

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:9-2-09

Rule Type: Amendment

Rule Title/Tagline: Ball and bag tossing games.

Agency Name: Department of Agriculture

Division: Fairs and Amusement Rides

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 1/3/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 1711.11
5. **What statute(s) does the rule implement or amplify?** 1711.11
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is being proposed in accordance with the five year rule review requirement.
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 901:9-2-09 sets forth the requirements regarding ball and bag tossing games. This rule is being amended to reformat the existing rule to make comprehension of the rule easier.

9. **Does the rule incorporate material by reference? No**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

11. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

All operators must obtain a license prior to operating a concession which cost \$70 annually. All operators must abide by the specific rules of play for each concession type. All operators must have a sign conspicuously posted which complies with the requirements of OCA 901:9-2-05. The cost of the sign will depend on the type of game but will dramatically fluctuate by certain design choices selected by the operator and the vendor they utilize to create the sign. As a minimum, the Department believes that an operator can comply with the regulations for a minimum of \$30. This sign can be utilized for a significant number of years.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

The revenue from the licensing fee is used to fund the administration of the program.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

All operators must obtain a license prior to operating a concession which cost \$70 annually.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

All operators must abide by the specific rules of play for each concession type. All operators must have a sign conspicuously posted which complies with the requirements of OAC 901:9-2-05. Failure to comply could result in civil or criminal action being taken against the operator.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 16

901:9-2-09 paragraph B adds the requirement that the operators of these style games shall ensure...

901:9-2-09 paragraph C adds the requirement that the operators of these style games shall ensure...

901:9-2-09 paragraph E adds the requirement that the operators of these style games shall ensure:

901:9-2-09 paragraph E, section 2 adds the requirement that the use of rubber, plastic or cork balls is prohibited. However, a plastic ball with holes (wiffle ball) may be used;

901:9-2-09 paragraph G, section 1 adds the requirement that the operators of these style games shall:

901:9-2-09 paragraph H adds the requirement that the

901:9-2-09 paragraph J adds the requirement that the operators of these style games shall ensure: operators of these style games shall ensure

901:9-2-09 paragraph K, section 1 adds the requirement that the operators of these style games shall ensure:

901:9-2-09 paragraph L adds the requirement that operators of these style games shall ensure:

901:9-2-09 paragraph L, section 4 adds the requirement that plastic or bisque plates or discs have a minimum distance of six feet clearance from the front portion of the trailer. In the break the plate game, the distance between the plates must be less than the diameter of the ball thrown when the object of the game is to break two plates with one ball to win.

901:9-2-09 paragraph N adds the requirement that the operators of these style games shall ensure:

901:9-2-09 paragraph R adds the requirement that this game shall be operated with the following requirements:

901:9-2-09 paragraph S adds the requirement that this game shall be operated with the following requirements:

901:9-2-09 paragraph S, section 5 adds the requirement that distance of throw shall is less than eight feet from toe line to the basket rim;

901:9-2-09 paragraph T adds the requirement that the operators of these style games shall ensure:

901:9-2-09 paragraph T, section 5 adds the requirement that distance of throw shall be no greater than eight feet from toe line to the tub rim

B. How many existing regulatory restrictions do you propose removing from this rule? 97

901:9-2-09 paragraph B, section 1 removes the requirement that the difference between the inside diameter of the rim and the outside diameter of the ball shall is be no less than three and one-quarter inches

901:9-2-09 paragraph B, section 1 removes the requirement that all rims shall be circular.

901:9-2-09 paragraph B, section 1 removes the requirement that rim size shall be posted on the backboard

901:9-2-09 paragraph B, section 1 removes the requirement that rim size shall be posted on the backboard the game may not be called basketball.

901:9-2-09 paragraph B, section 1 removes the requirement that the ball's air pressure must be within the manufacturer's recommended air pressure.

901:9-2-09 paragraph B, section 1 removes the requirement that if the ball does not have an air pressure recommended by the manufacturer or the manufacturer's air pressure can not be located the ball's air pressure must be between 7.0 to 9.0 psi at the time of lay.

901:9-2-09 paragraph C, section 1 removes the requirement that the basket or hoop shall be ten feet high and has an inside diameter of- eighteen inches

901:9-2-09 paragraph C, section 1 removes the requirement that a regulation-size basketball with a minimum circumference of twenty-nine and one-half

inches and a maximum of thirty inches, with a weight minimum of twenty ounces and maximum of twenty-two ounces shall be used for play.

901:9-2-09 paragraph C, section 1 removes the requirement that the ball's air pressure must be within the manufacturer's recommended air pressure.

901:9-2-09 paragraph C, section 1 removes the requirement that if the ball does not have an air pressure recommended by the manufacturer or the manufacturer's air pressure can not be located the ball's air pressure must be between 7.0 to 9.0 psi at the time of play.

901:9-2-09 paragraph D, section 1 removes the requirement that regulation-size footballs or similar objects to be thrown,; and the clearance in the target shall be at least one inch measured from the largest part of the football or other object on one side

901:9-2-09 paragraph D, section 1 removes the requirement that no obstruction shall be permitted.

901:9-2-09 paragraph E, section 1 removes the requirement that the game shall be operated in a level position at all times

901:9-2-09 paragraph E, section 1 removes the requirement that the use of rubber, plastic or cork balls is prohibited.

901:9-2-09 paragraph E, section 1 removes the requirement that the table or stand supporting the pans or boxes shall not exceed three feet in height from the ground.

901:9-2-09 paragraph E, section 1 removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-09 paragraph E, section 1 removes the requirement that if the number of balls used to play this game shall not exceed four.

901:9-2-09 paragraph F removes the requirement that the fish bowls shall be not more than one inch apart in any direction.

901:9-2-09 paragraph F removes the requirement that the measurement shall be that at the location of the widest portion of the bowl in relationship to all adjacent bowls

901:9-2-09 paragraph F removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-09 paragraph G removes the requirement that bottles shall be kept at least twelve inches from any obstruction so bottles are free to fall over at all times

901:9-2-09 paragraph G removes the requirement that bottles shall be placed side by side in an upright position, bottom down, on the supporting platform

901:9-2-09 paragraph G removes the requirement that....shall be parallel with the front of the game.

901:9-2-09 paragraph G removes the requirement that the ball shall be tossed underhand.

901:9-2-09 paragraph G removes the requirement that a leather-covered ball, approximately the same diameter as a baseball and weighing no less than one and one-half ounces, shall be used.

901:9-2-09 paragraph G removes the requirement that one ball shall be used to play this game.

901:9-2-09 paragraph G removes the requirement that boards shall not be waxed.

901:9-2-09 paragraph H removes the requirement that the board shall be rigidly mounted, level laterally and unwarped with no obstructions which could cause the ball to jump.

901:9-2-09 paragraph H removes the requirement that all slots or holes shall be in an even row at the back of the board

901:9-2-09 paragraph H removes the requirement that...shall not be staggered.

901:9-2-09 paragraph H removes the requirement that the balls shall be solid and round at all times

901:9-2-09 paragraph H removes the requirement that the slope shall not exceed one inch per foot of board length.

901:9-2-09 paragraph H removes the requirement that all openings or slots shall be of the same width.

901:9-2-09 paragraph I removes the requirement that the target shall not be over six feet in distance from the front barrier.

901:9-2-09 paragraph J, section 1 removes the requirement that these games shall be set on a frame and kept level at all times;

901:9-2-09 paragraph J, section 1 removes the requirement that the use of rubber and/or plastic balls is prohibited.

901:9-2-09 paragraph J, section 1 removes the requirement that the width of the opening of the kegs in huckla buck, milk can or similar games shall be such...

901:9-2-09 paragraph J, section 1 removes the requirement that...that there shall be no less than three-quarters of an inch clearance on one side.

901:9-2-09 paragraph J, section 1 removes the requirement that there shall be at least a four foot clearance from any obstructions above or around the cans.

901:9-2-09 paragraph K removes the requirement that no bottle shall weigh over three pounds.

901:9-2-09 paragraph K removes the requirement that all bottles shall be free from defects

901:9-2-09 paragraph K removes the requirement that each set shall be uniform in size.

901:9-2-09 paragraph K removes the requirement that the base on which the bottles sit shall be not less than eighteen inches from the ground.

901:9-2-09 paragraph K removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-09 paragraph K removes the requirement that the front barrier shall not be higher than the base on which the bottles sit.

901:9-2-09 paragraph K removes the requirement that the base shall be at least six feet from the front barrier.

901:9-2-09 paragraph L, section 1 removes the requirement that targets shall be placed in a stationary rack at least twenty-four feet from the barrier with no exceptions for trailer-mounted games.

901:9-2-09 paragraph L, section 1 removes the requirement that a protective covering shall be provided on three sides and the top for public safety.

901:9-2-09 paragraph L, section 1 removes the requirement that a canvas drop shall be used.

901:9-2-09 paragraph L, section 1 removes the requirement that balls must be inspected for embedded glass before being offered to the player.

901:9-2-09 paragraph L, section 1 removes the requirement that plastic or bisque plates or discs shall have a minimum distance of six feet clearance from the front portion of the trailer.

901:9-2-09 paragraph L, section 1 removes the requirement that in the break the plate game, the distance between the plates must be less than the diameter of the ball thrown when the object of the game is to break two plates with one ball to win

901:9-2-09 paragraph L, section 1 removes the requirement that all bottles need to uniform in shape and size. Only baseballs as described in paragraph (U)(1) of this rule shall be used.

901:9-2-09 paragraph M removes the requirement that dunking machine or similar games. Persons seated on the target seat shall not use foul or offensive language and shall be properly dressed.

901:9-2-09 paragraph N, section 1 removes the requirement that shelves shall be level.

901:9-2-09 paragraph N, section 1 removes the requirement that cats shall not weigh more than two pounds.

901:9-2-09 paragraph N, section 1 removes the requirement that canvas backdrop shall not interfere with the falling cat

901:9-2-09 paragraph N, section 1 removes the requirement that.... nor shall there be any other obstruction to prevent the cat from falling.

901:9-2-09 paragraph N, section 1 removes the requirement that front molding (rail) on the shelf shall not extend over one inch above the shelf

901:9-2-09 paragraph N, section 1 removes the requirement that balls must be the size of baseballs and weigh not less than three ounces.

901:9-2-09 paragraph P removes the requirement that this game shall be operated with either six or nine empty cans

901:9-2-09 paragraph P removes the requirement that if the game is trailer-mounted, the inspector shall determine the height of the base on which the game is set.

901:9-2-09 paragraph Q, section 1 removes the requirement that must be played played with standard unaltered wiffle ball (a hollow plastic ball with holes).;

901:9-2-09 paragraph Q, section 3 removes the requirement that baskets must be standard-size clothes baskets and stationary to frame.;

901:9-2-09 paragraph Q, section 5 removes the requirement that the angle of the bank board must be no less than sixty degrees off plumb

901:9-2-09 paragraph Q, section 5 removes the requirement that the operator must keep on location a tool to attest to and maintain this standard.;

901:9-2-09 paragraph Q, section 6 removes the requirement that the center of the basket must be positioned no further away from the player than the bottom edge of the bank board.

901:9-2-09 paragraph Q, section 7 removes the requirement that the bottom distance between the edge of the bank board and the top of the basket shall be no greater than twenty-four inches

901:9-2-09 paragraph Q, section 8 removes the requirement that the maximum distance that the player is required to stand away from the bottom of the board is six feet.

901:9-2-09 paragraph R, section 1 removes the requirement that must be played with standard unaltered wiffle ball (a hollow plastic ball with holes).;

901:9-2-09 paragraph R, section 2 removes the requirement that the angle of the bank board must be is no less than sixty degrees off plumb

901:9-2-09 paragraph R, section 2 removes the requirement that the operator must keep on location a tool to attest to and maintain this standard

901:9-2-09 paragraph R, section 3 removes the requirement that a sign must state: "When player hits plastic red zone area with ball, foul shot is created and player loses turn".

901:9-2-09 paragraph S, section 1 removes the requirement that the game shall be played with a ball the same size as a softball.;

901:9-2-09 paragraph S, section 1 removes the requirement that basket must be a standard bushelbasket of four pecks having a height of at least twelve inches and a diameter of at least eighteen inches at the opening.

901:9-2-09 paragraph S, section 1 removes the requirement that basket shall be at an angle of no less than sixty degrees off plumb and no greater than seventy degrees off plumb away from the player.

901:9-2-09 paragraph S, section 1 removes the requirement that the operator must keep on location a tool to attest to and maintain this standard.

901:9-2-09 paragraph S, section 1 removes the requirement that distance of throw shall be no greater than eight feet from toe line to the basket rim. Rim shots shall be allowed.

901:9-2-09 paragraph S, section 1 removes the requirement that baskets shall be securely fastened to the backboard in a manner that they may be easily removed for inspection.

901:9-2-09 paragraph T, section 1 removes the requirement that the game shall be played with a ball the same size as a softball

901:9-2-09 paragraph T, section 1 removes the requirement that tubs must have a height of at least twelve inches and a diameter of at least eighteen inches at the opening.

901:9-2-09 paragraph T, section 1 removes the requirement that tubs shall be at an angle of no less than sixty degrees off plumb and no greater than seventy degrees off plumb away from the player.

901:9-2-09 paragraph T, section 1 removes the requirement that the operator must keep on location a tool to attest to and maintain this standard.

901:9-2-09 paragraph T, section 1 removes the requirement that distance of throw shall be no greater than eight feet from toe line to the tub rim.

901:9-2-09 paragraph T, section 1 removes the requirement that rim shots shall be allowed.

901:9-2-09 paragraph T, section 1 removes the requirement that tubs shall be securely fastened to backboard in a manner that they may be easily removed for inspection.

901:9-2-09 paragraph U, section 1 removes the requirement that the ball shall be a sphere formed by yarn wound around a small core of cork, rubber or similar material and covered with two strips of white horsehide or two strips of white cowhide tightly stitched together.

901:9-2-09 paragraph U, section 1 removes the requirement that it shall be nine to nine and one-half inches in circumference.

901:9-2-09 paragraph U, section 2 removes the requirement that the ball shall be a sphere formed by either a core of number nine long fiber kapok or yarn wound around a small core of cork, rubber or similar material and covered with a smooth seam stitch which is not visible on a flat surface.

901:9-2-09 paragraph U, section 2 removes the requirement that it shall weigh not less than six and one-fourth ounces nor more than seven ounces and be eleven and seven-eighths to twelve and one-eighth inches in circumference.

901:9-2-09 paragraph U, section 3 removes the requirement that the weight shall be from fourteen to fifteen ounces

901:9-2-09 paragraph U, section 3 removes the requirement that... shall be inflated to a pressure of twelve and one-half to thirteen and one-half pounds.

901:9-2-09 paragraph U, section 3 removes the requirement that the measurements shall be as follows: long axis is ten and seven-eighths inches to eleven and seven-sixteenths inches

901:9-2-09 paragraph U, section 3 removes the requirement that... short circumference shall be twenty and three-fourths inches

901:9-2-09 paragraph U, section 3 removes the requirement that.... the long circumference shall be twenty-seven and three-quarter inches to twenty-eight and one-half inches.

901:9-2-09 paragraph U, section 3 removes the requirement that method of measuring shall consist of the following:

901:9-2-09 paragraph U, section 3 removes the requirement that all measurements shall be made after the ball is inflated to thirteen pounds

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

D. Please justify the adoption of the new regulatory restriction(s).

Pursuant to ORC Chapter 1711, it is the Department's regulatory mission to protect the public from dishonest and fraudulent dealings with regards to games and concessions. The Department's purpose for these regulations is to ensure continued public trust in the use of concessions by setting minimum operating standards that establish fair play for all operators in Ohio.