

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:1-18-04  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Exhibitors.  
**Agency Name:** Department of Agriculture  
**Division:** Animal Industry  
**Address:** 8995 E. Main St. Reynoldsburg OH 43068  
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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?** 3/8/2024
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?** 901.72, 941.03, 941.10
5. **What statute(s) does the rule implement or amplify?** 941.02, 941.041, 941.07, 941.09
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being filed in accordance with the five year rule review process.

The rules in Chapter 901:1-18 of the Ohio Administrative Code outline the rules and requirements for animals which are imported into or moved within Ohio for exhibition purposes. Pursuant to section 941.02 of the Revised Code, the Department, through

the Chief of the Division of Animal Health, shall promote and protect the livestock, poultry, and other animal interests of the state, prevent the spread of dangerously contagious or infectious disease, provide for the control and eradication of such disease, and to cooperate with the United States Department of Agriculture in such work. The rules of this chapter meet this directive. More specifically, the rules outline the disease testing requirements as well as proof of ownership of all animals coming into Ohio. These rules are necessary in ensuring that all animals in the state of Ohio remain disease free.

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

OAC Rule 901:1-18-04 prohibits the exhibition of livestock which an exhibitor has reason to suspect is infected with or has been exposed to a contagious or infectious disease. The rule is being amended to reformat the rule to ease readability, replaces the word "animal" with "livestock," adds language to replace the pronoun "he," removes the requirement that each person who exhibits an animal shall forward a copy of the certificate of veterinary inspection to the department, and adds that the department may issue a notice of violation if there is failure to comply with the rules in this chapter.

**9. Does the rule incorporate material by reference? Yes**

**10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Pursuant to section 121.75 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.

**11. 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**

**12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable

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

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.

**14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

**15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

**16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

### **III. Common Sense Initiative (CSI) Questions**

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

**18. 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**

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.

**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 requirements of this rule may subject an animal to removal, quarantine, or destruction.

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

All individuals wishing to import an animal into the state for exhibition purposes must submit a Certificate of Veterinary Inspection to the Department.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

**IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes**

- A. How many new regulatory restrictions do you propose adding to this rule? 1**

OAC 901-1-18-04 independent paragraph adds the requirement that an exhibitor, owner or bailee shall

- B. How many existing regulatory restrictions do you propose removing from this rule? 4**

OAC 901-1-08-04 paragraph A removes the requirement that no person shall present for exhibition or exhibit an animal which he knows or has reason to suspect is infected with or has been exposed to a contagious or infectious disease or residue.

OAC 901-1-08-04 paragraph B removes the requirement that the owner or bailee of an animal with symptoms of an infectious or contagious disease shall immediately remove the animal from the exhibition premises when directed by an exhibition official, the approved veterinarian, or the department.

OAC 901-1-08-04 paragraph C removes the requirement that each person who presents an animal for exhibition or exhibits an animal shall present any certificate of veterinary inspection, registration certificates, vaccination

certificate, and other documents to exhibition officials, the approved veterinarian, or the department upon request.

OAC 901-1-08-04 paragraph D removes the requirement that each person who presents an animal for exhibition or exhibits an animal for which a certificate of veterinary inspection is required by the rules of this chapter shall forward a copy of the certificate of veterinary inspection to the department.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**  
The restriction added is due to restructuring of the rule body to read in a list-type structure.