

Rulemaking Hearing Rules  
of the  
Tennessee Department of Agriculture

Chapter 0080-2-15

Dog and Cat Dealers

New Rules

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0080-2-15-.01 Application

- (1) Any person operating or desiring to operate as a dealer, except persons who are exempted by this chapter must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form furnished by the Commissioner. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the Commissioner.
- (2) Any person operating or desiring to operate as a dealer at more than one physical location must apply for and obtain a separate license for each location.
- (3) The following persons are exempt from the licensing requirements of this part:

- (a) Any person who buys or sells fewer than twenty-five (25) dogs or cats in any calendar year for resale within the State of Tennessee or for transportation out of the state.
- (b) Any person who is a not-for-profit corporation or government agency.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

0080-2-15-.02 Fees.

- (1) Each applicant for a license under Tenn. Code Ann. § 44-17-101 et seq. shall pay the appropriate application fee and annual renewal fee as set forth below:
  - (a) Transactions of 25 to 50 animals per year: one hundred and twenty-five dollars (\$125.00)
  - (b) Transactions of 51 to 150 animals per year: two hundred and fifty dollars (\$250.00)
  - (c) Transactions of 151 to 300 animals per year: five hundred dollars (\$500.00)
  - (d) Transactions of 301 to 500 animals per year: seven hundred and fifty dollars (\$750.00)
  - (e) Transactions of more than 500 animals per year: one thousand dollars (\$1,000.00)
- (2) The number of transactions used to determine the amount of the application fee and the annual license renewal fee under this section shall be the number of dogs and cats bought and sold during the last calendar year of the dealers operation. In the case of a new applicant for a license who has no record for the past year, the applicant shall make a reasonable estimate of the number of transactions anticipated during the first year of operation. This estimate will be considered in determining the license fee for the first year.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118

0080-2-15-.03 Conditions for Granting a License

- (1) The Commissioner shall issue a license, renew a license or continue a license if the Commissioner is satisfied that the applicant meets the following conditions:
  - (a) Each applicant must demonstrate that his or her premises and any animals, facilities, vehicles, equipment, or other premises used or intended for use in

the business comply with the standards set forth in 9 CFR Part 3. Each applicant for an initial license or license renewal must make his or her animals, premises, facilities, vehicles, equipment, other premises, and records available for inspection during business hours and at other times mutually agreeable to the applicant and the Commissioner, to ascertain the applicant's compliance with the standards and regulations.

- (b) In the case of an application for an initial license, the applicant must demonstrate compliance with the standards, as required in paragraph (1) of this section, before the Commissioner will issue a license. If the applicant's animals, premises, facilities, vehicles, equipment, other premises, or records do not meet the requirements of this chapter, the Commissioner will advise the applicant of existing deficiencies and the corrective measures that must be completed to come into compliance with the regulations and standards. The applicant will have two more chances to demonstrate his or her compliance with the regulations and standards through re-inspection by the Commissioner.

If the applicant fails the third inspection he or she will forfeit the application fee and cannot re-apply for a license for a period of six (6) months following the third inspection. Issuance of the license shall be denied until the applicant demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, other premises and records are in compliance with all regulations and standards in this chapter.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.04 Duration of License and Termination of License

- (1) A license issued under this part shall be valid and effective unless:
- (a) The license has been revoked or suspended.
  - (b) The license is voluntarily terminated upon request of the licensee, in writing, to the Commissioner.
  - (c) The license has expired or been terminated under this part.
  - (d) The applicant has failed to pay the application fee and annual license renewal fee as required by 0080-2-15-.02. There will be no refund if a license is terminated prior to its expiration date.
- (2) Any person who is licensed must file an application for a license renewal and an annual report as required, and pay the required fees, on or before the expiration date of the present license or the license shall expire and automatically terminate on its anniversary date. Failure to comply with the reporting requirements, or to

pay the required license renewal fees prior to the expiration date of the license, shall result in automatic termination of such license on the anniversary date of the license.

- (3) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license.
- (4) Licenses are issued to specific persons for specific premises and do not transfer upon change of ownership, nor are they valid at a different location.
- (5) Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.
- (6) Any person whose license has been suspended for any reason shall not be licensed in his or her own name or in any other manner within the period during which the order of suspension is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during that period. Any person whose license has been suspended for any reason may apply to the Commissioner, in writing, for reinstatement of his or her license.
- (7) Any person whose license has been revoked shall not be licensed in his or her own name or in other manner, nor will any partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, be licensed.
- (8) Any person whose license has been suspended or revoked shall not buy, sell, transport or deliver for transport, any cats or dogs for any commercial purpose during the period of suspension or revocation.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.05 Denial of Initial License Application

- (1) A license will not be issued to any applicant who:
  - (a) Has not complied with the requirements of this chapter and has not paid the fees indicated in 0080-2-15-.02.
  - (b) Is not in compliance with the regulations and standards as set forth in 9 CFR Part 3.

- (c) Has had a license revoked or whose license is suspended.
  - (d) Has been fined, sentenced to jail, or pled nolo contendere under state, local or federal cruelty to animal laws; or
  - (e) Has made any false or fraudulent statements, or provided any false or fraudulent records to the Commissioner.
- (2) An applicant whose license application has been denied may request a hearing in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. Title 4, Chapter 5, for the purpose of showing why the application for license should not be denied. The denial shall remain in effect until the final legal decision has been rendered. Should the denial be upheld, the applicant may again apply for a license one year from the date of the final order denying the application.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

0080-2-15-.06 Compliance with Standards.

Each dealer licensed under this chapter shall comply in all respects with the regulations of this chapter and the standards set forth in Part 3 of Title 9 of the Code of Federal Regulations as amended, for the humane, care, treatment, housing, and transportation of animals.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118

0080-2-15-.07 Access and Inspection of Records and Property.

- (1) Each dealer shall furnish to the Commissioner any information concerning the business of the dealer, which he may request in connection with the enforcement of the provisions of the Act, these regulations and standards (9 CFR part 3). This information shall be furnished within a reasonable time and as may be specified in the request for information.
- (2) Each dealer shall during business hours allow the Commissioner:
  - (a) To enter its place of business (including any other facilities, buildings, vehicles, etc. used in the furtherance of the business);
  - (b) To examine records required to be kept by the Commissioner and the Act;
  - (c) To make copies of the records;

- (d) To inspect and photograph the facilities, property and animals, as the Commissioner considers necessary to enforce the provisions of the Act, the regulations and the standards; and
  - (e) To document, by the taking of photographs and other means, conditions and areas of noncompliance.
- (3) The dealer shall extend to the Commissioner or his/her representatives the use of a room, table or other facilities necessary for the proper examination of the records and inspection of the property or animals.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.08 Inspection for Missing Animals

- (1) Each dealer shall allow, upon request and during business hours, the Commissioner or his/her representatives and officers of law enforcement agencies with general law enforcement authority to enter his or her place of business (including any other facilities, buildings, vehicles, etc. used in the furtherance of the business) to inspect animals and records for the purpose of seeking animals that are missing, under the following conditions;
- (a) The dealer shall be furnished a written description of the missing animal or animals and the names and addresses of owners.
  - (b) The officers shall abide by all security measures required to prevent the spread of disease, including the practice of appropriate bio-security measures, or measures to prevent the escape of an animal.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.09 Confiscation and Destruction of Animals

- (1) If an animal being held by a dealer is found by the Commissioner to be suffering as a result of the failure of the dealer to comply with any provision of the regulations or the standards set forth in this chapter, the Commissioner shall make a reasonable effort to notify the dealer of the condition of the animal(s) and request that the condition be corrected and that adequate care be given to alleviate the animal's suffering or distress, or that the animal(s) be destroyed by euthanasia. In the event that the dealer refuses to comply with this request, the Commissioner may confiscate the animal(s) for care, treatment, or disposal as indicated in paragraph (2) of this section, if, in the opinion of the Commissioner, the circumstances indicate the animal's health is in danger.

- (2) In the event that the Commissioner is unable to locate or notify the dealer, the Commissioner shall contact a law enforcement agency to accompany him to the premises and shall arrange for adequate care when necessary to alleviate the animal's suffering at the dealer's expense. If in the opinion of the Commissioner, the condition of the animal(s) cannot be corrected by temporary care, the Commissioner shall confiscate the animals.
- (3) Confiscated animals may be placed, by sale or donation, with other licensees or locations approved by the Commissioner, which comply with the standards and regulations and can provide proper care, or they may be euthanized. The dealer from whom the animals were confiscated shall bear all costs incurred in performing the placement or euthanasia activities authorized by this section.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.10 Records

- (1) Each dealer shall keep and maintain records at each licensed location for each animal purchased, acquired, held, transported, sold or otherwise disposed of at that location. The records shall include the following:
  - (a) The name and address of the person from whom each animal was acquired.
  - (b) The date each animal was acquired.
  - (c) A description of each animal showing age, size, color marking, sex, breed, and vaccination information available. Records shall also include any other significant identification for each animal including an official tag number or tattoo.
  - (d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition.
- (2) The semi-annual reports required by Tenn. Code Ann. § 44-17-108 shall be submitted to the Commissioner six (6) months after the date the license is issued and at the annual renewal of the license.

Authority: Tenn. Code Ann. §§ 4-3-203 and 44-17-118.

#### 0080-2-15-.11 Transportation of Cats and Dogs

- (1) Motor vehicles or other conveyances transporting twenty-five (25) or more cats and/or dogs shall post on the drivers side and rear of the vehicle the notification "Dogs and/or Cats On Board," in print not less than four (4) inches in height.

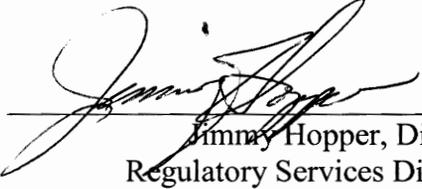
Authority: Tenn. Code Ann. § 44-17-118.

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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

  
Jimmy Hopper, Director  
Regulatory Services Division  
Tennessee Department of Agriculture

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Agriculture on the 1<sup>st</sup> day of April, 2023

Further, I certify that the provisions of Tenn. Code Ann. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 31<sup>st</sup> day of October, 2002 and such notice of rulemaking hearing having been published in the November, 2002, issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 16<sup>th</sup> day of December, 2002.

  
Ken Givens, Commissioner  
Tennessee Department of Agriculture

Subscribed and sworn to before me this the 1 day of April, 2003.

Marie P. Summers  
Notary Public

My commission expires on 3/27/04.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G Summers  
Paul G. Summers  
Attorney General and Reporter

The rulemaking rules set out herein were properly filed in the Department of State on the 28 day of April, 2003 and will become effective on the 12 day of July, 2003.

Riley C Darnell  
Riley C. Darnell  
Secretary of State

By: [Signature]

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