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Sequence Number: 09-08-18
Notice ID(s): 2904-2907
File Date: 9/7/18

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Department of Agriculture
Division:	Consumer & Industry Services
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Liz Sneed
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Tennessee Department of Agriculture, Porter Building Conference Room 2		
Address 2:	436 Hogan Road		
City:	Nashville, Tennessee		
Zip:	37220		
Hearing Date :	Tuesday, October 30, 2018		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> _x_ CST/CDT	<input type="checkbox"/> _EST/EDT

Additional Hearing Information:

This rule is intended to clarify requirements for import, export, and movement of dogs and cats within the state and for licensure as a dog and cat dealer. The rule also removes the following requirements as unnecessary or unduly burdensome: health certificates for dogs and cats imported into the state, and tuberculosis testing and microchipping of primates moved within the state.

Revision Type (check all that apply):

- ☒ Amendment
☒ New
☒ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0080-01-03	Civil Penalties
Rule Number	Rule Title

0080-01-03-.01	Civil Penalties
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Chapter Number	Chapter Title
0080-02-01	Health Requirements for Admission and Transportation of Livestock and Poultry
Rule Number	Rule Title
0080-02-01-.01	Definitions
0080-02-01-.11	Repeal
0080-02-01-.18	Repeal

Chapter Number	Chapter Title
0080-02-12	Dogs and Cats
Rule Number	Rule Title
0080-02-12-.01	Scope
0080-02-12-.02	Definitions
0080-02-12-.03	Transport
0080-02-12-.04	Disease Programs and Testing Requirements
0080-02-12-.05	Quarantine Areas
0080-02-12-.06	Orders
0080-02-12-.07	Violations

Chapter Number	Chapter Title
0080-02-15	Dog and Cat Dealers
Rule Number	Rule Title
0080-02-15-.01	Scope
0080-02-15-.02	Definitions
0080-02-15-.03	License Application and Fees
0080-02-15-.04	Reports and Records
0080-02-15-.05	Animal Identification
0080-02-15-.06	Transport
0080-02-15-.07	Inspections
0080-02-15-.08	Orders
0080-02-15-.09	Violations
0080-02-15-.10	Repeal
0080-02-15-.11	Repeal

New

Chapter 0080-02-12
Dogs and Cats

0080-02-12-.02 Definitions.

- (1) Terms in this chapter share those meanings of terms set forth in T.C.A. §44-2-101.
- (2) When used in this chapter, unless the context requires otherwise:
 - (a) Act means title 44, chapter 2, part 1 of Tennessee Code;
 - (b) Move, ship, transport, or words of similar import mean to relocate in any manner an item from one real property to another; and,
 - (c) Vaccine, vaccination, or words of similar import mean any preparation used as a preventative inoculation to confer immunity against a specific disease, administered under direction of a licensed veterinarian in accordance with customary practices of veterinary medicine.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-12-.03 Transport.

- (1) Import.
 - (a) Dogs. If a dog is older than three months of age, its import must be accompanied by proof of current rabies vaccination for the animal.
 - (b) Cats. If a cat is older than six months of age, its import must be accompanied by proof of current rabies vaccination for the animal.
 - (c) Import of any dog or cat into the state must comply with current federal movement requirements compiled at 9 C.F.R. §§ 3.13 – 3.19.
 - (d) A person shall not import any dog or cat infected with disease unless accompanied by written authorization from the state veterinarian.
 - (e) A person shall not import any dog or cat that originated from or is shipped through a quarantine area unless accompanied by written authorization from the state veterinarian.
 - (f) Absent extraordinary circumstances, the state veterinarian will not authorize import of diseased or quarantined dogs or cats except for research, destruction, or emergency purposes.
- (2) Export of any dog or cat must comply with current federal movement requirements compiled at 9 C.F.R. §§ 3.13 – 3.19 and state regulatory requirements for any state through which the export passes.
- (3) Movement within the state. [RESERVED]

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-12-.04 Disease Programs and Testing Requirements.

- (1) The department deems the following diseases in dogs and cats to be subject to state control programs:
 - (a) Rabies; and,
 - (b) Any disease for which the federal government has established a control program in dogs or cats.
- (2) The department may order the destruction of any animal infected with a disease identified under this rule.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-12-.05 Quarantine Areas.

- (1) Designated quarantine areas. [RESERVED]
- (2) Temporary quarantine of non-designated areas.
 - (a) The department may temporarily quarantine any non-designated area upon written notice to its owner or upon general publication if:
 1. Significant symptoms or indicators of disease commonly affecting dogs or cats are observed within the area;
 2. Dogs or cats infected with or exposed to disease are shipped into the area; or,
 3. Any dog or cat shipped into the area shares a common container, vessel, producer, or shipper with dogs or cats found to be infected with disease.

- (b) The department may lift the temporary quarantine of a non-designated area if after due inspection the suspected disease is not observed within the area and there exists no reasonable cause to continue the quarantine.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-12-.06 Orders.

- (1) The department may issue an order for the stop movement, testing, treatment, or destruction of any dog or cat within the state that is found to be diseased or moved in violation of the Act or this chapter.
- (2) An order may be lifted by the department when the dog or cat that is subject to the order is tested, treated, returned, or destroyed as directed by the department at the owner's or possessor's expense. If the dog or cat is not tested, treated, or returned as ordered by the department within 10 days of the order being issued, the department may order the animal confiscated or destroyed in accordance with the Act and this chapter at the owner's expense.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-12-.07 Violations.

- (1) A person is responsible for violation of the Act or this chapter when committed by either the person or his agent.
- (2) Each violation of the Act, this chapter, or departmental order is grounds for issuance of stop movement orders, denial or revocation of any license issued by the department; actions for injunction; confiscation or destruction of animals in accordance with the Act and this chapter; and imposition of civil penalties or criminal charges against the violator.
- (3) The department may refer to law enforcement officials for animal cruelty investigation any person who unreasonably fails to provide appropriate care for dogs or cats in his possession.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Amendments

Chapter 0080-01-03
Civil Penalties

Subparagraph 0080-01-03-.01(1)(n) Prevention and Treatment of Animal Diseases; Tennessee Garbage Feeding Law; Registration of Cattle Brands; Tennessee Livestock Dealer Act; and Livestock Sales is amended by deleting the subparagraph in its entirety and substituting instead the following language so that, as amended, the subparagraph shall read:

- (n) Prevention and Treatment of Animal Diseases; Tennessee Garbage Feeding Law; Registration of Cattle Brands; Tennessee Livestock Dealer Act; and Livestock Sales.
1. T.C.A. §44-2-103. Minimum penalty \$0. Maximum penalty \$500.
 2. T.C.A. §44-2-404. Minimum penalty \$0. Maximum penalty \$500.
 3. T.C.A. §44-7-206. Minimum penalty \$0. Maximum penalty \$500.
 4. T.C.A. §44-7-208. Minimum penalty \$0. Maximum penalty \$500.

5. T.C.A. §44-7-403. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §44-10-203. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §44-10-206. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §44-11-102. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §44-11-105. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §44-11-106. Minimum penalty \$0. Maximum penalty \$500.
11. T.C.A. §44-11-107. Minimum penalty \$0. Maximum penalty \$500.
12. T.C.A. §44-11-108. Minimum penalty \$0. Maximum penalty \$500.
13. T.C.A. §44-11-109. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-02-01-.02. Minimum penalty \$0. Maximum penalty \$500.
15. Tenn. Comp. R. & Regs. 0080-02-01-.03. Minimum penalty \$0. Maximum penalty \$500.
16. Tenn. Comp. R. & Regs. 0080-02-01-.04. Minimum penalty \$0. Maximum penalty \$500.
17. Tenn. Comp. R. & Regs. 0080-02-01-.05. Minimum penalty \$0. Maximum penalty \$500.
18. Tenn. Comp. R. & Regs. 0080-02-01-.06. Minimum penalty \$0. Maximum penalty \$500.
19. Tenn. Comp. R. & Regs. 0080-02-01-.07. Minimum penalty \$0. Maximum penalty \$500.
20. Tenn. Comp. R. & Regs. 0080-02-01-.08. Minimum penalty \$0. Maximum penalty \$500.
21. Tenn. Comp. R. & Regs. 0080-02-01-.09. Minimum penalty \$0. Maximum penalty \$500.
22. Tenn. Comp. R. & Regs. 0080-02-01-.10. Minimum penalty \$0. Maximum penalty \$500.
23. Tenn. Comp. R. & Regs. 0080-02-01-.12. Minimum penalty \$0. Maximum penalty \$500.
24. Tenn. Comp. R. & Regs. 0080-02-01-.14. Minimum penalty \$0. Maximum penalty \$500.
25. Tenn. Comp. R. & Regs. 0080-02-01-.17. Minimum penalty \$0. Maximum penalty \$500.
26. Tenn. Comp. R. & Regs. 0080-02-03-.01. Minimum penalty \$0. Maximum penalty \$500.
27. Tenn. Comp. R. & Regs. 0080-02-03-.03. Minimum penalty \$0. Maximum penalty \$500.
28. Tenn. Comp. R. & Regs. 0080-02-03-.04. Minimum penalty \$0. Maximum penalty \$500.
29. Tenn. Comp. R. & Regs. 0080-02-03-.05. Minimum penalty \$0. Maximum penalty \$500.
30. Tenn. Comp. R. & Regs. 0080-02-03-.06. Minimum penalty \$0. Maximum penalty \$500.
31. Tenn. Comp. R. & Regs. 0080-02-03-.07. Minimum penalty \$0. Maximum penalty \$500.
32. Tenn. Comp. R. & Regs. 0080-02-03-.08. Minimum penalty \$0. Maximum penalty \$500.
33. Tenn. Comp. R. & Regs. 0080-02-03-.09. Minimum penalty \$0. Maximum penalty \$500.
34. Tenn. Comp. R. & Regs. 0080-02-03-.10. Minimum penalty \$0. Maximum penalty \$500.

35. Tenn. Comp. R. & Regs. 0080-02-03-.11. Minimum penalty \$0. Maximum penalty \$500.
36. Tenn. Comp. R. & Regs. 0080-02-04-.02. Minimum penalty \$0. Maximum penalty \$500.
37. Tenn. Comp. R. & Regs. 0080-02-05-.03. Minimum penalty \$0. Maximum penalty \$500.
38. Tenn. Comp. R. & Regs. 0080-02-05-.04. Minimum penalty \$0. Maximum penalty \$500.
39. Tenn. Comp. R. & Regs. 0080-02-05-.05. Minimum penalty \$0. Maximum penalty \$500.
40. Tenn. Comp. R. & Regs. 0080-02-05-.06. Minimum penalty \$0. Maximum penalty \$500.
41. Tenn. Comp. R. & Regs. 0080-02-05-.07. Minimum penalty \$0. Maximum penalty \$500.
42. Tenn. Comp. R. & Regs. 0080-02-05-.08. Minimum penalty \$0. Maximum penalty \$500.
43. Tenn. Comp. R. & Regs. 0080-02-05-.09. Minimum penalty \$0. Maximum penalty \$500.
44. Tenn. Comp. R. & Regs. 0080-02-05-.10. Minimum penalty \$0. Maximum penalty \$500.
45. Tenn. Comp. R. & Regs. 0080-02-05-.12. Minimum penalty \$0. Maximum penalty \$500.
46. Tenn. Comp. R. & Regs. 0080-02-06-.01. Minimum penalty \$0. Maximum penalty \$500.
47. Tenn. Comp. R. & Regs. 0080-02-08-.01. Minimum penalty \$0. Maximum penalty \$500.
48. Tenn. Comp. R. & Regs. 0080-02-08-.02. Minimum penalty \$0. Maximum penalty \$500.
49. Tenn. Comp. R. & Regs. 0080-02-08-.03. Minimum penalty \$0. Maximum penalty \$500.
50. Tenn. Comp. R. & Regs. 0080-02-08-.04. Minimum penalty \$0. Maximum penalty \$500.
51. Tenn. Comp. R. & Regs. 0080-02-08-.05. Minimum penalty \$0. Maximum penalty \$500.
52. Tenn. Comp. R. & Regs. 0080-02-08-.07. Minimum penalty \$0. Maximum penalty \$500.
53. Tenn. Comp. R. & Regs. 0080-02-08-.10. Minimum penalty \$0. Maximum penalty \$500.
54. Tenn. Comp. R. & Regs. 0080-02-09-.03. Minimum penalty \$0. Maximum penalty \$500.
55. Tenn. Comp. R. & Regs. 0080-02-10-.01. Minimum penalty \$0. Maximum penalty \$500.
56. Tenn. Comp. R. & Regs. 0080-02-10-.02. Minimum penalty \$0. Maximum penalty \$500.
57. Tenn. Comp. R. & Regs. 0080-02-10-.03. Minimum penalty \$0. Maximum penalty \$500.
58. Tenn. Comp. R. & Regs. 0080-02-10-.04. Minimum penalty \$0. Maximum penalty \$500.
59. Tenn. Comp. R. & Regs. 0080-02-11-.01. Minimum penalty \$0. Maximum penalty \$500.
60. Tenn. Comp. R. & Regs. 0080-02-12-.03. Minimum penalty \$0. Maximum penalty \$500.
61. Tenn. Comp. R. & Regs. 0080-02-13-.01. Minimum penalty \$0. Maximum penalty \$500.
62. Tenn. Comp. R. & Regs. 0080-02-14-.02. Minimum penalty \$0. Maximum penalty \$500.
63. Tenn. Comp. R. & Regs. 0080-02-14-.04. Minimum penalty \$0. Maximum penalty \$500.
64. Standing orders of the state veterinarian. Minimum penalty \$0. Maximum penalty \$500.

Subparagraph 0080-01-03-.01(1)(r) Dogs and Cats is amended by deleting the subparagraph in its entirety and

substituting instead the following language so that, as amended, the subparagraph shall read:

(r) Dog and Cat Dealers.

1. T.C.A. §44-17-103. Minimum penalty \$0. Maximum penalty \$500.
2. T.C.A. §44-17-105. Minimum penalty \$0. Maximum penalty \$500.
3. T.C.A. §44-17-107. Minimum penalty \$0. Maximum penalty \$500.
4. T.C.A. §44-17-108. Minimum penalty \$0. Maximum penalty \$500.
5. T.C.A. §44-17-109. Minimum penalty \$0. Maximum penalty \$500.
6. T.C.A. §44-17-110. Minimum penalty \$0. Maximum penalty \$500.
7. T.C.A. §44-17-111. Minimum penalty \$0. Maximum penalty \$500.
8. T.C.A. §44-17-112. Minimum penalty \$0. Maximum penalty \$500.
9. T.C.A. §44-17-113. Minimum penalty \$0. Maximum penalty \$500.
10. T.C.A. §44-17-114. Minimum penalty \$0. Maximum penalty \$500.
11. Tenn. Comp. R. & Regs. 0080-02-15-.03. Minimum penalty \$0. Maximum penalty \$500.
12. Tenn. Comp. R. & Regs. 0080-02-15-.04. Minimum penalty \$0. Maximum penalty \$500.
13. Tenn. Comp. R. & Regs. 0080-02-15-.06. Minimum penalty \$0. Maximum penalty \$500.
14. Tenn. Comp. R. & Regs. 0080-02-15-.09. Minimum penalty \$0. Maximum penalty \$500.

Authority: T.C.A. §§ 4-3-203 and 4-3-204.

Chapter 0080-02-01
Health Requirements for Admission and Transportation of Livestock and Poultry

Subparagraph 0080-02-01-.01(1)(l) Domestic Animals is amended by deleting the phrase “dogs, cats,” so that, as amended, the subparagraph shall read:

- (l) Domestic Animals – Shall include cattle, bison, horses, mules, asses, sheep, goats, swine, avian species, and all Class III animals as defined by T.C.A. §70-4-403(3).

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Chapter 0080-02-12
Dogs and Cats

Chapter 0080-02-12 Regulations for Feeder Swine is amended by re-titling the chapter “Dogs and Cats”.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-12-.01 Repealed is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-12-.01 Scope.

- (1) This chapter applies to any person who owns or possesses dogs or cats within the state or exported from the state.
- (2) The department is authorized to enter any premises or conveyance reasonably believed to pose an animal disease concern and to order the examination, testing, vaccination, destruction, and sanitary disposition of any animal within the state in accordance with the Act and this chapter.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Chapter 0080-02-15
Dog and Cat Dealers

Rule 0080-02-15-.01 Application is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.01 Scope.

- (1) This chapter applies to any person who buys or sells dogs or cats for resale in commerce; any person who sells dogs or cats at a flea market; any person who provides services in commerce for dogs or cats used for research purposes; and any person who conducts research on dogs or cats.
- (2) Persons licensed under this chapter shall be responsible for dealer operations under their license until it expires or until the department receives written notification from the licensee desiring to terminate the license. The department shall not refund fees for early termination of any license issued under this chapter.
- (3) Licenses issued under this chapter are not transferable from person to person or location to location.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.02 Fees is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.02 Definitions.

- (1) Terms in this chapter share those meanings of terms set forth in T.C.A. §44-17-102.
- (2) When used in this chapter, unless the context requires otherwise:
 - (a) 25 or more dogs or cats within the definition of "dealer" under the Act refers to one cumulative total of animals and not separate totals for each type of animal. For example a person who buys 20 dogs and 20 cats in the same calendar year for resale within the state is a dog and cat dealer;
 - (b) Act means title 44, chapter 17, part 1 of Tennessee Code;
 - (c) Buying or selling for resale means a non-breeder's sale of a dog or cat in commerce, within 60 days of acquiring the animal;
 - (d) For research purposes means in commerce with a research facility;
 - (e) Incorporated entity means any entity that is not an individual;
 - (f) License means a valid license or registration issued under this chapter;
 - (g) Move, distribute, transport, or words of similar import mean to relocate in any manner an item

from one real property to another;

- (h) Sample or sampling means any biological material taken from an animal by the department or under direction of a duly authorized federal or state animal health official;
- (i) School, hospital, laboratory, institution, organization or person within the definition of "research facility" under the Act means any person having physical research facilities within the state; and,
- (j) Vaccine, vaccination, or words of similar import mean any preparation used as a preventative inoculation to confer immunity against a specific disease, administered under direction of a licensed veterinarian in accordance with customary practices of veterinary medicine.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.03 Conditions for Granting a License is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.03 License Application and Fees.

- (1) All persons to whom these rules apply shall obtain a license in accordance with this chapter prior to conducting any activity for which a license is required.
- (2) A dog and cat dealer license is not required for:
 - (a) Import, export, or transport of dogs or cats for non-commercial purposes;
 - (b) Governmental agencies;
 - (c) Non-profit organizations with proof of current 501(c)3 status;
 - (d) Breeder sales of dogs or cats;
 - (e) Adoption of a dog or cat where only administrative and veterinary care fees are charged for adoption of the animal; or,
 - (f) Any person buying dogs or cats as an end consumer (i.e. to hold for more than 60 days).
- (3) Application for any license under this chapter shall be made on forms provided by the department, which shall be completed in full and may include:
 - (a) Name of the applicant;
 - (b) Date of birth of any applicant who is an individual or a partner in a general partnership;
 - (c) Proof of one of the following for any applicant who is not an individual or a partner in a general partnership:
 - 1. Applicant's registration in its state of incorporation; or,
 - 2. Applicant's business license issued by a local governmental authority;
 - (d) Contact information for applicant, to include name of person legally responsible for applicant's operations, telephone number, email address, and address of the principal place of business;
 - (e) Address of any location to be licensed for holding of dogs or cats for commercial or research purposes;
 - (f) Vehicle identification number of any vehicle to be registered for transport of dogs or cats for commercial or research purposes; and,

- (g) Other information as required by the department.
- (4) Licensees shall notify the department of any changes to the information or contents of an application within 30 days after the change takes place.
- (5) Applicants for licensure shall include with their application payment of an annual license fee as required under the Act for the following categories of dog and cat dealer licenses.
 - (a) Research Seller. A research seller license is required per person per location where the person holds any dog or cat for sale to a research facility within the state.
 - (b) Wholesaler. A wholesaler license is required per person per location where a non-breeder holds dogs or cats and sells 25 or more of the animals to incorporated entities, within 60 days of acquiring the animals and in the same calendar year. For enforcement of the Act and this chapter, sales between non-breeders and incorporated entities are deemed wholesale transactions.
 - (c) Retailer. A retailer license is required per person per location where a non-breeder holds dogs or cats and sells 25 or more of the animals to individuals, within 60 days of acquiring the animals and in the same calendar year. For enforcement of the Act and this chapter, sales between non-breeders and individuals are deemed retail transactions. The fee for a retailer license is based on the number of dogs or cats sold by the retailer during the previous calendar year (January 1 – December 31). For any applicant who was not licensed in the previous calendar year, the license fee shall be determined based on sales of up to 50 animals.
 - (d) Transporter. A transporter license is required for any person who transports or boards a dog or cat in commerce for a research facility within the state; or for any non-breeder who sells or offers for sale a dog or cat at a flea market.
 - (e) Research Facility Registration. A research facility registration is required for any research facility in the state that purchases, boards, or transports dogs or cats for research. There is no fee for research facility registration.
- (6) Prior to approval of any application under this rule, an applicant must undergo departmental inspection and demonstrate compliance with current standards set forth under 9 C.F.R. Part 3, Subpart A – Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats.
- (7) A person shall be ineligible for a dog and cat dealer license if the person or any person in his employ has been convicted of an animal cruelty offense under any state or federal jurisdiction.
- (8) Applicants for licensure shall submit the appropriate license fee and annual report to the department on or before July 1 of each year. Any person who fails to comply shall be required to undergo initial inspection and to pay initial license fees under the Act prior to reissuance of the applicant's dog and cat dealer license. All dog and cat dealer licenses shall expire on June 30 following their issuance.
- (9) The department may deny any application for licensure that is not completed in accordance with this rule.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-.15-.04 Duration of License and Termination of License is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.04 Reports and Records.

- (1) Reports.
 - (a) In addition to all information required under T.C.A. §44-17-108, a licensee shall report the number of dogs and cats that the licensee sold within 60 days of each animal's acquisition during the

previous calendar year.

- (b) Licensees shall file reports annually with the department upon renewal of their license, and shall have semi-annual report information available for inspection upon request and reasonable notice from the department.

(2) Records.

- (a) Licensees shall keep and maintain at each licensed location records for each dog or cat purchased, sold, transported, or held for commercial or research purposes. The records shall include:
 - 1. A description sufficient to identify the animal, including known or approximate age, size, color marking, breed estimation, sex, and official identification number, chip implantation, or tattoos;
 - 2. Known vaccination records for the animal, including type of vaccine, accredited veterinarian administering the vaccine, and date the vaccination was last administered to the animal;
 - 3. Name and address of the person from whom the animal was acquired;
 - 4. Date the animal was acquired;
 - 5. Name and address of the person to whom the animal was sold;
 - 6. Date the animal was sold; and,
 - 7. Bill of sale information as required under T.C.A. §44-17-113.
- (b) Licensees shall maintain records required under this rule for a period of two years.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.05 Denial of Initial License Application is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.05 Animal Identification. [RESERVED]

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.06 Compliance with Standards is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.06 Transport.

- (1) For any vehicle a licensee uses to convey dogs or cats for commercial or research purposes, the licensee shall conspicuously post on the vehicle "Dogs and Cats On Board" in print that is at least four inches tall.
- (2) Licensees shall comply with all import, export, and movement requirements under chapter 0080-02-12 Dogs and Cats.
- (3) Licensees shall comply with current standards for transportation of dogs and cats set forth under 9 C.F.R. Part 3, Subpart A – Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.07 Access and Inspection of Records and Property is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.07 Inspections.

- (1) The department may enter any location or conveyance during normal business hours where the department has reason to believe that dogs or cats are held for commercial or research purposes. The department may enter such place for purposes of inspecting and sampling dogs and cats as necessary for the prevention of spreading disease; for examination and copying of records; and for evaluation of sanitation and treatment as necessary to determine compliance with the Act and this chapter.
- (2) The department may conduct inspections under this chapter as often as the department deems necessary for the prevention of spreading disease.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.08 Inspection for Missing Animals is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.08 Orders.

- (1) The department may issue an order for the stop movement, testing, treatment, or destruction of any dog or cat within the state that is found to be diseased or moved in violation of the Act or this chapter.
- (2) An order may be lifted by the department when the dog or cat that is subject to the order is tested, treated, returned, or destroyed as directed by the department at the owner's or possessor's expense. If the dog or cat is not tested, treated, or returned as ordered by the department within 10 days of the order being issued, the department may order the animal confiscated or destroyed in accordance with the Act and this chapter at the owner's expense.
- (3) Any licensee aggrieved by an order of the department issued under the Act or this chapter may petition the department for review of the order under the Uniform Administrative Procedures Act. Petitions for review of a departmental order must be submitted to the department in writing within 10 days of the order being issued. If no petition is filed with the department within the 10 day period, the department's order shall become final and will not be subject to review.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

0080-02-15-.09 Confiscation and Destruction of Animals is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

0080-02-15-.09 Violations.

- (1) Requirements of Licensees.
 - (a) In addition to other requirements of this chapter, licensees shall:
 1. Comply with current standards set forth under 9 C.F.R. Part 3, Subpart A – Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats, including performance of proper sanitation measures for the control of animal disease, and provision of adequate yarding, housing, holding, exercise, care, and feeding of dogs and cats;
 2. Conduct dealer operations only within a permanent structure or building at a location

licensed by the department;

3. Maintain areas where dogs or cats are housed so as to be readily accessible for inspection;
4. Maintain records required under this chapter so as to be readily available for inspection;
5. Comply with any order issued by the department for the prevention of animal disease or humane treatment of dogs or cats; and,
6. Give full information as to the source of dogs or cats currently or previously held for commercial or research purposes.

(b) In addition to other requirements of this chapter, licensees shall not:

1. Sell, offer for sale, or move a dog or cat obtained without the consent of its owner;
2. Be convicted of an animal cruelty offense under any state or federal law;
3. Employ a person convicted of an animal cruelty offense under any state or federal law;
4. Provide false or misleading information or records to the department;
5. Interfere with an authorized representative of the department in the performance of his duties; or,
6. Sell, offer for sale, or move any diseased dog or cat for commercial or research purposes without written authorization from the department.

- (2) A person is responsible for violation of the Act or this chapter when committed by either the person or his agent.
- (3) Each violation of the Act, this chapter, or departmental order issued under this chapter is grounds for issuance of stop movement orders, denial or revocation of any license issued by the department; actions for injunction; confiscation of animals; and imposition of civil penalties or criminal charges against the violator.
- (4) When the department has reason to believe that violation of the Act, this chapter, or departmental order unreasonably threatens the health or well-being of a dog or cat, upon notice to the animal's owner that is substantially consistent with T.C.A. §39-14-210, the department may designate its authority to confiscate and care for the animal to any society for prevention of cruelty to animals or law enforcement official.
- (5) The department may refer to law enforcement officials for animal cruelty investigation any person who unreasonably fails to provide appropriate care for dogs or cats in his possession.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Repeal

Chapter 0080-02-01

Health Requirements for Admission and Transportation of Livestock and Poultry

Rule 0080-02-01-.11 Dogs and Cats is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-01-.18 Primates is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Chapter 0080-02-15
Dog and Cat Dealers

Rule 0080-02-15-.10 Records is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

Rule 0080-02-15-.11 Transportation of Dogs and Cats is repealed in its entirety.

Authority: T.C.A. §§ 4-3-203 and 44-17-118.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: September 6, 2018

Signature: _____

Name of Officer: Jai Templeton

Title of Officer: Commissioner

Subscribed and sworn to before me on: September 6, 2018

Notary Public Signature: _____

My commission expires on: 07/05/2021



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Filed with the Department of State on: _____

9/7/18
Tre Hargett

Tre Hargett
Secretary of State

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