

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Animal Industry

Division

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901:1-17-03

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Import requirements for breeding cattle and bison.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **941.10**
5. Statute(s) the rule, as filed, amplifies or implements: **941.02, 941.041, 941.07, 941.09**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is up for five year rule review.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

OAC Rule 901:1-17-03 sets forth the requirements for the importation and shipment of breeding cattle and bison into the state. The rule is being amended to clarify the rule and the terms contained within.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally**

available to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

not applicable

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. Five Year Review (FYR) Date: **11/28/2017**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15.

Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

There are no license fees or fines associated with this rule. However, individuals that wish to import any animal into Ohio must have a Certificate of Veterinary Inspection and meet all testing requirements applicable to the animal. Any animal which tests positive for a contagious or infectious disease would be prohibited from importation. Further, should an animal later test positive to such a disease the animal would be subject to removal, quarantine, or destruction. All costs for testing, paperwork, and treatment, which will vary on the location and the individual veterinarian providing the services.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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

Individuals that wish to import any animal into Ohio must have a Certificate of Veterinary Inspection, entry permit, and meet all testing requirements applicable to the animal.

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**

ORC 941.10 states that when an animal is moved into the state in violation of these rules, the Director may, without prior hearing, may take whichever of the following

courses of action regarding the animal as the director or the director's authorized representative determines is most appropriate:

- (1) Quarantine the animal until it is brought into compliance;
- (2) Order the animal returned to the point of origin;
- (3) Order the animal moved to slaughter.

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

Individuals wishing to import an animal into Ohio must submit the CVI and/or entry permit to the Department within seven days.