

**MEMORANDUM**

**TO:** Abbie Miller, Ohio State Racing Commission

**FROM:** Sophia Papadimos, Regulatory Policy Assistant

**DATE:** May 21, 2015

**RE:** **CSI Review – Chapter 14 Amended Rules (OAC 3769-14-12, 3769-14-14, 3769-14-17, 3769-14-18, 3769-14-19, 3769-14-23, 3769-14-41, 3769-14-44, 3769-14-51)**

---

On behalf of Lt. Governor Mary Taylor, 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 nine amended rules being proposed by the Ohio State Racing Commission pursuant to the five-year review requirement in statute. The rule package was filed with the CSI Office on December 5, 2014, and the public comment period closed on December 19, 2014. No comments were received during this time. The CSI Office requested a revised BIA to better articulate the adverse impacts, which was then submitted to the CSI Office on February 20, 2015.

Ohio Administrative Code (OAC) 3769-14-12 requires permit holders to provide one ambulance for humans and another ambulance for horses, in the case of an emergency, during harness racing and training. The amendments to the rule require the ambulance for humans to be staffed with a paramedic. OAC 3769-14-14 requires permit holders to provide refuse pits for manure and then remove the contents. The rule is being amended to allow for a timely removal instead of a daily removal. OAC 3769-14-17 prescribes the living conditions for stable employees. No more than three beds per dorm are permitted. OAC 3769-14-18 requires permit holders to provide a

---

77 South High Street | 30th Floor | Columbus, Ohio 43215-6117  
[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

temporary hospital during racing hours. The amendment allows paramedics and emergency medical technicians to staff the temporary hospital rather than physicians and nurses. OAC 3769-14-19 requires permit holders to film harness racing. Minor language changes are being made to this rule. OAC 3769-14-23 requires permit holders to provide a paddock or receiving barn. The amendment will allow four owners to enter the paddock, instead of only two owners. OAC 3769-14-41 outlines the duties and responsibilities of the judges of the races; some of the responsibilities are being changed. OAC 3769-14-44 requires trainers to describe the equipment that is utilized and the rule is being amended to include additional identifying information. OAC 3769-14-51 requires permit holders to staff a charter and identifier. The proposed amendment will allow the charter's duties to be combined with the clerk of courts.

During early stakeholder outreach the Commission received comments from Penn National Gaming, Jockey Guild, Miami Valley Gaming & Racing, Scioto Downs, and Thistledown. The proposed amendments are a result of the input provided. The revised BIA explains in detail the adverse impacts created by the rules, including how much employees are typically paid, costs for ambulances and temporary hospitals, and other costs associated with the proposed rules.

After reviewing the revised BIA and associated rules, the CSI Office has determined the purpose of the rules is justified.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio State Racing Commission should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.