

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:1-15-02
Rule Type: Rescission
Rule Title/Tagline: Flocks moved within or imported into Ohio.
Agency Name: Department of Agriculture
Division: Animal Industry
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 2/1/2018
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?** 941.03
5. **What statute(s) does the rule implement or amplify?** 941.10
6. **What are the reasons for proposing the rule?**

The rules are 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.**

The rules in Chapter 901:1-15 of the Ohio Administrative Code outline rules pertaining to poultry animals moved within or imported into Ohio. Further, there are rules prescribing the report of flocks found diseased, investigations, and quarantines. The rules are up for five year rule review. In the midst of the review, it was determined

that these rules are not necessary as there are other existing administrative code rules which state the same requirements.

Specifically, OAC 901:1-15-02 which outlines rules regarding the movement of poultry animals within Ohio and the importation of poultry can also be found in OAC 901:1-17-11 and OAC 901-1-18-05. Further, the Department's powers with regards to the investigation and quarantine of these animals found in OAC 901:1-15-04 and OAC 901:1-15-05 are also expressly stated in Chapter 941 of the Revised Code. In order to ensure the removal of duplicative code sections, these rules have been proposed to be rescinded.

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The rule is being rescinded.
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?**

Not applicable.

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

No poultry animal shall be imported into Ohio without the required documentation and/or testing.

- 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

Animals which test positive for a dangerously contagious or infectious disease may be subjected to a quarantine order and possible euthanasia.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No