



# Common Sense Initiative

Mike DeWine, Governor  
Jim Tressel, Lt. Governor

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## Business Impact Analysis

Agency, Board, or Commission Name: ODNR Division of Wildlife

Rule Contact Name and Contact Information: Brian Becker 614-265-6861

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

Reptiles and amphibians.

Rule Number(s): 1501:31-25-04

Date of Submission for CSI Review: June 26, 2025

Public Comment Period End Date: July 17, 2025

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended/ 1 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Rescinded/\_\_\_ rules (FYR?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**

2. **Please briefly describe the draft regulation in plain language.**

***Please include the key provisions of the regulation as well as any proposed amendments.***

This rule amplifies sections 1531.08 and 1533.71 of the Ohio Revised Code and regulates the taking and possession of reptiles and amphibians from the wild in Ohio. The rule establishes season dates, bag limits, methods of take, permits, sales, records, and general regulations regarding possession of native reptile or amphibians.

The proposed change would remove the exemption that allows the sale of snapping and softshell turtles taken from the wild in Ohio.

3. **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.**

Authorized by: 1531.06, 1531.08, 1531.10, 1533.71

Amplifies: 1531.06, 1531.08, 1531.10, 1533.71

4. **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.*

Not applicable.

5. **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.

6. **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 purpose of this regulation is to ensure the sustainability of Ohio reptile and amphibian populations and ensure the protection and preservation of the wildlife and natural resources of this state.

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

The agency will continue to monitor compliance with the regulation through enforcement, facility and permit inspections, monitoring and reviewing violation reports, and comments or concerns from the public.

8. **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 sale of wild-caught snapping and softshell turtles is predominantly a sport fishing regulation. A propagating license is not required for the sale of these species for consumption as food or for the sale of heads, shells, and feet. However, there is an overlap with these species raised and propagated for sale under a commercial propagating license.

On May 22, 2025, the agency emailed the fourteen propagating license holders who listed snapping or softshell turtles on their application. Responses were requested by June 12, 2025.

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

Four stakeholders provided feedback. One stated they had no issues with the changes. One asked questions for clarification about the propagation of turtles at an aquaculture facility. One asked the agency to look at clarifying the existing rules for fishing regulations and propagation. The agency will review propagation and aquaculture rules and consider changes for a future proposal. Notably, not allowing the sale of these species taken from the wild will help separate the wild-caught turtles from those propagated in captivity. One stakeholder suggested that bag limits using a tag or permit may be an effective way to obtain the same result. The agency considered an annual bag limit for these species. However, there are no other annual or seasonal bag limits for species taken with a fishing license. Annual bag limit compliance (using tags or a permit) would be monitored through a reporting system (like deer or turkey) and would create more regulations, adding additional requirements for the impacted community.

**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?**

A survey of Ohio anglers conducted as part of the fishing license purchase process in 2020 and 2021 indicated that only 2.7% of licensed anglers ever target turtles or frogs, and < 1% buy a license specifically to harvest turtles or frogs.

A survey of Ohio turtle harvesters conducted in 2019 indicated that turtle harvesters make very few trips to harvest turtles (5 days on average) and ultimately harvest very few snapping turtles (median = 2 per person per year) and even fewer softshell turtles (median = 0 per person per year). Also, less than 1% of turtle harvesters indicated that they ever sell the turtles they harvest.

Collectively, these data indicate that very few wild snapping and softshell turtles are harvested in Ohio and only a fraction of those turtles are subsequently being sold. We estimate that 100-200 licensed Ohio anglers sell at least one turtle they harvest every year. The sale of wild-caught snapping and softshell turtles is suspected to happen at a small scale but is not believed to be a widespread industry.

- 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.*

The agency considered an annual bag limit for these species. However, there are no other annual bag limits for species taken with a fishing license. Annual bag limit compliance would be monitored through a reporting system (like deer or turkey) and would create more regulations, adding additional requirements for the impacted community.

A performance-based regulation is not applicable in this situation.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

The ODNR Division of Wildlife is the sole agency with authority under the Ohio Revised Code to regulate the taking and possession of native reptiles and amphibians. The other laws and rules under the authority of the ODNR Division of Wildlife were reviewed to avoid conflict

- 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.**

Regulations will be applied consistently to the regulated community through the permitting process and publication in the Ohio Fishing Regulations. It is anticipated this rule change will have little adverse impact on the business community.

### **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**

Any person desiring to engage in the business of raising and selling reptiles and amphibians in a wholly enclosed preserve or to have reptiles and amphibians in captivity, must have a propagating license to do so per Ohio Revised Code 1533.71. There were fourteen license holders that listed snapping or softshell turtles on their most recent application.

- 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.***

Under section 1533.71 of the Revised Code, a commercial propagating license is required to engage in the business of raising and selling reptiles and amphibians in a wholly enclosed preserve. The fee for this license is forty dollars. Record keeping is an established business practice, and the required records are consistent with normal business practices and has minimal additional impact on the business community. No additional fees or records keeping requirements are included within the proposed rule changes. Regulations under this section are already in place, including penalties. The penalties for violating the regulatory sections are a misdemeanor of the fourth degree or a felony of the fifth degree if the violation involves the buying, selling, or offering for sale of any wild animals or parts of wild animals, the minimum value of which animals or parts, in the aggregate, is one thousand dollars or more as established under section 1531.201 of the Revised Code. These penalties are established in section 1531.99 of the Revised Code.

**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 proposed changes will reduce the regulatory burden. The sale of snapping and softshell turtles taken from the wild is primarily a sport fishing regulation.

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The agency is considering prohibiting the sale of wild-caught snapping and softshell turtles. This change would not affect snapping and softshell turtles legally propagated in captivity under a commercial propagating license.

Currently, anyone possessing a valid Ohio fishing license can harvest common snapping turtles, spiny softshell turtles, and smooth softshell turtles with a straight-line carapace length of 11 or more inches from July 1 to December 31. These turtles are the only species that can be legally sold when harvested with a fishing license. It is illegal for anglers to sell wild fish or frogs harvested with a fishing license in Ohio. In addition, none of Ohio's neighboring states allow the commercial sale of wild-caught turtles.

Eliminating the sale of wild-caught snapping turtles and softshell turtles will make the rules for these turtles more consistent with those of fish and frogs harvested with a fishing license, and with the regulations for these turtles in neighboring states. This change will also more closely align the rules for snapping and softshell turtles with collectible reptiles. Collectible reptiles taken from the wild cannot be sold, but those propagated in captivity can be sold under a commercial propagating license.

This change will remove a harvest incentive, enhancing the protections in place for these species. Based on the existing regulations, the agency does not believe this change will have a significant adverse impact on the business community.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No alternatives exist.

**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?**

Enforcement action by law enforcement is reserved for egregious violations and only after consultation with the prosecuting attorney. First-time offenders of record-keeping requirements will be provided guidance on proper record-keeping requirements and warned of the violations.

**20. What resources are available to assist small businesses with compliance of the regulation?**

Businesses may consult the ODNR Division of Wildlife for guidance by personally contacting the wildlife officer assigned to their county of operation. They may also visit or call any of the five district offices, the Lake Erie office, or the headquarters. Information is also available online and through email. Sport fishing turtle regulations are published annually in the Ohio Fishing Regulations (Publication 5084).