

3769-14-01

Permit holders, stable list.

- (A) No permit holder shall use any unlicensed person in any position in which a commission license is required; provided, however, that a representative of the commission may give temporary approval to the use of any person who has applied for a license.
- (B) The commission shall issue licenses, also known as badges, to all licensees to be worn in an easily visible place and the color background shall dictate the areas to which the licensee may have access. The license (badge) of the licensed person having access to such area must include a color photograph of that person to whom such license (badge) is issued. The color photograph shall be an integral part of the license (badge) itself. The commercial permit holder shall be responsible for any unlicensed person in the stable area or for any unlicensed person being in an area to which he is not entitled to have access. Any unlicensed person given access to the stable area by the permit holder, is to be issued a temporary pass good for no more than one date, which pass shall be worn on that person in an easily visible place, and that person shall be accompanied at all times by a licensed person who shall be responsible for that unlicensed person.
- (C) Any trainer who trains horses for owners other than himself must submit a list of the names and addresses of such owners to the judges, along with his own and the horses owned by each.
- Any trainer who engages grooms or other employees must submit a list of their names and addresses to the judges. No trainer shall list any owner other than one for whom he has horses in his stable, nor for grooms or other employees other than those actively engaged and on his payroll. Any change of owners or grooms or other employees must be reported to the stewards or judges immediately.
- (D) Any person and a permit holder found in violation of this rule may be fined and his or her license may be subjected to revocation or suspension or to such other disciplinary action by the judges and/or the commission as in their judgement they may deem proper. Any violator shall be subject to the penalties set forth in rule 3769-14-99 of the Administrative Code.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	3769.03
Rule Amplifies:	3769.03
Prior Effective Dates:	02/12/1973, 01/01/1985

*** DRAFT - NOT YET FILED ***

3769-14-02

Must file agreements.

All agreements of any kind between a permit holder and horsemen shall be submitted to the commission ten days prior to the opening of a horse racing meeting.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	3769.03
Rule Amplifies:	3769.03
Prior Effective Dates:	03/15/1966, 01/01/1985

*** DRAFT - NOT YET FILED ***

3769-14-03

Written order required.

No permit holder shall pay any portion of purses or other earnings, due to any horseman, to anyone else except upon written order of said horseman.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

*** DRAFT - NOT YET FILED ***

3769-14-04

Post time last race.

At all race meetings for harness horses, post time for the last race shall be not later than eleven fifty-five p.m.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-05

Conflict in interest.

- (A) No judge, racing secretary, employee in the racing secretary's office, a starter, assistant starter, state veterinarian, track veterinarian, assistants to the state veterinarian, or track veterinarian or any other racing official of a permit holder whose appointment of position must be reported to and approved by the commission, as provided in rule 3769-12-10 of the Administrative Code, shall, while serving in an official capacity at such track, race or permit or cause to be raced any horse in which he or she or his or her spouse or child has an interest, either direct or indirect, at a race track at which such person is employed.
- (B) The appointed and/or commission-approved positions of race track owners, announcer, director of publicity and/or public relations, horsemen's bookkeeper, outrider, and track physician are specifically exempted from paragraph (A) of this rule.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-06

Minors.

Any minor sixteen years of age or under shall not be admitted to the grandstand, club house or similar areas of any race track at which wagering is permitted unless accompanied by an adult member of his/her family. The provision shall not apply to state, county or independent fairs. No person under the age of eighteen years shall be permitted to wager at any horse racing meeting.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-07

Unlawful gambling.

No permit holder shall allow bets to be made on its grounds on any racing outside of its grounds except as permitted under section 3769.089 of the Revised Code, and no unlawful gambling device of any kind shall be permitted on said grounds.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-08

Bookmaking not permitted.

No permit holder shall allow the making of book or the operation of handbooks on its grounds. If such practices are found to exist, the permit holder shall take immediate steps to eliminate same under the penalties provided in rule 3769-14-99 of the Administrative Code. Any persons licensed with the commission in any capacity found betting with bookmakers may be deprived of their licenses, ejected from the grounds and denied entrance to any other race meeting in Ohio. Any other persons found betting with such bookmakers may be ejected from the course and denied further entrance to any Ohio race meeting.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-09

Prevent touting.

No tipster or tout shall be permitted to operate on the premises of any permit holder. The permit holder shall, under penalties provided in rule 3769-14-99 of the Administrative Code, take steps to prevent any touting upon its premises and may be held accountable for any touting found to exist thereon.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-10

Condition of premises and race track.

Every permit holder shall at all times maintain its premises and race track in good condition, with special consideration for the comfort and safety of the public; of the horses stabled, exercising or entered to race; horsemen; and all those whose business requires their attendance thereat, and to this end shall have available adequate and proper implements to maintain a consistent uniform track, weather conditions permitting.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-11

Stable area security.

- (A) The secured area of a race track premises shall include any area to which access is only granted to persons licensed by the Ohio state racing commission for access to said area or to which written permission must be obtained from the presiding judge or a representative of track security in order for an unlicensed person to enter for any reason. If the permission is granted by track security a copy of the written permission shall immediately be delivered to the presiding judge.
- (1) Secured areas of race tracks shall include, but not be limited to, barn or stable areas, paddocks, judges stands, state testing barn, driver's quarters and behind the counter of any race secretary's office.
- (2) This rule shall not apply to members or employees of the Ohio state racing commission, track security personnel or to track management personnel approved for access by the general manager of the race track.
- (B) The stable area of the premises of every permit holder shall be enclosed with anti-personnel chain fencing and shall have a twenty-four-hour guard at any opening during a horse racing meeting. Around-the-clock patrol of such area shall be maintained by security officers who shall pay special attention to the presence of unauthorized personnel to the enforcement of fire prevention measures and to the inspection of tack rooms and living quarters for fire hazards. No horses shall be quartered in any shelter, structure or building except barns of permanent-type construction, nor shall any barn used for the stabling of horses in such area contain temporary open-slat stalls. If conversions or temporary stalls are used, they shall have solid partitions between them and the stalls shall be a minimum of one hundred square feet in area and aisles between stalls shall have a minimum width of eight feet.
- (C) When security officers find any authorized personnel, or any other violations of the rules, they shall make an immediate report in writing to the permit holder and there shall be a copy delivered to the chief of security, the presiding judge and to the Ohio state racing commission.
- (D) The permit holder is responsible for providing the necessary security personnel to enforce this rule and their failure to do so shall subject them to the penalties provided in rule 3769-14-99 of the Administrative Code.
- (E) Any licensed security officer who fails to carry out the duties called for in this rule shall be subject to the penalties provided in rule 3769-14-99 of the Administrative Code.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-12

Maintain ambulance.

- (A) Every commercial permit holder shall furnish and maintain at least one ambulance for human use, staffed with two or more paramedics as defined in section 4765.01 of the Revised Code. Such ambulance shall be properly and fully equipped, to include a defibrillator and such other equipment as directed from time to time by order of the commission, licensed to operate on public highways, and ready for immediate duty during racing hours and until the days program is completed and such ambulance shall also be on duty for qualifying races or other chartered races. Said ambulance shall be located at a point on the permit holder's premises where it can respond to all calls in the shortest possible time. During posted training hours, every commercial permit holder shall make arrangements which are suitable to the commission to have such an ambulance, staffed with qualified personnel, as outlined in the Ohio Revised Code, on a standby basis. The permit holder shall provide written documentation to the commission demonstrating that the response time for such ambulance, in the event of a call, shall be prompt and reasonable. If the ambulance is being used to transport an individual, the permit holder may not conduct a race or allow horses on the racetrack until an ambulance returns.
- (B) Every commercial permit holder shall furnish and maintain at least one horse ambulance properly equipped and placed at a location on the permit holder's premises so as to be able to respond to a call in the shortest possible time. This ambulance shall be available for the duration of the meeting.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-13

Floodlights.

Every permit holder shall install and maintain at its track floodlights to provide adequate illumination of the stable areas at night.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-14

Refuse pits.

Every permit holder shall provide proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from living quarters. Such boxes and pits shall be emptied and their contents entirely removed from the premises of the permit holder daily except Sundays, and the areas sprayed or dusted for insects on a timely routine schedule.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-15

Sanitation.

Each permit holder shall, on every racing day, provide and maintain in a strictly sanitary condition, adequate toilets, washrooms and facilities for furnishing the reasonable needs of its patrons, horsemen and persons having business at the track as may be reasonably required by the commission. Each permit holder shall also provide a sufficient number of drinking water fountains to provide for the reasonable needs of its patrons as determined by the commission.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-16

Tip sheets.

Unless authorized by the permit holder and by the commission, no printed material dealing with odds, horses or the races shall be sold, peddled or given away within any part of the premises of the permit holder, its entrances, approaches or places within its control. The permit holder shall not grant permission to sell any tip sheet, pamphlet or other publication making false or unwarranted representations. Nothing herein contained shall be construed as applicable to any newspaper, periodical, weekly or monthly magazine of general circulation.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-17

Living quarters.

Every permit holder shall provide adequate and sanitary living quarters, with proper sanitary arrangements, and ample and convenient toilet and heating facilities for stable employees, and shall provide in its stable area at least one tack room of minimum area of one hundred square feet for every six horses stabled with adequate facilities for housing personnel therein.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-18

First aid room.

Every permit holder shall have and maintain on its premises a first aid room with first-aid equipment, to include a defibrillator and such other equipment as directed by the commission. Every permit holder shall provide one or more paramedics as defined in section 4765.01 of the Revised Code in the first aid room during racing hours.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-19

Visual recording.

- (A) Each permit holder conducting harness racing under the jurisdiction of the commission shall take and make at its expense a complete film recording or other visual recording of all races run under the permit. The arrangements for said film recordings, or other visual recordings, shall be in a form satisfactory to the Ohio state racing commission, and said recordings shall be developed as soon as possible after the end of any race in order to enable the officials to judge the race and rule on all claims of infractions of the rules and thereby better protect the interest of the public in racing.
- (B) Said film recordings shall be made with at least three separate television cameras operated by qualified personnel and located as follows:
 - (1) In a tower which provides a good head-on view of the entire home stretch;
 - (2) In a tower which provides a good head-on view of the entire back stretch;
 - (3) Near the finish line so that it provides a good panoramic view of the start and the entire race.
 - (4) All judges stands shall be equipped with three television monitors, one for each of the required views and three recording devices.
- (C) In order to educate and protect the drivers at harness tracks, such permit holders shall show said visual recordings the day following to all interested drivers.
- (D) When any judge's ruling regarding a driving violation is appealed to the commission, the permit holder shall file with the racing commission, at its request, the film or visual recording of the race.
- (E) Each permit holder shall retain the film or visual recording of all races for a minimum period of two years plus the current year.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

*** DRAFT - NOT YET FILED ***

3769-14-20

Driver, trainer must be licensed.

No permit holder shall allow any person to drive or train horses on its premises during any race meeting unless said person has received a license to do so from the commission, or unless the judges have approved his/her application for a license.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-21

Provide gate, head numbers and uniformly colored saddle pads.

(A) Every commercial permit holder, shall provide head numbers, numbered saddle pads and a starting gate of approved design, and shall provide a back-up gate as well. Agriculture societies and fairs need not provide a backup gate.

(B) All commercial permit holders shall provide uniformly colored saddle pads and the colors to be assigned to each number are as listed below.

- (1) Red;
- (2) Blue;
- (3) White;
- (4) Green;
- (5) Black;
- (6) Yellow;
- (7) Pink;
- (8) Gray;
- (9) Purple;
- (10) Blue/red;
- (11) Light blue;
- (12) Red/white.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-22

Provide breath analyzer.

- (A) Every commercial permit holder shall provide an alcohol breath-testing device, operated by a person approved by the commission to use such device. Such device shall be approved by the commission. All drivers, judges, paddock judges, patrol judges, placing judges, identifier, assistant starters and starters, shall be required to submit to a breath test at each racing program in which they participate. In addition, the executive secretary, any member of the Ohio state racing commission, any commission investigator, the judges, or the track chief of security may order any person licensed by the Ohio state racing commission to submit to a breath test at any time they have reason to believe the licensed person may have consumed sufficient alcohol to cause them to fail said breath test.
- (B) In the case of drivers, if the results of such test show a reading of more than .035 per cent of alcohol in the blood, such driver shall not be permitted to drive and shall be suspended for a minimum of three racing days under provisions of the rules of the Ohio state racing commission. In the case of judges, starters, and drivers of the starting gate, if the test results in a reading of more .035 per cent of alcohol in the blood, that individual shall be relieved of his duties for that program and a report shall be made to the commission for appropriate action. In the case of any other licensee, they shall be suspended, beginning that day, under the provisions of the rules of the Ohio state racing commission.
- (C) For a second violation of paragraph (B) of this rule a licensee shall be fined one hundred dollars and shall be suspended for a period of not more than sixty days. For a third violation a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case referred to the commission for further action.
- (D) Should any person licensed by the Ohio state racing commission refuse to submit to a breath test, such licensee shall be fined one hundred dollars and suspended for seven days for a first offense. For a second refusal, a licensee shall be fined two hundred fifty dollars and suspended for thirty days. For any additional refusals to submit to a breath test a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case referred to the commission for any further action deemed necessary.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-23

Provide paddocks and paddock rules.

Every commercial permit holder shall:

- (A) Provide a paddock or receiving barn.
- (B) The paddock or receiving barn must be completely enclosed with a man-tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.
- (C) Horses must be in the paddock at the time prescribed by the presiding judge, but in any event at least one hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.
- (D) Persons entitled to admission to the paddock:
 - (1) Owners of horses competing on the date of the race;
 - (2) Trainers of horses competing on the date of the race;
 - (3) Drivers of horses competing on the date of the race;
 - (4) Grooms and caretakers of horses competing on the date of the race;
 - (5) Officials whose duties require their presence in the paddock or receiving barn.
- (E) No driver, trainer, groom, or caretaker once admitted to the paddock, shall leave the same other than to warm-up said horse until such race, or races for which he was admitted is contested.
- (F) No person except an owner, who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program shall have been completed.
- (G) No more than four owners of a horse, or registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day.
- (H) During racing hours each track shall provide the services of a blacksmith within the paddock.
- (I) During racing hours each track shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-24

Code of conduct in paddock.

While in the paddock, owners, drivers, and trainers shall so conduct themselves as to avoid creating any appearance or suggestion that would reflect adversely on the integrity of racing. The presiding judge and paddock judge are authorized on any occasion to revoke or curtail the paddock privileges of an owner if, in the judgment of the presiding judge or paddock judge, circumstances warrant such action in order to maintain proper decorum in the paddock.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-25

Officials, judges.

- (A) Judges shall be responsible to the commission and may be penalized under the provisions of rule 3769-14-99 of the Administrative Code at any time for failure to perform their duties to the satisfaction of the commission.
- (B) The judges, of which there shall always be three in number, or a majority of them shall determine all questions with reference to racing arising during the meeting and all questions with reference to licensing, entries, or other matters, arising before the meeting has begun to the extent to which they are authorized to act under the rules of racing, and in such questions their orders shall supersede the orders of other officials of the permit holder.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-26

Officials, presiding judge.

Where parimutuel wagering is permitted for ten or more days in any meeting, one of the three judges at harness race meetings shall be known as the state judge, and paid by the Ohio state racing commission. The state judge shall be the presiding judge of the meeting for which he/she is appointed by the commission.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-27

Right to inspect.

- (A) The judges shall have the right to inspect all licenses, including owners, trainers, driver-trainers, authorized agents, and all papers pertinent thereto, and assumed names and papers pertinent thereto. The judges may demand production of any license, contract or papers to be satisfied as to their validity and as to compliance with the rules of racing.
- (B) Failure to produce the required documents, when requested by the judges, shall be a violation of this rule and shall subject said person to the penalties provided in rule 3769-14-99 of the Administrative Code.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-28

Supervision by judges.

- (A) All owners, trainers, driver-trainers, grooms and other persons attendant upon horses shall be under the general supervision of the judges, and they also shall have supervision over all other racing officials and over those parts of the premises of the permit holder used for the conduct of racing. The judges shall have free access to any parts of the premises used for conducting racing.
- (B) The judges shall also have general supervision over all other persons licensed by the Ohio state racing commission while such persons are on the premises of a permit holder. Such licensed persons shall include but not be limited to concession, maintenance, mutuel and parking lot employees.
- (C) The judges may take disciplinary action against any licensee who has conducted himself/herself in a manner detrimental to the sport of horse racing by the indiscriminate use of profanity, failure to properly perform their duties which directly affect the track patrons, the treatment of patrons or other persons on the track premises in a discourteous manner, or by other actions which are found to be generally unacceptable by patrons and/or the judges.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null

3769-14-29

Officials' powers.

- (A) For disorderly conduct or breach of the peace or for violation of the rules of racing, orders of the commission, or any regulations the judges may establish, the judges of racing meetings shall have the power to fine any licensee an amount not in excess of the amount permitted by section 3769.091 of the Revised Code and/or suspend a license for a period of time permitted by section 3769.091 of the Revised Code and/or refer licensee to the commission for further action. In the case of an indefinite suspension, the commission shall act on the matter referred to it by the judges within sixty days.
- (B) On appeal or on its own motion, the commission shall have the power to reverse, vacate or modify in any manner any order of the judges.
- (C) Any regulations adopted by the judges shall be consistent with the rules of racing, shall be promptly reported in writing to the commission upon adoption, and shall remain in effect unless and until the commission shall otherwise order.
- (D) The judges may suspend or exclude from the stands and premises, improper and objectionable characters and persons who have been ruled off by the racing authority of any other state or country so long as such ruling of such authority remains in force.

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	null
Rule Amplifies:	null



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

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

Rule Contact Name and Contact Information: Tanya.Boulmetis@Racing.Ohio.gov
Office #614-779-0270

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

Chapter 14 5-year rule review

Rule Number(s): 3769-14-01 – 3769-14-29

Date of Submission for CSI Review: January 5, 2024.

Public Comment Period End Date: January 15, 2024.

Rule Type/Number of Rules:

New/ ___ rules

No Change/ 29 rules (FYR? Y)

Amended/ ___ rules (FYR? Y)

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.

3769-14-01 Certain permit holder employees must be licensed. The permit holder employee, who is licensed, must wear a name tag. There are reporting requirements to the judges.

3769-14-02 All agreements of any kind between a permit holder and horsemen shall be submitted to the commission ten days prior to the opening of a horse racing meet.

3769-14-03 The permit holder must give money from purses to the horsemen unless the commission gives a written order.

3769-14-04 For all harness horse races, the post time for the last race shall be not later than eleven fifty-nine pm.

3769-14-05 There are certain licensed individuals who cannot enter a horse into a race.

3769-14-06 There are age restrictions to be in certain areas. You must be eighteen to place a wager.

3769-14-07 There are restrictions on where the permit holder can accept wagers. No unlawful gambling devices are allowed on the permit holders' premises.

3769-14-08 Bookmaking is not allowed on permit holders' premises.

3769-14-09 This regulation prohibits touting which is providing information on a horse for a fee.

3769-14-10 The permit holder must maintain its premises in good condition.

3769-14-11 The permit holder must provide stable area security.

3769-14-12 The permit holder must furnish and maintain an ambulance for the use of humans and horses.

3769-14-13 Every permit holder shall install and maintain at their track floodlights to provide adequate illumination of the stable areas at night.

3769-14-14 The permit holders' requirement to have refuse pits for manure and other refuse.

3769-14-15 The permit holders' requirement to keep bathrooms and facilities in a sanitary condition.

3769-14-16 This regulation restricts the use of tip sheets.

3769-14-17 The permit holders must have adequate living quarters for stable employees.

3769-14-18 The permit holder must maintain a first aid room.

3769-14-19 The permit holder's video recording requirements for each race.

3769-14-20 No permit holder shall allow any person to drive or train horses on its premises unless he/she is licensed.

3769-14-21 All commercial permit holders shall provide uniformly colored saddle pads.

3769-14-22 Who may be subject to an alcohol breath test.

3769-14-23 The permit holder must provide a paddock, and states who is admitted to the paddock.

3769-14-24 The code of conduct while in the paddock.

3769-14-25 The judges are responsible to the commission. There must be three judges.

3769-14-26 The state judge is the presiding judge.

3769-14-27 The judges have the right to request documents to determine compliance with the racing rules.

3769-14-28 The individuals who can be supervised by the judges.

3769-14-29 The judges enforce the rules of racing. The judges may suspend or exclude from the permit holder's premises any objectionable characters and persons who have been ruled off by the racing authority of any other state or country so long as such ruling of such authority remains in force.

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.

a. 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?

a. No, it is not part of any federal program.

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.

a. N/A

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 needed for safe and fair operations of a standardbred horse meeting.

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

a. 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.

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The primary stakeholders are the seven commercial permit holders and members of the horsemen's association who are required to implement and/or follow these rules.

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

- a. These rules were provided to the industry for comments.
- 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?**
 - a. 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?**
 - a. No alternative regulations were considered as these rules have been in existence for several years.
- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**
 - a. 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.**
 - a. 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,**
 - i. The scope of the impacted business community includes the seven-commercial permit holders in Ohio and the licensees associated with horse racing. **and**
 - b. **Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.)**

3769-14-01 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. The trainer or owner could be fined up to one thousand dollars and could be suspended for up to one year.

3769-14-02 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-03 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-04 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-05 The person who has a conflict of interest could be fined up to one thousand dollars and could be suspended up to one year.

3769-14-06 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-07 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-08 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-09 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-10 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. It costs approximately twenty -five thousand dollars a year.

3769-14-11 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. Stable security costs approximately seventy-five thousand dollars a year. The security person who does not carry out his duties called for in this rule could be suspended for up to one year and fined up to one thousand dollars.

3769-14-12 The permit holder could be fined up to ten thousand dollars or could be suspended for up to one year. It costs approximately fifteen thousand dollars a year to have an ambulance.

3769-14-13 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. The cost of floodlights is approximately fifteen hundred dollars a year.

3769-14-14 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. The cost to maintain the refuse pit is up to twenty thousand dollars a year.

3769-14-15 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-16 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-17 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-18 The permit holder could be fined up to ten thousand dollars or could be suspended for up to one year. It costs approximately eight thousand dollars a year to have a first aid room.

3769-14-19 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. It can cost two thousand dollars per day for visual equipment.

3769-14-20 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied.

3769-14-21. The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. It costs two thousand dollars each race day.

3769-14-22 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. It costs one hundred dollars a day to operate an alcohol breath testing device.

3769-14-23 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended for up to one year or revoked. A new racing permit could be denied. The cost of a paddock varies.

3769-14-24 The licensee could be suspended for up to one year and fined up to one thousand dollars.

3769-14-25 The judges could be fined up to one thousand dollars and suspended for one year.

3769-14-26 No adverse impact.

3769-14-27 The licensee could be suspended for up to one year and fined up to one thousand dollars.

3769-14-28 The licensee could be suspended for up to one year and fined up to one thousand dollars.

3769-14-The licensee could be suspended for up to one year and fined up to one thousand dollars.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify.

No

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

3769-14-01 The adverse impact is justified to ensure that all race participants are under the same integrity umbrella.

3769-14-03 The adverse impact is justified to ensure the horsemen receive the funds from racing.

3769-14-04 The adverse impact is justified to ensure the integrity of racing and comply with 3769.03.

3769-14-05 The adverse impact is justified to ensure the integrity of racing.

3769-14-06 Minors should not be able to place a bet.

3769-14-07 The permit holder should not be involved in illegal gambling. The adverse impact is justified to ensure the integrity of racing.

3769-14-08 The adverse impact is justified to ensure the integrity of racing.

3769-14-09 The adverse impact is justified to ensure the integrity of racing.

3769-14-10 The public should enjoy racing in a clean environment.

3769-14-11 The stable area needs to be safe.

3769-14-12 An ambulance is necessary because injuries occur during horse racing. The ambulance is necessary to help both humans and the horses.

3769-14-13 The stable area needs to be safe.

3769-14-14 There must be an area to place refuse. The permit holders' premises need to be sanitary.

3769-14-15 The permit holders' premises need to be sanitary.

3769-14-16 The adverse impact is justified to ensure the integrity of racing.

3769-14-17 The living quarters need to be clean and sanitary.

3769-14-18 A first aid room is necessary to aid the patrons.

3769-14-19 The adverse impact is justified to ensure the integrity of racing. There needs to be a visual recording of each race.

3769-14-20 The adverse impact is justified to ensure the integrity of racing.

3769-14-21 The adverse impact is justified to ensure the integrity of racing.

3769-14-22 The adverse impact is justified to ensure the safety of the participants.

3769-14-23 The adverse impact is justified to ensure the integrity of racing.

3769-14-24 The adverse impact is justified to ensure the integrity of racing.

3769-14-25 The adverse impact is justified to ensure the integrity of racing.

3769-14-26 The adverse impact is justified to ensure the integrity of racing.

3769-14-27 The judges need information to determine if the rules of racing have been violated.

3769-14-28 The adverse impact is justified to ensure the integrity of racing.

3769-14-29 The adverse impact is justified to ensure the integrity of racing.

Regulatory Flexibility

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

- a. No, this regulation applies to only seven commercial 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?

- a. R.C. 119.14 is not applicable.

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

- a. The Commission website is www.racingohio.net
- b. The Commission phone number is 614-466-2757
- c. The Commission facsimile number is 614-466-1900
- d. Contact Deputy Director: Tanya.Boulmetis@racing.ohio.gov