

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 901:1-2-08

Rule Type: Rescission

Rule Title/Tagline: Order ȳ crocodilia; family ȳ alligatoridae (excluding dwarf caiman); family - crocodylidae; family ȳ gavilidae.

Agency Name: Department of Agriculture

Division:

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? Yes
 - A. What is the rule's five year review date? 10/31/2017
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? 935.17
5. What statute(s) does the rule implement or amplify? 935.04, 935.17
6. What are the reasons for proposing the rule?

This rule is up for five year rule review.

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

OAC 901:1-2-08 sets forth specific care and caging standards for registered dangerous wild animals of the order crocodillia. The rule is proposed as rescinded.

On September 5, 2012, Senate Bill 310 of the 129th General Assembly became effective. Senate Bill 310 was more commonly referred to as the Dangerous Wild Animal and Restricted Snake Act which regulated the possession of dangerous wild animals and restricted snakes in the state of Ohio. Pursuant to Ohio Revised Code 935.04, "a person that possesses a dangerous wild animal on [September 5, 2012] shall register the animal with the director of agriculture in accordance with this section not later than sixty days after [September 5, 2012]." Further, Ohio Revised Code 935.17(A) stated that the Director of Agriculture was to adopt rules no later than ninety days after September 5, 2012, which established standards for the care and housing of registered dangerous wild animals. These standards were established in Chapter 901:1-2 of the Ohio Administrative Code.

Any person that possessed a registered dangerous wild animal on October 1, 2013, and that wished maintain possession of the animal after January 1, 2014, was required to obtain either a wildlife shelter or propagation permit by that date. At that time, all dangerous wild animals properly permitted were subject to the standards adopted in Chapter 901:1-4 of the Ohio Administrative Code. Therefore, due to the conversion from registered animals to permitted animals the rules regulating registered animals are no longer necessary. Therefore, the rules of Chapter 901:1-2 of the Ohio Administrative Code are proposed to be rescinded.

Please note that the standards for permitted animals were adopted in Chapter 901:1-4 of the Ohio Administrative Code. The standards found in OAC Chapter 901:1-4 are not impacted by this rule package and remain effective.

8. **Does the rule incorporate material by reference?** No
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.**

Not Applicable

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?**

As the rules no longer apply to any individuals, there is no cost of compliance.

- 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? No**

- 16. 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**

The rule formally required that all dangerous wild animals be registered with the department by October 30, 2012. On January 1, 2014, this requirement was superceded by a permitting process. Therefore, this rule no longer has any adverse impact on business.

- 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**