



## REQUEST FOR PUBLIC COMMENT Amusement Ride Safety – Five Year Rule Review and H.B. 49 Rule Changes

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through August 25, 2017.** Comments may be emailed to [ecomments@agri.ohio.gov](mailto:ecomments@agri.ohio.gov) or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

The rules in Chapter 901:9-1 of the Ohio Administrative Code (“OAC”) regulate amusement rides in the state of Ohio. Amusement rides are defined as “any mechanical, aquatic, or inflatable device, or combination of those devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing amusement, pleasure, or excitement.” See 1711.50. The Ohio Department of Agriculture (“Department”) is responsible for adopting rules for the safe operation and inspection of all amusement rides as necessary for amusement ride safety and for the protection of the public. The rules contained in this chapter have been proposed as a result of a combination of legislative amendments and the five year rule review process. The rules and their amendments are more specifically outlined below:

House Bill 49 of the 132nd General Assembly amended portions of the Amusement Ride laws found in Chapter 1711. of the Revised Code. The amendments removed the statutory inspection fee for inflatable devices and required the Department to adopt this fee in rules. Further, the legislative amendment required that the inspection fee be based off of the reasonable cost of an inflatable inspection and be less than \$105. **OAC 901:9-1-01** has been amended to comply with this statutory requirement. The Department conducted a review of the costs associated with inspecting inflatables. Due to the methods in which inflatable companies have requested inspection the cost has varied significantly. The Department compiled information and determined that the average cost of the inspection of an inflatable was greater than \$105. However, as stated above, the legislative amendments required that the inspection fee be less than \$105. Therefore, the Department established an inspection fee of \$104. The rule also establishes a 365-day licensing term for inflatable rides. OAC 901:9-1-01 was also reviewed for purposes of the five year rule review. In order to make the rule easier to read, a significant amount of formatting changes were made. As a result of these changes, OAC 901:9-1-01 has been proposed to be rescinded and replaced with the new OAC 901:9-1-01.

**OAC 901:9-1-06** has been amended to make a code reference change. Due to the changes proposed in OAC 901:9-1-01 a code reference in OAC 901:9-1-06 required change.

**OAC 901:9-1-09** is also up for five year rule review. The rule sets the schedule of fines for violations to Chapter 1711 of the Revised Code and the rules in OAC Chapter 901:9-1. The rule has been amended to remove statutory references which were unnecessary to the intent of the rule. No substantive changes were made to this rule.



**OAC 901:9-1-14.1** is up for five year rule review. The rule regulates ultraviolet disinfection systems for full body contact aquatic devices. The rule has been amended to delete former deadlines which have since passed. No substantive changes have been made.

**OAC 901:9-1-47** is up for five year rule review. The rule exempts rides which are powered solely through a three prong plug connected to an existing and permanent 110-volt outlet. The rule is being amended to comply with LSC's guide to administrative rule drafting. No substantive changes have been made.

