Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 901:1-8-05

Rule Type: New

Rule Title/Tagline: Dog Retailer Recordkeeping.

Agency Name: Department of Agriculture

Division: Animal Industry

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I. Rule Summary

1. **Is this a five year rule review?** No

    A. **What is the rule's five year review date?**

2. **Is this rule the result of recent legislation?** Yes

    A. **If so, what is the bill number, General Assembly and Sponsor?** SB 331 - 131 - Peterson

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 956.03, 956.21

5. **What statute(s) does the rule implement or amplify?** 956.01, 956.051, 956.19, 956.20, 956.21, 956.22, 956.23

6. **What are the reasons for proposing the rule?**

    These rules are being promulgated pursuant to Senate Bill 331 of the 131st General Assembly. This bill generally regulates all transactions involving the sales of dogs at a pet store, from the dog breeder to the future dog owner. Additionally, the bill requires that the Ohio Department of Agriculture establish rules and procedures governing pet stores, including requirements and procedures governing the licensing of pet stores.

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

   OAC 901:1-8-05 outlines the recordkeeping requirements of dog retailers. These requirements mirror those requirements found in ORC 956.051. Specifically, the rule requires that dog retailers document the following information within twenty-four hours of obtaining a dog: The name and address of the source which supplied the dogs; the date the dog retailer took possession of the dog; the breed, gender, color, and any identifying marks of the dogs; the dog's date of birth; the permanent implanted microchip number for the dog; and the certificate of veterinary inspection that accompanied the dog. Further, if the dog was acquired from a qualified breeder the dog retailer shall document additional information. This documented information does not need to be submitted to the Department rather the information needs to be made available to the Department upon request.

8. **Does the rule incorporate material by reference?** Yes

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.**
   Pursuant to section 121.76 of the Revised Code, the code sections incorporated into this rule are exempt from compliance with sections 121.71 to 121.74 of the Revised Code.

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    The package has been revised to add a statute as an amplifying statute.

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 increase expenditures.

    Unknown.

    As outlined by ORC Chapter 956, the Department is required to license all pet stores in the state of Ohio. Further, the Department is to inspect these license holders for

adherence to the laws and rules. Therefore, the Department will see an increase in both expenditures and revenue as the Department is establishing a new program.The cost of the program remains to be seen.

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

    The rules require specific pieces of information and documents to be recorded and maintained. The rules do not require that the records be submitted to the Department however, the license holders must make the records available upon request. The quantified adverse impact for the recordkeeping requirements should be minimal. The record keeping data should be easily obtained if not already obtained by the pet stores. There will be an adverse impact for storage of these records however, the rules do not specify the format for how these records must be maintained.

    Failure to comply with the rules could subject individuals to fines. All fines are established in ORC 956.22 which states that the fines shall not be more than $500 for the first violation, not more than $2,000 for the second violation, and not more than $10,000 for the third violation.

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?** Yes

16. **Does this rule have an adverse impact on business?** Yes

    A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

       This rule does not require a permit or prior authorization, however, all pet stores must be licensed with the Department in order be in compliance with the law.

    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?** Yes

Failure to comply with this rule or any of the rules in this Chapter may subject individuals to civil penalties pursuant to ORC 956.12 or criminal penalties pursuant to ORC 956.99.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule requires that dog retailers maintain records which shall be made available to the Department.