



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Agriculture

Rule Contact Name and Contact Information: Renee Schmauch
Renee.Schmauch@agri.ohio.gov 614-728-6295

Regulation/Package Title (a general description of the rules' substantive content):

Species varanus komodoensis (komodo dragon)- Five Year Rule Review

Rule Number(s): 901:1-4-07

Date of Submission for CSI Review: 12/5/2023

Public Comment Period End Date: 12/27/2023

Rule Type/Number of Rules:

New/___ rules

No Change/ 1 rule (FYR? 1)

Amended/___ rules (FYR? ___)

Rescinded/___ rules (FYR? ___)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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CSIPublicComments@governor.ohio.gov

Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

On September 5, 2012, R.C. Chapter 935 became effective. Commonly referred to as the Dangerous Wild Animal and Restricted Snake Act which regulates the possession of dangerous wild animals and restricted snakes in the state of Ohio. Chapter 901:1-4 of the Administrative Code was established pursuant to R. C. §935.17.

The rules in this chapter set forth regulatory requirements to protect the public from the dangers posed by the possession of dangerous wild animals and restricted snakes, as well as to ensure the care for these animals. The protection includes mandating the use of safe housing, ensuring owners have the requisite knowledge to care for the animals, appropriate recordkeeping, and adequate sanitary conditions to prevent the spread of disease and infection. The rules have been reviewed pursuant to the five-year rule review requirements and are being proposed as follows:

901:1-4-07 establishes species care standards for komodo dragons. This rule has been proposed as needing no changes.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

ORC 935.17, 935.04, 935.12, 935.24,

4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

If yes, please briefly explain the source and substance of the federal requirement.

No

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not Applicable

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

The Department is statutorily responsible for establishing rules which protect public safety and to promote animal welfare for registered dangerous wild animals. R.C. § 935.17. In R.C. § 935.17(B), the General Assembly set forth requirements that the rules “shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. [In developing such rules] the Director [of the Department] shall consider [. . .] (2) Public health and safety; [. . .] (7) Standards adopted by the association of zoos and aquariums; (8) Standards adopted by the zoological association of America; (9) Standards established in the federal animal welfare act; and (10) Ethical standards established by the American veterinary medical association.” The Department has been further required to establish permits for possession of dangerous wild animals and restricted snakes and effective means of maintaining facilities for possession of such animals, including informing local law enforcement of their presence and emergency plans in the event of their escape. Without regulations, an entity or individual may not provide the proper housing and care of the dangerous wild animal or restricted snake which can lead to escape and cause duress to the animal and put local law enforcement in a compromised position without information if such an escape were to occur.

7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The Department will measure success by the number of complaints received and the results of any inspections conducted because of received complaints. Further, successful implementation of these rules should help to greatly reduce any chance for an animal to threaten public safety through escape by regulating the appropriate housing and care for these animals, as well as provide needed information to those in the community of their presence.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

On September 27, 2023, the following stakeholders were emailed a copy of the proposed rules and the comment period remained open until October 11, 2023. These stakeholders represent statewide organizations and individuals with an interest in the division of Animal Health rules.

Organization	Contact
Anderholm Veterinary Clinic	Anderholm, Constance
Animal Medical & Surgical Center	Darr, Cathrine
Animal Welfare Institute	Craig, Adrienne
Animals Unlimited Veterinary Hospital	Anderson, Valerie
Barnesville-Woodsfield Veterinary Service LLC	
Byland Animal Hospital	
Celina Animal Hospital, Inc.	Miesse, Craig
Claremont Vet Clinic	Kaesser, Donald R
Coldwater Animal Clinic/ Ft Recovery	Seeger, Urban
Columbus Dog Connection	Defrischia, Kelly
Country Roads Veterinary Services	Brennan, David T
Darke County Health Commissioner	Terrence Holman, DVM
Crank and Kirkpatrick Animal Hospital	
Danville Veterinary Clinic	Webb, L. Jarrod
Danville Veterinary Clinic	Hoxworth, Teresa
Delaware Equine LLC	Chase, James P
Diamond M Veterinary Clinic	Kearns, Earnest
Environmental Defense Fund	Karen Champan
East Holmes Vet Clinic	Shaver, Eric M
East Holmes Vet Clinic	Wise, Aaron
East Holmes Vet Clinic	Mierzwiak, Kristen
Environmental Law & Policy Center	Madeline Fleisher
Fayette Veterinary Hospital	
Green Camp Vet Clinic	Forshey, Melissa
Healthy Pets of Wedgewood	
Hillsboro Veterinary Hospital	
Humane Society of the United States	Corey Roscoe
Karr Veterinary Clinic	Karr, Paul E
Kolehmainen Veterinary Clinic	Kolehmainen, William J
Lisbon Vet Clinic Inc	Schmucker, Gordon
Masterson Veterinary Clinic	Masterson, Rhonda
MedVet Columbus	

Mogadore Vet Hospital
Mt Hope Vet Services,
Walnut Creek Veterinary Clinic
Northgate Animal Hospital
Ohio Animal Welfare Federation
Ohio Beef Council/Ohio Cattlemen's Association
Ohio Belgian Breeders Association
Ohio Dairy Producers
Ohio Dairy Veterinarians
Ohio County Dog Warden's Association
Ohio Ecological Food and Farm Association
Ohio Farm Bureau
Ohio Farm Bureau
Ohio Farm Bureau
Ohio Farm Bureau
Ohio Farm Bureau
Ohio Farm Bureau
Ohio Farmers Union
Ohio Farmers Union
Ohio Forum for Companion Animals
Ohio Haflinger Association
Ohio Harness Horsemen's Association
Ohio Percheron Breeders Association
Ohio Pork Producers Council
Ohio Poultry Association
Ohio Quarter Horse Association
Ohio Soil and Water Conservation Commission
Ohio Soybean Association

Ohio State University
Ohio Veterinarian Medical Association
Ohio Veterinarian Medical Association
Ohio Veterinarian Medical Association
Ohio Welsh Pony Association
Paw Patch Veterinary Services
Pondview Veterinary Clinic
Pondview Veterinary Clinic
Shawnee Animal Clinic
Shelby Animal Clinic
Stonyridge Veterinary Service

Whittington, David

Varga, Joseph
Gibson, Douglas
Colleen Evans
Elizabeth Harsh
Carolyn Piergallini
Scott Higgins
Dr. Gabe Middleton
Barb Knapp
Amalie Lipstreu
Adam Sharp
Jack Irvin
Larry Antosh
Leah Curtis
Roger High
Tony Seegers
Yvonne Lesicko
Joe Logan
Linda Borton
Leon Beachy
Lucy Workman
Renee Mancino
Darlena Chettle
Cheryl Day
Jim Chakeres
Scott Myers
Tom Price
Brandon Kern
Dr. Tom Wittum
Adam Ward
Jack Advent
R. David Frash

Paul Hurd
Hirt, Laurie
Dougherty, Patrick
Small, Tasha Nichole
Sherman, Angela
Knox, John W
Eisenberg, Eric

Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
The Ohio State University
The Ohio State University
The Ohio State University
The Ohio State University
The Plains Veterinary Hospital, LLC
Twin Valley Animal Hospital
Twinsburg Vet Hospital
USDA – APHIS VS
Wellington Veterinary Clinic
Westside Animal Clinic
Wheelersburg Animal Hospital Inc.
Willard Veterinary Clinic
OEMA
OEPA
ODNR DOW

USDA APHIS WS
United Producer's Inc
DHI Cooperative, Inc
Aquaculture
Anderholm Veterinary Clinic
Animal Medical & Surgical Center
Animals Unlimited Veterinary Hospital
ASPCA
Barnesville-Woodsfield Veterinary Service LLC
The Batchelder Company
Burroughs Veterinary Services
Byland Animal Hospital
Capitol Advocates
Capitol Consulting
Celina Animal Hospital, Inc.
Claremont Vet Clinic
Coldwater Animal Clinic/ Ft Recovery
Columbiana County Dog Warden
Country Roads Veterinary Services
Crank And Kirkpatrick Animal Hospital
Danville Veterinary Clinic
Delaware Equine LLC

Donley, Shane
Honigford, James
Clay, Aimee
Dr. Tom Wittum
Dr. Rustin Moore
Dr. Jeanette O'Quinn
Peggy Hall
Ryan, Ericka
Twin Valley Animal Hospital
Lozanoff, Stacy
Dr. Roger Krogwold
Spreng, William A
Ayars, William

Brad Schwartz
Alison Shockley
Kendra Wecker
Mike Tonkovich
Andy Montenev
Mike Bumgarner
Brian Winters
Dan Longnecker
Anderholm, Constance
Darr, Cathrine
Anderson, Valerie

Judy, Troy
Burroughs, Mark Steven

Rob Eshenbaugh
Belinda Jones
Miesse, Craig
Kaeser, Donald R
Seeger, Urban

Brennan, David T

Hoxworth, Teresa
Chase, James P

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East Holmes Vet Clinic	Mierzwiak, Kristen
Environmental Law & Policy Center	Madeline Fleisher
Fayette Veterinary Hospital	
Green Camp Vet Clinic	Forshey, Melissa
Greenfield Vet	Sims, Michael
Healthy Pets of Wedgewood	
Heritage Veterinary Care	
Hillsboro Veterinary Hospital	
Hocking Hills Animal Clinic	Shannon Moore
Holmes County Dog Warden	
Humane Society of the United States	Corey Roscoe
Karr Veterinary Clinic	Karr, Paul E
Knox County Dog Warden	John Carhart
Kolehmainen Veterinary Clinic	Kolehmainen, William J
Lisbon Vet Clinic Inc	Schmucker, Gordon
Little Puppies Online LLC	Nathan Bazler
Masterson Veterinary Clinic	Masterson, Rhonda
MedVet Columbus	
Mogadore Vet Hospital	Whittington, David
Mt Hope Vet Services,	
Walnut Creek Veterinary Clinic	Varga, Joseph
Napoleon Veterinary Clinic	
Northgate Animal Hospital	Gibson, Douglas
Ohio Animal Welfare Federation	Colleen Evans
Ohio Beef Council/Ohio Cattlemen's Association	Elizabeth Harsh
Ohio Belgian Breeders Association	Carolyn Piergallini
Ohio Dairy Producers	Scott Higgins
Ohio County Dog Warden's Association	Barb Knapp
Ohio Ecological Food and Farm Association	Amalie Lipstreu
Ohio Farm Bureau	Adam Sharp
Ohio Farm Bureau	Jack Irvin
Ohio Farm Bureau	Larry Antosh
Ohio Farm Bureau	Leah Curtis
Ohio Farm Bureau	Roger High
Ohio Farm Bureau	Tony Seegers
Ohio Farmers Union	Joe Logan
Ohio Farmers Union	Linda Borton

Ohio Forum for Companion Animals
Ohio Haflinger Association
Ohio Harness Horsemen's Association
Ohio Percheron Breeders Association
Ohio Pork Producers Council
Ohio Poultry Association
Ohio Quarter Horse Association
Ohio State University
Ohio Veterinarian Medical Association
Ohio Veterinarian Medical Association
Ohio Welsh Pony Association
Paw Patch Veterinary Services
Petco
Pondview Veterinary Clinic
Pondview Veterinary Clinic
Premier Pups LLC
Shawnee Animal Clinic
Shelby Animal Clinic
Sierra Club, Ohio Chapter
Stonyridge Veterinary Service
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
Sugarcreek Veterinary Clinic
The Ohio State University
The Ohio State University
The Plains Veterinary Hospital, LLC
Tuscarawas County Dog Warden
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Twinsburg Vet Hospital
USDA – APHIS
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Walnut Hills Vet
Wayne County Dog Warden
Wellington Veterinary Clinic
Westside Animal Clinic
Wheelersburg Animal Hospital Inc.
Willard Veterinary Clinic
Your New Puppy
Hocking Hills Animal Clinic
Commercial Dog Breeder Advisory Board

Leon Beachy
Lucy Workman
Renee Mancino
Darlena Chettle
Bryan Humphreys
Jim Chakeres
Scott Myers
Adam Ward
Jack Advent
R. David Frash
Paul Hurd
Hirt, Laurie
Mike Gonidakis
Dougherty, Patrick
Small, Tasha Nichole
Michael Schoeff
Sherman, Angela
Knox, John W
Adam Rissien
Eisenberg, Eric
Daugherty, Rick
Donley, Shane
Honigford, James
Sugarcreek Veterinary Clinic
Dr. Jeanette O'Quinn
Peggy Hall
Ryan, Ericka

Lozanoff, Stacy
Dr. Roger Crogwold
Dr. Susan Skorupski
Mark Parker

Spreng, William A
Ayars, William

Mark Johnson
Shannon Moore
Matt Granito

Commercial Dog Breeder Advisory Board
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Commercial Dog Breeder Advisory Board
Country Road Veterinary Services
Town and Country Veterinary Clinic
Orrville Veterinary Clinic

Linda Stickney
Lisa Zimmerman
Lori Carlson
Dr. Micheal Frederick
Dr. Patricia Haynes
Dr. Dennis Trautwein
Dr. Greg Price
Dr. Gabe Middleton

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The Department emailed the stakeholders listed above a copy of the rules and gave them an opportunity to comment. No comments were received.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

The rules were developed using the best available data from veterinarians and experts in the care of dangerous wild animals. Standards from third-party organizations, when applicable, were used as a starting point in the original development of these rules.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?
Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.

The Department is statutorily responsible for establishing rules which protect public safety and to promote animal welfare for registered dangerous wild animals, R.C. § 935.17. Lack of stakeholder participation in this rule package has indicated to the Department that this is the best regulatory scheme at this time. For those reasons, no other regulatory alternatives were considered.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The Department is the sole regulator for those possessing or propagating dangerous wild animals except for a few specific permits issued by the Ohio Department of Natural Resources that apply only to indigenous species.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

These rules are well understood by the regulated community and the Department works with all permit holders and those involved in animal industries to educate and inform them on the safety regulations. The staff members of the Animal Health Division ensure that all permit holders are treated in a similar manner.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

All dangerous wild animal and restricted snake permit holders.

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

These rules focus on the housing and care of dangerous wild animals; requirements which permit holders must comply with or be refused the proper permits. Permit holders will need to spend time ensuring their current housing of their dangerous wild animals or restricted snakes meet the requirements of the regulations, time and money checking and repairing housing, time making certain that feeding and care standards are met, and time ensuring that local law enforcement officials are aware of the animals in their possession and that they have a plan in the event of escape or emergency. The possession or propagation of a dangerous wild animal or restricted snake without the proper permit can result in civil or criminal penalties. Violators of the rules pay fines and may have permits suspended or revoked. As specified by the statute, one must provide proof of current insurance coverage or bond to cover any injuries or damages due to the escape or other actions of the animals.

The exact adverse impact varies widely for each permit holder or applicant due to the diverse nature of the animals regulated by these rules and the varying individual circumstances of each permit holder. When possible, the rules were written to be outcome based and allow the permit holder a great deal of flexibility and personal choice in determining how to meet the standards. The cost of permits is low, especially when compared to the cost to feed and house the given number of dangerous wild animals and restricted snakes that may be in a permit holder's possession. The hours a permit holder would spend cleaning housing and ensuring the housing and current care is to specifications in the rules would depend on which type and how many animals the permit holder possesses.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).

No

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

As mentioned above, the General Assembly mandated that the Department develop rules to protect the safety of the general public and welfare of the regulated animals. The Department has worked with the public to minimize, where possible, the economic impacts of these rules. While the protections offered by the rules to the public, the regulated community, and animals are significant, the adverse impact caused by the rules has been limited when possible.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

The law expressly prohibits many of the business activities associated with these animals by making it illegal to buy, sell, or transfer many dangerous wild animals. The Department has made many changes to enclosure sizes to accommodate animals that are housed indoors by private owners and businesses. The proposed rules also provide a separate housing standard for small alligators and crocodiles.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The Department is primarily concerned with protecting public safety and animal health through compliance with these rules. Whenever possible, the Department will treat administrative violations that do not involve public safety or animal health as opportunities for improvement through warning notices and solicitation of corrective actions. Harsher enforcement options will be reserved for offenders who do not cooperate or those that have repeated violations.

20. What resources are available to assist small businesses with compliance of the regulation?

The Department is always available to assist small businesses with compliance. The Department currently has a website devoted to dangerous wild animals and restricted snakes that contains helpful information about this statute, including the rules. The Department will also be in direct communication with all permit holders and applicants, and will work to provide them with all available information and resources, whether by phone, email, or letter.