

*****DRAFT - NOT FOR FILING*****

901:5-42-01 Designation of destructive or dangerously harmful plant pests.

(A) For the purposes of Chapter 927. of the Revised Code and as provided for in division (A) of section 927.70 of the Revised Code, the director of agriculture hereby designates as destructive or dangerously harmful plant pests the following:

- (1) Raccoon dog (*Nyctereutes procyonoides*);
- (2) Monk parakeet (*Miopsitta monachus*); and
- (3) Blacktail prairie dog (*Cynomys ludovicianus*).

(B) Except as provided in paragraph (C) of this rule, ~~No~~ no person shall knowingly permit any plant pest designated as destructive or dangerously harmful in paragraph (A) of this rule to exist in or on his premises or infest any article or commodity in his possession. ~~with the following exceptions:~~

- ~~(1) Monk parakeets which have had their wings clipped and maintained in such condition or are otherwise incapable of free flight; and,~~
- ~~(2) Blacktail prairie dogs which have been sterilized or are incapable of producing offspring; or,~~
- ~~(3) When authorized by the director of agriculture after determining that the possession of pest designated in this rule will not pose undue risk of escape or of procreation.~~

(C) An individual may possess a plant pest designated in paragraph (A) of this rule under the following circumstances:

- (1) Monk parakeets which have had their wings clipped and maintained in such condition or are otherwise incapable of free flight;
- (2) Blacktail prairie dogs which have been sterilized or are incapable of producing offspring; or,
- (3) When authorized by the director of agriculture after determining that the possession of pest designated in this rule will not pose undue risk of escape or of procreation.

~~(D)~~ (D) Whenever the director or his authorized representative, ~~in accordance with Section 14 of Article I, Ohio Constitution,~~ finds any article or commodity to be infested or has reason to believe it to be infested, or finds that a pest exists on any premises, or is in transit in this state, he may:

- (1) Upon giving notice to the owner or his agent in possession thereof, seize, quarantine, treat, or otherwise dispose of such pest, article, or commodity in such manner as he determines necessary to suppress, control, eradicate, or to prevent or retard the spread of a pest;
- (2) In the event the owner or his agent refuses to allow the director or his designee access to the premises, order such owner or agent to so treat or otherwise dispose of the pest, article, or commodity.

~~(E)~~ (E) If the owner or person in charge of a premise refuses or neglects to carry out the orders of the director within seven days after receiving written notice, the director may treat the premises; or apply any other preventive or remedial measure which he determines necessary. The expense of any such preventive or remedial measures shall be assessed, collected, and enforced, as taxes are assessed, collected, and enforced, against the premises upon which such expense was incurred. The amount of such expense when collected

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shall be paid to the director and by him deposited with the treasurer of state.