

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:1-1-03
Rule Type: New
Rule Title/Tagline: Fencing, escapes, and movement requirements.
Agency Name: Department of Agriculture
Division: Animal Industry
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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 943.24
5. **What statute(s) does the rule implement or amplify?** 943.24
6. **What are the reasons for proposing the rule?**

The rule is up for five year rule review.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

OAC 901:1-1-03 outlines rules regarding fencing, escapes, and movement. The rule now requires that all owners of captive whitetail deer must inspect their perimeter fences on a weekly basis and document these inspections. Additionally, all escapes must be reported immediately to the Department and any escaped animal which is not returned to the premise within twenty-four hours may not be returned to the facility.

8. Does the rule incorporate material by reference? Yes
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.
Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.
10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

The rule requires that all owners of captive whitetail deer must inspect their perimeter fences on a weekly basis and document these inspections. Additionally, all escapes must be reported immediately to the Department and any escaped animal which is not returned to the premise within twenty-four hours may not be returned to the facility. The cost for the perimeter fence inspection as well as recordkeeping is minimal.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

This rule requires that all licensed and registered captive whitetail deer owners must have perimeter fencing of at least eight feet in height prior to operation.

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Failure to comply with the terms may result in criminal or civil penalties being levied against the violator.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Individuals must immediately report to the Department any escapes or breaches in the perimeter fencing.