

3769-15-32

Steward's Judges list.

- (A) The judges may place a horse on the **steward's judges** list at any time for any reason and declarations and/or entries on said horse shall be refused. The owner or trainer shall be notified of such action and the reason shall be clearly stated. When any horse is placed on the **steward's judges** list, the clerk of course shall record such in the United States trotting association computer, showing the date the horse was put on the **steward's judges** list, the reason and the date of removal if the horse has been removed.
- (B) No presiding judge or other official at a fair meeting shall have the power to remove from the **steward's judges** list and accept as an entry any horse which has been placed on a **steward's judges** list and not subsequently removed therefrom for the reason that he is dangerous or an unmanageable horse. Such meetings may refuse declarations and/or entries on any horse that has been placed on the **steward's judges** list and has not been removed therefrom.
- (C) No horse shall be admitted to any race track facilities in Ohio without having had a negative official test for equine infectious anemia within twelve months. It shall be the responsibility of the trainer to see that each horse's test results are current, and the racing secretary's office will record such in the united states trotting association computer after the trainer's present the negative coggins test papers to the racing office upon arrival in the barn area.
- (D) Qualifying standards shall be set at each track by the race secretary and the judges. These may vary at different times of the year to accommodate weather and the class of horse available. Standards for trotters will be two seconds slower than pacers. Two-year olds will be allowed one second over the standard time for their gait.
- (E) Any horse which does not race in qualifying time in two consecutive starts on a good or fast track will automatically be put on the **steward's judges** list for performance and must qualify. In its first start off of a qualifying race, any horse who does not go in qualifying time on a good or fast track, shall be placed on the **steward's judges** list.
- (F) Any horse which makes a break in two consecutive starts, excluding a winning performance, on a good or fast track, shall be put on the **steward's judges** list and must qualify. Any horse that makes a break off a qualifying race, excluding a winning performance, on a good or fast track shall be placed on the **steward's judges** list.
- (G) The judges may make any horse placed on the **steward's judges** list qualify repeatedly or until, in their discretion, said horse is ready to start again.

- (H) For horses to be scratched sick or lame a scratch slip signed by a veterinarian must be turned into the judges, and the horse shall be placed on the ~~steward's~~judges list. No horse scratched sick or lame may be allowed to race until seven days from the date of the race they were scratched and only with a release slip from the veterinarian who scratched them.

- (I) Any horse put on the list as dangerous will not be allowed to race in this state.

- (J) Any horse that is scratched sick or lame in two consecutive starts must qualify before being allowed to start again.

- (K) Any horse scratched sick or lame off a qualifying race, must requalify; if said horse does not race within fourteen days of the date of the race from which the horse was scratched.



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

Business Impact Analysis

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

Rule Contact Name and Contact Information:

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

Judges List

Rule Number(s): 3769-15-32

Date of Submission for CSI Review: October 5, 2022

Public Comment Period End Date: October 17, 2022

Rule Type/Number of Rules:

New/___ rules

No Change/___ rules (FYR? ___)

Amended/ X 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.**

The horse must be eligible to start in a race.

- 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?**

There is no federal requirements

- 5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A

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- 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 for the safety of the horse and horsemen, and protection of the wagering public.

- 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.**

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. The rules were sent to everyone via email, and discussed at the August Commission meeting.

- 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.

- 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 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?**

No alternative regulations were considered as these rules have been in existence for several years and the change is only in nomenclature to comport with industry standards.

- 13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

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No, these regulations require permit holders to follow a consistent set of rules to be eligible to enter a race.

14. 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.

15. 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

16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community; and

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

b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and

A horse would not be able to race for not following this rule.

c. Quantify the expected adverse impact from the regulation.

The horse would not be able to race until it meets the established standard parameters

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

To maintain proper control over the horse racing, and ensure the safety of all participants the horse must be eligible to start.

Regulatory Flexibility

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

No, this regulation applies to all commercial race track 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?

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R.C. 119.14 is not applicable.

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

The Commission website at www.racingohio.net

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900