

**MEMORANDUM**

**TO:** David Miran, Ohio Department of Agriculture

**FROM:** Danielle Dillard, Regulatory Policy Advocate

**DATE:** February 20, 2018

**RE:** **CSI Review – Pet Store Licensing (OAC 901:1-8-01 through 901:1-8-05)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of five new rules submitted by the Ohio Department of Agriculture (ODA). The rule package was submitted to the CSI Office on January 17, 2018 and the comment period closed on February 2, 2018. No comments were received during this time.

The ODA is proposing Ohio Administrative Code (OAC) 901:1-8-01 through 901:1-8-05 to comply with the state law requirement that the Department establish a licensing and recordkeeping program for pet stores and dog retailers.<sup>1</sup> The proposed rules define “pet store” and “dog retailer,” and set forth licensing, microchipping, and recordkeeping requirements for both entities.

The Department notified impacted stakeholders of the proposed rules via email and provided a link to view the rule package on the ODA website. The Department noted limited comment during early outreach. One group posed questions to which the Department responded before

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<sup>1</sup> Senate Bill 331 of the 131<sup>st</sup> General Assembly

submitting to CSI. No substantive changes were proposed during early stakeholder outreach and no comments were received during the CSI public comment period.

The rules impact all pet stores that sell dogs, and dog retailers. Pet stores must apply for a license with the ODA and renew that license annually, as well as ensure that any dog in the store's possession is microchipped. The rules also implement recordkeeping requirements for pet stores and dog retailers. Within 24 hours of obtaining a dog, a pet store or dog retailer must document the following information: name and address of the dog supplier, date of possession, breed, gender, color, identifying marks, date of birth, microchip number, and certificate of veterinary inspection. There are additional recordkeeping requirements for dogs obtained from qualified breeders.

The Department dictates the information that must be documented but does not impose a specific system by which pet stores and dog retailers must record the information, so the reporting impact is minimal. There is no significant monetary impact aside from the \$500 licensing fee. The Department justifies any adverse impact because the adoption of a licensing and recordkeeping program is required by state law. Additionally, the ODA will host informational meetings and alert businesses it believes to be operating as a pet store of the new licensing and recordkeeping requirements. The Department will also have online resources and field staff available to assist with compliance.

### **Recommendation**

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Department of Agriculture should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.