

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 901:12-3-05  
**Rule Type:** Amendment  
**Rule Title/Tagline:** Health.  
**Agency Name:** Department of Agriculture  
**Division:** Livestock Care Standards Board  
**Address:** 8995 East Main Street Reynoldsburg OH 43068  
**Contact:** David E Miran  
**Email:** david.miran@agri.ohio.gov **Phone:** 614-728-6390

#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?** 5/11/2022
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?** 904.03
5. **What statute(s) does the rule implement or amplify?** 904.03, 904.04
6. **What are the reasons for proposing the rule?**

The rule is being amended to clarify that all producers must comply with the Veterinary Feed Directive (VFD).

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

The comprehensive livestock care standards housed in division 901:12 of the Ohio Administrative Code are meant to be practical for livestock producers of all sizes, scales and production methods and assure better livestock care. In addition, the rules

support state's overarching goals of promoting safe and affordable food, and helping to prevent the outbreak of both animal and human diseases.

OAC 901:12-3-05 outlines requirements as they relate to the health of all livestock. This includes obtaining medication from a licensed veterinarian for which the livestock owner has a veterinary-client-patient relationship. The rule is being amended to clarify that all producers must comply with the Veterinary Feed Directive (VFD). The VFD outlines the process for authorizing use of animal drugs intended for use in or on animal feed that require the supervision of a licensed veterinarian and provides veterinarians in all states with a framework for authorizing the use of medically important antimicrobials in feed when needed for specific animal health purposes.

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.**

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.
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?**

Pursuant to federal law, a producer may only feed animal feed bearing or containing a VFD drug or combination VFD drug to animals based on a directive issued by a licensed

veterinarian. The producer will be subject to additional veterinary costs for diagnosis, prescription, and treatment. These costs will vary on the location and the individual veterinarian providing these services.

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

Pursuant to federal law, a producer may only feed animal feed bearing or containing a VFD drug or combination VFD drug to animals based on a directive issued by a licensed veterinarian.

- 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 follow this rule could subject an individual to a 119 enforcement action.

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