



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Michael Rzymek, Ohio State Racing Commission

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: February 28, 2019

RE: **CSI Review – Chapter 14 Permit Holders: Maintain Ambulance & First Aid Room (OAC 3769-14-12 and 3769-14-20)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of two amended rules submitted by the Ohio State Racing Commission (OSRC) as part of the statutorily-required five-year review requirement. The rule package was submitted to the CSI Office on October 12, 2018 and the public comment period was held open through November 14, 2018. No comments were received during this time.

Ohio Administrative Code (OAC) 3769-14-12 requires that an ambulance for human use and an ambulance for horse use are present at all race events. The rule is being amended to include a reference to paramedics as defined in ORC 4765.01 and new language that states race events may not continue until an ambulance returns to the racetrack. OAC 3769-14-20 requires that racetracks maintain a temporary hospital that is staffed during races. The rule is being amended to include new language designating the treatment area as a first aid room, as well as updates to the language referencing paramedics.

During early stakeholder outreach, OSRC sent the rule to stakeholders for comment, including commercial racetrack permit holders and horsemen's associations. OSRC received comments from

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stakeholders that suggested changes to OAC 3769-14-12 and 3769-14-20. The comments suggested changes that would update the requirements for ambulances and medical facilities. OSRC added the suggested changes into the respective rules.

The business community impacted by these rules includes all commercial racetrack permit holders and officials employed at racetracks. The adverse costs created by the rules include requirements to maintain racetrack medical facilities and penalties for violations of the rules. OSRC estimates that the cost of maintaining ambulances and first aid rooms is approximately \$15,000 and \$8,000, respectively. OSRC states in the BIA that these rules are necessary to ensure that racetracks are equipped to handle medical emergencies involving humans or horses as quickly as possible.

Recommendations

For the reasons described above, the CSI Office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI Office recommends the Ohio State Racing Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.