

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

Agency Name

Animal Industry

Division

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901:1-5-13

Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Designating a kennel brucella canis free status.**RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **No**
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: **941.02; 941.03; 941.22**
5. Statute(s) the rule, as filed, amplifies or implements: **941.02**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rules in this package regulate the disease known as Brucella canis which is designated under section 901:1-21-02 of the Ohio Administrative Code (OAC) as dangerously contagious and infectious. Pursuant to authority in section 941.02 of the Ohio Revised Code, the Director of Agriculture has authority to use all proper means in the prevention and eradication of infectious and contagious diseases which pose a threat to public health or animal health. The rules set forth in this package create testing standards as well as standards recognizing dog kennels as Brucella canis free.

Brucella canis is form of brucellosis which is characterized by abortion, reproductive impairment, and infertility in dogs, as well as ocular inflammation. A wide spread outbreak of *Brucella canis* could be very costly for the canine breeding industry in the state. Due to the effects of the disease, canines that have contracted the disease produce far fewer healthy puppies than those whom have not been infected. A reduced number of healthy puppies produced may result in smaller profits for much of the canine industry and the potential to force many canine producers out of business. Additionally, this disease is zoonotic which means that it may be transmitted to humans. Studies have shown that humans infected with *Brucella canis* may see the following symptoms: fever (often periodic and nocturnal), fatigue, headache, weakness, malaise, chills, sweats, weight loss, hepatomegaly, splenomegaly, and lymphadenopathy. Due to this potential threat to public and animal health, these rules are necessary to track, test, and eradicate the disease in the state.

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:

901:1-5-13 sets forth the procedures for a kennel licensed under chapter 956 of the Revised Code to become certified as a *Brucella canis* free kennel. A kennel may be awarded that designation if the kennel has had two successive whole kennel negative tests, continues required testing, and ensures that all additions to the kennels comply with the rules. This certification is currently voluntary and has been requested by the industry as an opportunity to show consumers that their facility is a clean, safe, and reputable business.

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:

(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 is no direct cost for a kennel to become designated as a Brucella canis free. However, in order to be designated, a kennel must perform tests on its animals to comply with the requirements. Additionally, they must fill out a Brucella canis certification form and send it to the Department.

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? **No**

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? **No**

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

The designation of a kennel as brucella canis free is a voluntary program. However, if they wish to be considered as such they must submit testing information to the Department.