

Rule Summary and Fiscal Analysis (Part A)**Department of Agriculture**

Agency Name

Animal Industry

Division

Howard Henry

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Rule Number

NEW

TYPE of rule filing

Rule Title/Tag Line

Enclosures for dangerous wild animals.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **Yes**

Bill Number: **SB310**General Assembly: **129**Sponsor: **Balderson, Jones**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **935.17**

5. Statute(s) the rule, as filed, amplifies or implements: **935.17**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being proposed to fulfill the statutory requirements of Revised Code chapter 935, specifically the standards for care and well-being required by R.C. 935.17(B).

7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule sets the enclosure standards for all dangerous wild animals.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date

for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.0

This rule have no impact on revenues or expenditures.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule sets general requirements for enclosures that apply to all dangerous wild animals. Rules 901:1-4-02 to 09 set forth specific size, height, building material, and other related provisions for individual species or groups of species. Set forth in this rule are the building standards for primary enclosures, cantilevers, safety entrances, shift cages, secondary enclosures, temperature, ventilation, and lighting. Some facilities will already have many, if not most, of these features in place and will not need to build from the ground up. Additionally, the rule has been written to be outcome oriented as much as possible, and allow for flexibility in construction materials and technique. In the Business Impact Analysis it is calculated that fencing materials alone for a primary enclosure for a bear would cost approximately \$1400. In the example of the bear, a total cost of approximately \$5000 could be possible if an owner has no existing enclosure onsite. It is anticipated that the majority, if not all, of the current owners of dangerous wild animals already have some type of enclosure.

To further control costs, not all species regulated by this chapter require all enclosure features. Dig barriers, shift cages, and safety entrances are not required for certain species where appropriate. With input from the stakeholders, the Department significantly revised the rules to create greater flexibility while also

ensuring the appropriate public safety. While the Department does acknowledge there will be costs imposed by these standards, the Department is statutorily required to adopt these rules by the General Assembly in R.C. § 935.17 which protect public safety and the health and safety of the regulated animals.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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? **Yes**

Civil penalties may be imposed, as set by rule, if DWA owners do not comply.

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

DWA owners must comply with the minimum standards in this rule and the species specific rules found in this chapter. However expenditures will vary, depending on the existing level of housing and care already being provided to the animals.