



Common Sense Initiative

Mike DeWine, Governor
Jim Tressel, 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

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

Animal Health- Dangerous Wild Animals and Restricted Snakes

Rule Number(s): 901:1-4-01, 01.1, 01.2, 01.3, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19

Date of Submission for CSI Review: 6/13/2025

Public Comment Period End Date: 7/7/2025

Rule Type/Number of Rules:

New/ rules

No Change/ 11 rules (FYR? yes)

Amended/ 10 rules (FYR? yes)

Rescinded/ rules (FYR?)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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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 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 the Dangerous Wild Animal and Restricted Snake Act became effective on September 5, 2012 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 SB 310.

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:

901:1-4-01 sets out the definitions as used throughout the Chapter. The rule also contains some general provisions of care that are applicable to all animals regulated under this Chapter. The rule has been amended to add the definition for “Distress,” makes grammatical changes to improve readability and comprehension and relocates several items to other rules to improve comprehension.

901:1-4-01.1 establishes the standards for the enclosures for dangerous wild animals (DWA) in general. Individual rules set forth specific standards for each species. The rule has been amended to add that the department must be notified by email, further defines the requirements for a dig barrier, adds “public,” “volunteers,” and changes “staff to “employees.” In addition, adds that the department may allow reasonable variations to the secondary enclosure, and adds that emergency lighting shall be available at each dangerous wild animal facility.

901:1-4-01.2 establishes the standards for food and water for DWA. This rule is being proposed with no changes.

901:1-4-01.3 establishes health standards for DWA and includes a requirement for a veterinary relationship and scheduled visits. This rule has been amended to add “volunteers” and changes “personnel” to “employees,” adds that devices used to move animals must minimize distress and must be maintained in proper working order, adds that euthanasia must follow American Veterinary Medical Association guidelines, makes grammatical changes to improve readability and comprehension, removes regulatory restrictive wording, adds that dead animals must be disposed of pursuant to section 941.01 of the Revised Code and adds that nothing in the rules adopted in this chapter shall be construed to prevent a licensed veterinarian from meeting the standards set forth in Chapter 4741 of the Revised Code.

901:1-4-02 establishes species care standards for bears. This rule is being proposed with no changes.

901:1-4-03 establishes species care standards for the hyaenidae family. This rule is being proposed with no changes.

901:1-4-04 establishes species care standards for gray wolves and African wild dogs. This rule is being proposed with no changes.

901:1-4-05 establishes species care standards for the Felidae family. This rule has been amended to add that the primary enclosure shall have a cantilever or a roof.

901:1-4-06 establishes species care standards for hippopotamuses, elephants, rhinos, and cape buffalos. This rule is being proposed with no changes.

901:1-4-08 establishes species care standards for crocodiles and alligators. This rule is being proposed with no changes.

901:1-4-09 establishes species care standards for nonhuman primates. This rule has been amended to revise paragraph (C), amending the reference to correct paragraph F of rule 901:1-4-01 to paragraph L.

901:1-4-10 establishes recordkeeping requirements. The rule has been amended to make grammatical changes to improve readability and comprehension, adds a reference to division (B)(3) and (D) of section 935.04 of the Revised Code, adds the requirement to document acquisition of each animal, adds that venomous snake owners must maintain records regarding the appropriate anti-venom and its location, further describes that the cleaning, feeding veterinary care, and pest control records shall be kept at the facility and made available upon request, retaining these records for one year past the expiration of the permit or renewal.

901:1-4-11 establishes standards of care and safety for use during the transport of DWA. This rule is being proposed with no changes.

901:1-4-12 sets standards for signs as required by statute. This rule is being proposed with no changes.

901:1-4-13 sets the contents, procedures and requirements for the examinations for wildlife shelter permit, wildlife propagation permit, and restricted snake permit applicants with less than two years of experience in the care of the species that are the subject of the permit application. This rule is being amended to make grammatical changes to improve readability and comprehension, removes the requirement to have at least four opportunities for examinations per year and replaces the requirement with “as determined by the director,” reduces regulatory restrictive wording, removes the requirement that registration for exams shall be on a form provided on the department’s website and removes the requirement the form must be received by the department two business days prior to the exam.

901:1-4-14 establishes the requirements for species survival programs to be used by wildlife propagation permit holders. This rule is being proposed with no changes.

901:1-4-15 sets forth the information to be included on rescue facility permits, as well as the criteria for the issuance and denial of such permits. This rule is being amended to add a reference to 935.07 of the Revised Code and revises the references to paragraphs in sections of the Revised Code.

901:1-4-16 sets forth the additional information required with wildlife shelter and wildlife propagation permit applications. This rule is being amended to correct grammatical errors.

901:1-4-17 sets forth the civil penalties for violating this chapter and section 935 of the Revised Code. This rule is being proposed with no changes.

901:1-4-18 provides for the compensation of facilities that are listed by the Director as being eligible to accept dangerous wild animals and restricted snakes. This rule is being proposed with no changes.

901:1-4-19 is a new rule which outlines the application process for restricted snake permits, as well as the criteria for the issuance and denial of such permits. This rule is being amended to revise references to paragraphs in sections of the Revised Code and adds the requirement that a person issued a restricted snake possession permit or restricted snake propagation permit shall comply with the “Zoological Association of America: Accreditation Standards,” 2025 edition, regarding care and housing.

2. 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.

O.R.C. 935.05, 935.06, 935.07, 935.08, 935.09, 935.10, 935.101, 935.12, 935.17, 935.18, 935.20, 935.24

3. 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

4. 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.

5. 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. and more specifically, 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 law enforcement in a compromised position without information if such an escape were to occur.

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

The Department will measure success by the results of the annual inspections conducted on all permit-holders as well as the number of complaints received. Further, successful implementation of these rules should help to greatly reduce any chance for a dangerous wild 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.

7. 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.

The following stakeholders were contacted via email on May 16, 2025, for a public comment period which remained open until June 4, 2025.

AASV	Bill Minton
ANDERHOLM VETERINARY CLINIC	Anderholm, Constance
Animal Welfare Institute	Craig, Adrienne
Animal Welfare Institute	Reyes, Gwendy
ANIMALS UNLIMITED VETERINARY HOSPITAL	Anderson, Valerie
Aquaculture	Dan Longnecker
Buckeye Quality Beef Association	David Hyde
Buckeye State Sheriffs' Association	Robert Cornwell
Burroughs Veterinary Services	Dr Brittany Erbe (Burroughs)
Burroughs Veterinary Services	Dr Mark Burroughs
Burroughs Veterinary Services	Burroughs, Mark Steven
BYLAND ANIMAL HOSPITAL	general email
Capital Advocates	Kurt Leib
Capitol Advocates	Rob Eshenbaugh
Capitol Consulting	Belinda Jones
CELINA ANIMAL HOSPITAL, INC.	Miesse, Craig
CLAREMONT VET CLINIC	Kaaser, Donald R
Columbiana County Dog Warden	general email
Columbus Dog Connection	Defrischia, Kelly
COUNTRY ROADS VETERINARY SERVICES	Brennan, David T
CRANK AND KIRKPATRICK ANIMAL HOSPITAL	general email
DANVILLE VETERINARY CLINIC	Hoxworth, Teresa
DANVILLE VETERINARY CLINIC	Webb, L. Jarrod
Delaware Equine LLC	Chase, James P
DHI Cooperative, Inc	Brian Winters
DIAMOND M VETERINARY CLINIC	Kearns, Earnest

East Holmes Vet Clinic	Mierzwiak, Kristen
East Holmes Vet Clinic	Shaver, Eric M
FAYETTE VETERINARY HOSPITAL	general email
GREEN CAMP VET CLINIC	Forshey, Melissa
Greenfield Vet	Sims, Michael
HEALTHY PETS OF WEDGEWOOD	general email
Hillsboro Veterinary Hospital	general email
Hocking Hills Animal Clinic	Shannon Moore
Holmes County Dog Warden	general email
Humane Society of the United States	Corey Roscoe
Humane Society of the United States	Mark Finneran
Ice Miller	Samuel Porter
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	Eric Schertel
Mogadore Vet Hospital	Whittington, David
Mt Hope Vet Services, Walnut Creek Veterinary Clinic	Varga, Joseph
Napoleon Veterinary Clinic	general email
Nation Farmers Organization	Tony Bensman
Nation Farmers Organization	Bill Stachler
Northgate Animal Hospital	Gibson, Douglas
Northview Vet Clinic	Dr. Hutchinson
ODNR DOW	Kendra Wecker
OEPA	Alison Shockley
Ohio Agribusiness Association	Aaron Heilers
Ohio Agribusiness Association	Janice Welsheimer
Ohio Agribusiness Association	Lauren Prettyman
Ohio Agribusiness Association	Melinda Witten
Ohio Animal Welfare Federation	Colleen Evans
Ohio Association of Chiefs of Police	Donna Harrass
Ohio Beef Council/Ohio Cattlemen's Association	Elizabeth Harsh
Ohio Belgian Breeders Association	Carolyn Piergallini
Ohio Christmas Tree Association	Roger Koch
Ohio County Dog Warden's Association	Deborah Conway
Ohio Dairy Producers	Scott Higgins

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Ohio Dairy Veterinarians	Dr. Gabe Middleton
Ohio Dairy Veterinarians	general email
OEMA	Collin Campbell
OEPA	Alison Shockley
Ohio Farm Bureau	Adam Sharp
Ohio Farm Bureau	Jack Irvin
Ohio Farm Bureau	Leah Curtis
Ohio Farm Bureau	Roger High
Ohio Farm Bureau	Tony Seegers
Ohio Farm Bureau	Jordan Hoewischer
Ohio Farm Bureau	Whitney Bowers
Ohio Farmers Union	Joe Logan
Ohio Forum for Companion Animals	Leon Beachy
Ohio Forum for Companion Animals	general email
Ohio Forum for Companion Animals	Daniel Schlabach
Ohio Haflinger Association	Lucy Workman
Ohio Percheron Breeders Association	Darlana Chettle
Ohio Pork Producers Council	Cheryl Day
Ohio Poultry Association	Jim Chakeres
Ohio Quarter Horse Association	Scott Myers
Ohio Shelby Animal Clinic	Knox, John W
Ohio Soybean Association	Brandon Kern
Ohio State Grange	Mike Russell
Ohio State Highway Patrol	Joshua Swindell
Ohio Veterinarian Medical Association	general email
Ohio Veterinarian Medical Association	Jack Advent
Ohio Veterinarian Medical Association	Chris Henney
Ohio Veterinarian Medical Association	Michael Guestella
Ohio Welsh Pony Association	Paul Hurd
Petco	Mike Gonidakis
PONDVIEW VETERINARY CLINIC	Dougherty, Patrick
PONDVIEW VETERINARY CLINIC	Small, Tasha Nichole
Premier Pups LLC	Michael Schoeff
Sierra Club, Ohio Chapter	Adam Rissien
Sugarcreek Veterinary Clinic	Daugherty, Rick
Sugarcreek Veterinary Clinic	Honigford, James
Sugarcreek Veterinary Clinic	Sugarcreek Veterinary Clinic
The Batchelder Company	Judy, Troy
The Ohio State University	Dr. Jeanette O'Quinn

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The Ohio State University	Dr. Rustin Moore
The Ohio State University	Dr. Tom Wittum
The Ohio State University	Peggy Hall
The Ohio State University	Adam Ward
THE PLAINS VETERINARY HOSPITAL, LLC	Ryan, Ericka
Tuscarawas County Dog Warden	general email
Twin Valley Animal Hospital	Twin Valley Animal Hospital
Twinsburg Vet Hospital	Lozanoff, Stacy
United Producer's Inc	Mike Bumgarner
USDA APHIS WS	Andy Monteney
USDA – APHIS VS	Dr. Leeza Bercaw
USDA – APHIS VS	Dr. Jamie Davis
USDA-APHIS-AC	Dana Miller
USDA-APHIS-AC	Kathy Campitelli
Wayne County Dog Warden	general email
WHEELERSBURG ANIMAL HOSPITAL INC.	general email
WILLARD VETERINARY CLINIC	general email
Veterinarian	Dr. Dennis Trautwein
Veterinarian	Dr. Gabe Middleton
Veterinarian	Dr. Greg Price
Veterinarian	Hoxworth, Teresa
Veterinarian	Mike Tonkovich
Veterinarian	Meghan Provo
Veterinarian	Tom Price
Veterinarian	Dr. Shane Donley
Veterinarian	Dr. Aaron Wise
DWA permittee	Jason Krecek & Kathryn McDermott
DWA permittee	Campbell, Janet S
DWA permittee	Wills, Eva M
DWA permittee	Williams Jr, Elmer
DWA permittee	Bullock, Teresa
DWA permittee	American Primate Educational Sanctuary
DWA permittee	Teepen, Richard A
DWA permittee	St Francis Center
DWA permittee	NOAH'S LOST ARK, INC
DWA permittee	Easter, Michael
DWA permittee	Tanner, Diana L
DWA permittee	Jungle Terry & Friends
DWA permittee	Herps Alive Foundation

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

During the stakeholder outreach period the Department received a comment from the Herps Alive Foundation. The commenter agreed with most of the revisions made to the rule but expressed that the annual frequency of background checks is excessive. The requirement for annual background checks is statutory, found in Ohio Revised Code, 935.06(A)(6), 935.06(B), 935.09(A)(3) and 935.09(B); therefore, the agency does not have the authority to revise the rules in administrative code regarding background checks.

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 for developing 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.

Due to the success of the program, the Department believes that the rules as currently installed meet the regulatory mission of protecting both public and animal safety in the state. Therefore, the Department did not consider alternative regulations.

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. 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.

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 hours a permit holder would spend cleaning housing and ensuring the housing and current care is to specifications in the rules would depend on how many animals the permit holder possesses. 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 damage due to the escape or other actions of the animals.

- 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.**

Due to the health and safety nature of the rule, different standards based on the size of the business would be inappropriate.

- 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?**

These rules are already implemented within the industry and the Department works with all stakeholders in order to educate and inform them on the regulations.