

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF HEALTH  
BUREAU OF HEALTH LICENSURE AND REGULATION/ANIMAL WELFARE**

**CHAPTER 1200-33-01  
COMMERCIAL BREEDERS**

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**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.

**Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

**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.

**Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

**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.

(Rule 1200-33-01-.03, continued)

**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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

#### 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 and has not been 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.

(Rule 1200-33-01-.04, continued)

**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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

**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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

**1200-33-01-.06 ANNUAL REPORT.**

- (1) Each licensee shall submit an annual report to the commissioner by July 1<sup>st</sup> 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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

**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;

(Rule 1200-33-01-.07, continued)

- (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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.

#### 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. **Administrative History:** Emergency rule filed December 22, 2009; effective through June 20, 2010.