



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: July 28, 2020

RE: **CSI Review – Chapter 6 No Change Rules (OAC 3769-6-01 through 3769-6-23, 3769-6-25.1, 3769-6-26 through 3769-6-39, 3769-6-41 through 3769-6-54, 3769-6-56, 3769-6-58, 3769-6-59, and 3769-6-99)**

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 Commission as provided for in ORC 107.54.

Analysis

This rule package consists of 56 no change rules proposed by the Ohio State Racing Commission (Commission). This rule package was submitted to the CSI Office on May 27, 2020, and the public comment period was held open through June 26, 2020. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on May 27, 2020.

Ohio Administrative Code (OAC) Chapter 3769-6 establishes requirements for claiming winnings from a race, as well as requirements for jockeys and starters for thoroughbred and quarter horse races. OAC 3769-6-01 through 3769-6-22 establish procedures for claiming winnings, determining prizes, claimed horses, and submission and entrance into a race. OAC 3769-6-23 through 3769-6-44 set forth requirements for races, including jockey attire and weigh-ins, race starting procedure, and processes for loading the starting gate. OAC 3769-6-45 through 3769-6-59 and 3769-6-99 establish requirements for jockeys during races, such as restricting horses from leaving the track and uncontrolled handling of horses, post-race actions, and disqualifying actions and penalties.

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During early stakeholder outreach, the Commission sent the rules to relevant industry stakeholders for feedback, including the seven commercial racetrack permit holders and horseman's association members. No comments were received from stakeholders during this time or during the CSI public comment period.

The business community impacted by these rules includes commercial racetrack owners and licensees performing duties related to racing, including jockeys, racing secretaries, and horse owners. The adverse impacts created by the rules include fees for licensees and the time and effort spent by licensees to comply with the rule requirements, as well as penalties for violations of the rules. Licenses required by the rules, including for jockeys and owners, cost \$50 annually, and a claim eligibility license costs \$25. Penalties for violations of the rules include fines that can reach up to \$1,000 and suspension or revocation of a license. The Commission states that the rules are necessary to conduct horse races in an orderly manner, which includes establishing procedures for race conduct, calculating and distributing prize winnings, and ensuring that race track officials have guidelines for determining fair races.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio State Racing Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.