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 File Date: 10/09/2009

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Health
Division:	Bureau of Health Licensure and Regulation Animal Welfare
Contact Person:	Alison G. Cleaves, Chief Deputy General Counsel
Address:	Plaza One, Suite 210, 220 Athens Way, Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Alison.Cleaves@tn.gov

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:	ADA Coordinator at the Division of Health Related Boards
Address:	227 French Landing, Heritage Place, Nashville, Tennessee 37243
Phone:	(615) 532-4397
Email:	

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Iris Conference Room		
Address 2:	227 French Landing, Heritage Place, Nashville, Tennessee 37243		
City:	Nashville, Tennessee		
Zip:	37243		
Hearing Date :	December 17, 2009		
Hearing Time:	9:00AM	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only **ONE** Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
1200-33-01	Commercial Breeders
Rule Number	Rule Title
1200-33-01-.01	Purpose
1200-33-01-.02	Definitions
1200-33-01-.03	Application for Licensure
1200-33-01-.04	Licensure and Renewal
1200-33-01-.05	Fees
1200-33-01-.06	Annual Report
1200-33-01-.07	Inspection of Premises
1200-33-01-.08	Standards of Care

Notice of Rulemaking
for the
Division of Animal Welfare
Bureau of Health Licensure and Regulation

Chapter 1200-33-01
Commercial Breeders

New Rules

1200-33-01-.01	Purpose.
1200-33-01-.02	Definitions.
1200-33-01-.03	Application for License.
1200-33-01-.04	Licensure and Renewal.
1200-33-01-.05	Fees.
1200-33-01-.06	Annual Report.
1200-33-01-.07	Inspection of Premises and Access to Records.
1200-33-01-.08	Standards of Care.

1200-33-01-.01 Purpose.

The rules of this chapter implement the Commercial Breeder Act, T.C.A. § 44-17-701, et. seq.

Authority: T.C.A. § 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.02 Definitions.

In addition to the definitions contained in T.C.A. Section 44-17-702, the following definitions are applicable to this chapter:

- (1) "Applicant" means a person who has submitted or is in the process of submitting a completed application to obtain a commercial breeder's license;
- (2) "Commissioner" means the commissioner of health or the commissioner's designee;
- (3) "Department" means the department of health;
- (4) "Licensee" means a person who holds a current, unexpired license as a commercial breeder issued by the commissioner;
- (5) "Premises" means the indoor or outdoor facilities where the dogs and cats receive shelter, food and other care as well as the real property on which the facilities are located.

Authority: T.C.A. §44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.03 Application for License.

- (1) Any person seeking licensure as a commercial breeder shall complete an application on a form prescribed by the commissioner and submit the completed application to the commissioner.
- (2) Applications for licensure are available upon request from the commissioner.
- (3) Any application submitted which lacks required information or reflects a failure to meet any of the requirements for licensure will be returned to the applicant with written notification of the information that is lacking or the reason(s) the application does not meet the requirements for licensure and will be held in

“pending” status until satisfactorily completed within a reasonable period of time, not to exceed sixty (60) days from the date the application is submitted.

Authority: T.C.A. §§44-17-703(a) and 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.04 Licensure and Renewal.

(1) Licensure.

- (a) A person may submit an application to be licensed as a commercial breeder to the commissioner, along with the required application and initial licensing fee.
- (b) An applicant for licensure shall provide evidence satisfactory to the commissioner that the applicant:
 - (i) Possesses or maintains, under his or her immediate control, twenty (20) or more unsterilized adult female dogs or cats for the purpose of selling the offspring as companion animals;
 - (ii) Has a valid sales tax registration number and is in good standing with the Tennessee department of revenue;
 - (iii) Has never been convicted of a violation of Tenn. Code Ann. §39-14-212 or convicted of any other criminal offense involving an animal provided in Tenn. Code Ann. Title 39, Chapter 14, Part 2, for a period of ten (10) years immediately preceding the date of the application;
 - (iv) Does not operate or maintain a controlling interest in any releasing agency as defined in Tenn. Code Ann. §44-17-702(8); and
 - (v) Has premises for the companion animals that comply with the requirements contained in 9 CFR §3.1 through 3.19 (a copy of which is attached to the regulations as Appendix A and incorporated herein by reference) determined through an inspection conducted by the department.
- (c) An applicant shall submit to a criminal background check and submit the results of the check to the commissioner as a part of the application for licensure. The applicant shall ensure that all employees working on the premises shall submit to a criminal background check.

(2) Renewal.

- (a) A license issued to a commercial breeder pursuant to this chapter shall expire one (1) year from the date of its issuance and shall become invalid on such date unless renewed. Any licensee seeking to renew a license after the license expiration date shall file a new application.
- (b) A commercial breeder may renew a current, valid license by submitting a renewal form approved by the commissioner, the required renewal fee, and any other information required for renewal, to the commissioner no earlier than one hundred and twenty (120) days nor later than thirty (30) days prior to the expiration date of the license.
- (c) Any portion of a licensee’s renewal submitted by mail to the commissioner shall be deemed to have been submitted on the date of the official postmark on such mail.

Authority: T.C.A. §§44-17-704, 44-17-705, 44-17-707, and 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.05 Fees.

- (1) Application and initial license fee.
 - (a) Between twenty (20) and forty (40) unsterilized adult female cats or dogs.. \$500.00
 - (b) Forty-one (41) or more unsterilized adult female cats or dogs.....\$1,000.00
- (2) Renewal fee.
 - (a) Between twenty (20) and forty (40) unsterilized adult female cats or dogs...\$500.00
 - (b) Forty-one (41) or more unsterilized adult female cats or dogs.....\$1,000.00
- (3) Duplicate license.....\$25.00

Authority: T. C.A. §§44-17-703(b), 44-17-705(a), and 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.06 Annual Report.

- (1) Each licensee shall submit an annual report to the commissioner by July 1st of each year on a form prescribed by the commissioner in compliance with Tenn. Code Ann. §44-17-707.

Authority: T.C.A. §§44-17-707, and 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.07 Inspection of Premises and Access to Records.

- (1) Inspection of Premises.
 - (a) During an inspection or reinspection of the licensee's premises, the licensee shall allow the department inspectors to photograph the premises and the companion animals; and
 - (b) During an inspection or reinspection of a licensee's premises, each licensee shall provide any documentation requested by a department inspector at the time of the request.
- (2) Access to Records.
 - (a) During an inspection or reinspection of the licensee's premises, the licensee shall provide copies of the following records to the department inspector upon request:
 - (i) Each companion animal acquired, held, maintained, bred at the premises and sold, traded, bartered, given away or disposed of from the premises;
 - (ii) The name and address of the person from whom each companion animal was acquired;
 - (iii) The date each companion animal was acquired and removed from the premises;
 - (iv) A description of each companion animal showing age (including date of birth), size, color, distinctive markings, sex, breed and vaccination information. Records shall also include any other significant identification for each animal including an official tag number, tattoo, or microchip number;
 - (v) The name and address of the person to whom any companion animal is sold, traded, bartered or given, showing the method of disposition;

- (vi) Any statements, notes, correspondence, memoranda, facsimile, records or reports about the prevention, control, and treatment of any companion animal diseases, injuries or conditions as they relate to the condition of the premises; and
 - (vii) Any statements, certifications, correspondence, memoranda, facsimile, or reports from a licensed veterinarian about the companion animals required by 9 CFR §3.1 through 3.19.
- (b) Each licensee shall maintain the records for a period of one (1) year from the date that the companion animal is acquired by the licensee or born on the licensee's premises.

Authority: T.C.A. §§44-17-704, 44-17-705(a), 44-17-708, and 44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

1200-33-01-.08 Standards of Care.

- (1) Each licensee shall comply with 9 CFR §3.1 through 3.19, T.C.A. Title 44, Chapter 17, Part 7, the rules contained in this chapter and all other applicable federal or state laws or rules relative to the premises.
- (2) Each licensee shall ensure that any act that constitutes the practice of veterinary medicine will be performed by an individual licensed as a veterinarian by the Board of Veterinary Medical Examiners.

Authority: T.C.A. §44-17-713 [effective January 1, 2010]; and Chapter 591 of the Public Acts of 2009.

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: 10-8-09

Signature: Susan R. Cooper, MSN, RN

Name of Officer: Susan R. Cooper, MSN, RN

Title of Officer: Commissioner

Subscribed and sworn to before me on: 10/8/09

Notary Public Signature: [Signature]

My commission expires on: 1/23/10



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Filed with the Department of State on: 10/9/09

Tre Hargett by [Signature]

Tre Hargett
Secretary of State

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