

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:1-1-05  
**Rule Type:** New  
**Rule Title/Tagline:** Death and testing.  
**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 901:1-1-05 outlines the requirements for death and testing. Substantively, all animals which are over one-year of age which die for any reason must be tested for chronic wasting disease. Previously, hunting preserves were required to test a lower percentage of deaths. In addition, the rule sets out a phase-out period where owners of captive whitetail deer that die may submit non-ear tissue with the official

identification devices until December 31, 2020. Additionally, the rules outline new quarantine conditions for facilities which submit poor quality, missing, or untimely samples.

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.**  
The rule incorporates the Department's website ([www.agri.ohio.gov](http://www.agri.ohio.gov)) into the rule and provides the precise web address so that individuals may can find the referenced material.
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?**

All animals which are over one-year of age which die for any reason must be tested for chronic wasting disease. Previously, hunting preserves were required to test a lower percentage of deaths. In addition, the rule sets out a phase-out period where owners of captive whitetail deer that die may submit non-ear tissue with the official identification devices until December 31, 2020. Additionally, the rules outline new quarantine conditions for facilities which submit poor quality, missing, or untimely samples.

CWD testing performed at the Department costs \$30 per test. The Department trains individuals to remove the necessary tissues from the animal, however, all samples must be visually inspected and submitted by a veterinarian. The cost for these services depends again on the number of animals and the individual veterinarian. Facilities that submit poor quality, missing, or untimely samples, must replace the sample with another animal. The cost of this depends dramatically on the original animal.

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

All captive whitetail deer owners must be licensed or registered in accordance with OAC 901:1-1-02.
  - 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 submit tissue samples upon the death of an animal as required by the rule.