and

The scope of the impacted business community includes the seven-commercial permit holders in Ohio and the licensees associated with horse racing.

b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and

3769-6-24 The permit holder could be fined or suspended for not complying with this rule.

3769-6-25 The permit holder or a licensee could be fined or suspended for not complying with this rule.

3769-6-55 The permit holder and jockey could be fined or suspended for not following this rule. The jockey could be disqualified

3769-6-60 The jockey, the clerk of scales and/or paddock judge could be fined or suspended for not following this rule.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

3769-6-24 The permit holder could be fined up to one thousand dollars or suspended up to one year for not complying with this rule.

3769-6-25 The permit holder and a licensee could be fined up to one thousand dollars or suspended up to one year for not complying with this rule.

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3769-6-55 The permit holder and/or the jockey could be fined up to one thousand dollars or suspended up to one year for not complying with this rule. The jockey could be disqualified which could cost him thousands of dollars in prize money

3769-6-60 The jockey, clerk of scales and/or paddock judge could be fined up to one thousand dollars or suspended up to one year for not complying with this rule.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

3769-6-24 The jockeys need to be weighted out to determine if there is a weight violation before the next race.

3769-6-25 Horse racing can be dangerous and personnel at the track need quality safety vests and a helmet.

3769-6-55 The jockey's correct weight needs to be known to the betters to ensure the race is fair to everyone. The jockey's weight requirements need to be fair to the jockeys and doesn't endanger their health

3769-6-60 This rule was out of date and now complies with industry standards.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

No, this regulation applies to only three commercial race track permit holders that conducts thoroughbred horse racing; therefore, an exemption for small businesses is not applicable.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

R.C. 119.14 is not applicable.

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20. What resources are available to assist small businesses with compliance of the regulation?

The Commission website at www.racingohio.net

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900

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