



Office of Small Business and Entrepreneurship
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August 12, 2016

Sarah Simpson, JD
Director of Legal Affairs, Licensing and Enforcement
Indiana Board of Animal Health
Discovery Hall, Suite 100
1202 East 38th Street
Indianapolis, IN 46205

Dear Ms. Simpson,

Pursuant to IC 4-22, the Indiana Office of Small Business and Entrepreneurship (OSBE) has reviewed the economic impact analysis for small business associated with rule changes contained in LSA Document 16-221 proposed by the Indiana Board of Animal Health (BOAH). The proposed rule amends 345 IAC 2-7-3 to change the deadline for a hunting preserve to submit Chronic Wasting Disease (CWD) samples to an approved laboratory. Adds 345 IAC 2-9-1 to include definitions for the hunting preserve rule. Adds 345 IAC 2-9-2 to establish licensing and inspection requirements for hunting preserves. Adds 345 IAC 2-9-3 to set forth the requirements for a licensed owner to issue special hunting permits. Adds 345 IAC 2-9-4 to establish the signage requirements for hunting preserves. Adds 345 IAC 2-9-5 to state the recordkeeping requirements for hunting preserves. Adds 345 IAC 2-9-6 to clarify when a hunting preserve may cull permitted animals from the preserve without obtaining a special hunting permit. Adds 345 IAC 2-9-7 to set forth the requirements governing the use of a permitted animal for food after the animal has been sedated or treated with medications. Adds 345 IAC 2-9-8 to state the violations for failure to comply with the hunting preserve rule. Effective 30 days after filing with the publisher.

The economic impact statement prepared by BOAH states the proposed rule will impose an economic impact on small businesses under IC 4-22-2.1-5. The proposed rule does increase annual reporting, record keeping, and other administrative costs for regulated entities. These reporting and record keeping requirements do not go beyond what is required by Senate Enrolled Act (SEA) 109 and are necessary for enforcing the statutory standards. The rule also has recordkeeping requirements for animals entering and leaving the preserve, but these align with current requirements of BOAH's chronic wasting disease program. With regard to the proposed rule, the BOAH estimates that the total estimated impact (cost) of the rule will be less than \$500,000. The total compliance cost is difficult to ascertain because it is dependent on the number of new hunting preserves that apply for a license. BOAH also notes that, "the proposed rule does not impose costs beyond those specifically required by SEA 109."

In the opinion of BOAH, this proposed rule is necessary to comply with a state mandate. SEA 109 amends state law to mandate that the BOAH issue hunting preserve licenses and conduct annual inspections to ensure that these facilities are complying with certain operating standards. If the BOAH does not proceed with this rulemaking, the agency would not be in compliance with its duty to clearly establish the licensure and inspection process for regulated entities and other stakeholders. IC 15-17-14.7. Because the proposed rule does not impose requirements beyond what is required by SEA 109, BOAH did not examine alternative methods with regard to the rule changes.

Based upon this analysis, OSBE does not object to the economic impact to small business associated with the proposed rule. If you have any questions about the comments contained herein please contact me at 317.232.5679 or ombudsman@osbe.in.gov.

Regards,

A handwritten signature in black ink, appearing to read "R. Warner", written over a horizontal line.

Robert Warner