

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

Housing.**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: **SB130**General Assembly: **129**Sponsor: **Hughes & Cates**

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: **956.03**

5. Statute(s) the rule, as filed, amplifies or implements: **956.03**

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

This rule is being created to fulfill the statutory requirements of R.C. 956.03.

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 housing standards for adult dogs and puppies kept by high volume breeders.

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 If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation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

The primary cost of compliance for this rule will be the requirement that current high volume breeders bring their housing facilities up to the proposed standards, if their facilities do not already meet or exceed the proposed standards. Expanding housing facilities to meet the proposed minimum floor space requirements will have an impact on the high volume breeders. As detailed in the CSI Business Impact Analysis, the rules require a minimum space for each dog, as well as a doubling of that minimum for the first dog in each enclosure. Currently, USDA requirements for an eighteen inch dog are four square feet per dog and no exercise outside of the enclosure is required for enclosures eight square feet in size or larger. The proposed rules, for the same size dog, require an initial enclosure of eight square feet, and an additional four square feet per additional dog. Enclosure costs will vary due to differing materials, sizes, and features added by the breeders. An American Kennel Club licensed pro-breeder kennel from one retailer costs \$358 for a four foot by eight foot kennel, without flooring or roof. (Hooverfence.com) A smaller, four foot by four foot, kennel constructed from the same type of paneling would be approximately \$246.

This estimate does not account for the three year window in which existing enclosures may continue to be used. Input received from the breeder community indicates that most enclosures are already replaced around five years. The rules are designed to allow for existing breeders to recover as much of their capital investment in their facilities as possible. During the implementation period, all breeders will still be required to meet all health requirements, and the health of the

dogs will not be negatively impacted.

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**

Failure to comply with this rule could result in civil penalties as provided for in R.C. 956.13 and proposed 901:1-6-10.

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

High volume breeders must expand or improve housing facilities that do not meet the proposed standards.