

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 5

Rule Number(s): 3769-5-17, Amended Rule

Date: September 6, 2018

This rule is an amended rule and may be found by accessing the Commission's website at www.racingohio.net.

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

3769-5-17 states the requirements to name the owners for any horse entry into a race.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

R.C. 3769.03

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- 3. 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?**

No, it is not part of any federal program

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

These rules are not part of any federal requirement or program

- 5. 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)?**

The public should know the name of the owner or owners for any horse entered into a race.

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

This regulation has been in place for some time and the Commission believes the success of the regulation has been demonstrated. The stakeholders request this rule change to incorporate how entries are received.

Development of the Regulation

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

The stakeholders include the seven commercial permit holders and horsemen's racing associations.

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

This rule was provided to the industry for comments. The industry recommended the change.

- 9. 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 additional scientific data was used to develop this rule.

- 10. 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?**

After the stakeholders and commission staff have reviewed this rule and agreed on this change.

- 11. Did the Agency specifically consider a performance-based regulation? Please explain.**

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No, this regulation requires permit holders to follow a consistent rule

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

No measures were taken because no other Ohio agency regulates horse racing. Therefore, no duplication will occur.

13. 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 regulation has been implemented for several years at all permit holders and the change is suggested by stakeholders. The change is incorporates current practices

Adverse Impact to Business

14. 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;

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

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

The stewards may penalize any failure to comply with this rule and may disqualify any horse which races after being entered in violation of this rule.

c. Quantify the expected adverse impact from the regulation.

The person who did not comply with this rule may be fined up to one thousand dollars and may be suspended up to 15 days.

The owner could lose thousands of dollars if the horse cannot enter a race.

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

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3769-5-17 The public needs to know the name of all the owners to help determine which horse to place a wager.

Regulatory Flexibility

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

No, this regulation applies to seven commercial race track permit holders. Therefore, an exemption for small businesses is not applicable.

17. 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?

R.C. 119.14 is not applicable.

18. 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

The Deputy Director at Michael.Rzymek@racing.ohio.gov