

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 173-4-01

Rule Type: Rescission

Rule Title/Tagline: Older Americans Act nutrition program: introduction and definitions.

Agency Name: Department of Aging

Division:

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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? 10/18/2024
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? 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.9
5. What statute(s) does the rule implement or amplify? 173.39, 173.392; 42 U.S.C. 3030e, 3030f, 3030g-21; 45 C.F.R. 1321.73, 1321.87
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 exists to introduce Chapter 173-4 of the Administrative Code and define terms used in the same chapter.

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

This rule introduces Chapter 173-4 of the Administrative Code and defines terms used in the same chapter.

ODA proposes to rescind this rule and replace it with a proposed new rule of the same number that establishes that the definitions in rule 173-2-01 of the Administrative Code apply to Chapter 173-4 of the Administrative Code. Section 4.3.1 of the Legislative Service Commission's "Rule Drafting Manual," 5th ed., generally requires state agencies to rescind a rule and to adopt a new rule in its place if amending the rule would strike more than 50% of the text and replace the stricken text with new text.

- 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.**

This proposed new rule will refer to the Dietary Guidelines for Americans, which is a document published by the U.S. Departments of Agriculture and Health and Human Services. Those departments publish the guidelines on <https://www.dietaryguidelines.gov/>. The general public may readily access the guidelines on that webpage free of charge.

- 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

Rescinding this rule will not impact the biennial operating budget that the Ohio General Assembly established for ODA in House Bill 33 (135th GA).

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

This rule merely introduces Chapter 173-4 of the Administrative Code and defines terms used in the same chapter. It neither establishes requirements nor creates a cost of compliance to any directly-affected person or organization.

- 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? No**
- 18. Does this rule have an adverse impact on business? No**

- 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? No**

This rule merely introduces Chapter 173-4 of the Administrative Code and defines terms used in Chapter 173-4 of the Administrative Code. This rule neither establishes requirements nor creates an adverse impact on any Ohio business.

- 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? No

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

Not Applicable

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

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable