



# Common Sense Initiative

Mike DeWine, Governor  
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## Business Impact Analysis

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

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

No-change Chapter 6: 5-year Rule review

Rule Number(s): No Change 3769-6-01 – 06, 09, 10, 12 – 18, 20 – 22, 28 – 30, 33 – 34, 36 – 37, 39, 41, 44 – 46, 50, 52 – 53, 56, 58

Date of Submission for CSI Review: March 18, 2025

Public Comment Period End Date: March 28, 2025

Rule Type/Number of Rules:

New/      rules

No Change/ 35 rules (FYR? Y)

Amended/      rules (FYR?     )

Rescinded/      rules (FYR?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.

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### **Reason for Submission**

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.

3769-6-01 This rule states how winnings are determined .

3769-6-02 This rule states to calculate winnings you start on January 1st .

3769-6-03 This rule defines the winner of certain sum.

3769-6-04 This rule states how the net value of a race is defined .

3769-6-05 The winnings of a stake race are determined.

3769-6-06 This rule states the share for each owner if there is a dead heat.

3769-6-09 This rule states the time to deposit a claim.

3769-6-10 No official or other employee of the permit holder can give information regarding a claim.

3769-6-12 The claimed horse must be delivered to the new owner at the paddock unless the horse is being tested by the Commission.

3769-6-13 If you fail to deliver the horse to the paddock, a licensee could be fined or suspended.

3769-6-14 The restriction on the sale of a claimed horse.

3769-6-15 Moving and racing restrictions of a claimed horse.

3769-6-16 The person who owns a claimed horse can enter the horse in another claiming race.

3769-6-17 You cannot claim your own horse.

3769-6-18 An authorized agent can only submit one claim per race.

3769-6-20 A person cannot enter a horse in a claiming race if there is a lien on the horse without the consent of the lienholder.

3769-6-21 The stewards may require a person to fill out an affidavit that they are claiming the horse for themselves if there is a concern that the person is claiming a horse on behalf of another person.

3769-6-22 If you make a false ownership claim, you are subject to penalties.

3769-6-28 The bugle must be sounded. The track is closed once the horses enter the track.

3769-6-29 Once the horses enter the track, the starter is in control of the track.

3769-6-30 The starter makes sure of a fair start. There is a procedure if there is a malfunction of the starting gate.

3769-6-33 There must be two or more outriders when racing occurs.

3769-6-34 You can have a mounted attendant assist the horse to the starting gate.

3769-6-36 There needs to be an enclosed starting gate and the procedure if the starting gate malfunctions.

3769-6-37 The sequence used to load horses into the starting gate.

3769-6-39 The starter can discipline the jockey for rule violations.

3769-6-41 No horse can start without being approved by the starter.

3769-6-44 There must be a jockey on a horse and the jockey cannot strike a horse to start the horse to run in the race.

3769-6-45 If a horse leaves the course, it shall be disqualified.

3769-6-46 The jockey must control the horse and is responsible if there is a foul.

3769-6-50 A licensed outrider is the person who leads a horse to the dismounting location unless another person is approved by the stewards.

3769-6-52 You cannot cover a horse after a race until all the equipment has been removed.

3769-6-53 The jockey cannot touch anyone before weighing in.

3769-6-56 No horse shall be disqualified for being overweight.

3769-6-58 If a horse is disqualified, any entry coupled with this horse may be disqualified as well.

*Please include the key provisions of the regulation as well as any proposed amendments.*

- 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

- 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 implements a federal requirement, but 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?

These rules have been in place for some time and the Commission believes the success of these rules has been demonstrated.

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.

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

The primary stakeholders are the pari-mutuel permit holders and members of the horsemen's association who are required to implement and/or follow these rules. There was ongoing communication between all parties between December 2024 through February 2025. Draft rules were emailed to all stakeholders on Feb 24, 2025.

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. No comments were received for suggested changes to these rules. The Commission does not believe these rules need to be changed at this time.

- 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?**  
*Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

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. 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.

- 14. 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**

- 15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

- a. Identify the scope of the impacted business community, and**

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

- b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*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.*

3769-6-01: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-02: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-03: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-04: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-05: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-06: The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined or suspended for failure to comply with this rule.

3769-6-09: A licensee could lose the opportunity to claim the horse because they did not file the claim on time.

3769-6-10: The permit holder or licensee could be fined or suspended for failure to comply with this rule.

3769-6-12: A licensee could be fined or suspended for not following this rule.

3769-6-13: A licensee could be fined or suspended for not following this rule.

3769-6-14: A licensee could be fined or suspended for not following this rule.

3769-6-15: A licensee could be fined or suspended for not following this rule.

3769-6-16: No adverse impact.

3769-6-17: A licensee could be fined or suspended for not following this rule.

3769-6-18: An authorized agent could be fined or suspended for not following this rule.

3769-6-20: A licensee could be fined or suspended for not following this rule.

3769-6-21: A claim could be voided and the licensee could be fined or suspended.

3769-6-22: A licensee could be fined or suspended for not following this rule.

3769-6-28: A licensee could be fined or suspended for not following this rule.

3769-6-29: A licensee could be fined or suspended for not following this rule.

3769-6-30: A licensee could be fined or suspended for not following this rule.

3769-6-33: The permit holder must pay for two or more outriders.

3769-6-34: There is a fee for a mounted attendant.

3769-6-36: The permit holder must purchase a starting gate.

3769-6-37: A licensee could be fined or suspended for not following this rule.

3769-6-39: A jockey could be fined or suspended for not following the starter's instructions.

3769-6-41: A horse could not be able to race.

3769-6-44: A jockey could be fined or suspended for not following this rule.

3769-6-45: The horse could be disqualified.

3769-6-46: A jockey could be fined or suspended for not following this rule. The horse could be disqualified.

3769-6-50: A licensee could be fined or suspended for not following this rule.

3769-6-52: A licensee could be fined or suspended for not following this rule.

3769-6-53: A jockey could be fined or suspended for not following this rule.

3769-6-56: There is no adverse impact.

3769-6-58: A horse or horses could be disqualified.

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

These are all no-change rules.

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

Horseracing is a regulated industry with a high propensity for abuse. Regulations are necessary to ensure the safety of horses and participants, and the integrity of the racing product.

### **Regulatory Flexibility**

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

No, these regulations apply to pari-mutuel racetrack permit holders; 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.

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

The Commission website is: <https://racing.ohio.gov/>

The Commission phone number is: 614-466-2757.

The Commission fax number is 614-466-1900.