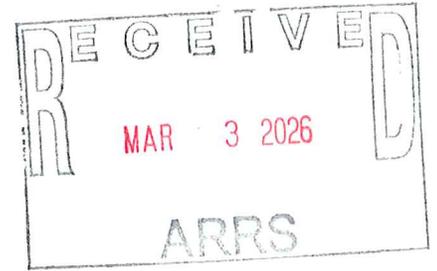


TO: Angela Darnell, Regulations Compiler
Legislative Research Commission
702 Capitol Avenue, Room 29
Frankfort, KY 40601



March 2, 2026

After discussions with ARRS staff, the University of Kentucky Division of Regulatory Services proposes the attached suggested substitutes to 12 KAR Chapter 3 regulations.

12 KAR 3.012 Label format and labeling

12 KAR 3.022 Expression of guarantees

12 KAR 3.027 Ingredients

12 KAR 3.032 Feeding directions

12 KAR 3.037 Drugs and pet food additives

12 KAR 3.039 Nutritional adequacy

12 KAR 3.042 Statements of calorie content

Sincerely,

A handwritten signature in blue ink that reads "G. Alan Harrison".

G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

Agricultural Experiment Station

12 KAR 3:012. Label format and labeling.

RELATES TO: KRS 250.501, 250.521, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for labeling information for pet foods and specialty pet foods and delineates criteria for product claims.

Section 1. Definitions.

(1) "All life stages" means gestation or lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.

(2) "Daily food" means a specialty pet food product, other than a treat, food mixer, or food supplement, for specialty pet species with no recognized nutritional authority.

(3) "Family" means a group of products that are nutritionally adequate for any or all life stages based on the products'[products] nutritional similarity to a lead product that has been successfully test-fed according to an AAFCO feeding protocol.

(4) "Familiar household unit" means a typical feeding unit in volume or count (for example[e.g.], can, measuring cup, treat, or piece).

(5) "Food mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be a complete diet.

(6) "Food supplement" means a pet or specialty pet food product that is intended to supply a specific nutrient or nutrients[nutrient(s)] or other food component but is not a complete diet.

(7) "Immediate container":

(a) Means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers; and

(b) Does not mean containers used as shipping containers.

(8) "Ingredient statement[statements]" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

(9) "Pet nutrition facts" means a graphic box located on the label containing nutritional information for a pet food product.

(10) "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(11) "Specialty pet nutrition facts" means a graphic box located on the label containing nutritional information for a specialty pet food product.

(12) "Veterinary diet" means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

Section 2.~~13~~ **Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other ~~such~~ name, the maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.**

Section 3.~~2~~ **[Section 1.]** Pet food and specialty pet food shall be labeled with:

- (1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;
- (2) A statement **that includes**~~specifying~~ the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;
- (3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;
- (4) Guaranteed analysis as established in 12 KAR 3:022;
- (5) Ingredient statement as established in 12 KAR 3:027;
- (6) A statement of nutritional adequacy or purpose if required pursuant to 12 KAR 3:039;
- (7) A statement of calorie content if required pursuant to 12 KAR 3:042;
- (8) Feeding directions if required pursuant to 12 KAR 3:032; and
- (9) Name and address of the manufacturer or distributor as established in Sections 10 and 11 of this administrative regulation.

Section 4.~~3~~ **[Section 2.]** If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

Section 5.~~4~~ **[Section 3.]** A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 6.~~5~~ **[Section 4.]** The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 7.~~6~~ **[Section 5.]** A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 8.~~7~~ **[Section 6.]** A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 9.~~8~~ **[Section 7.]** A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.

Section 10.~~9~~ **[Section 8.]** A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 11.~~10~~ **[Section 9.]**

- (1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

Panel Size	Minimum Warning Statement Type Size
≤5 in. ²	1/16 in.
>5-≤25 in. ²	1/8 in.
>25-≤100in. ²	3/16 in.
>100-≤400in. ²	1/4 in.
>400 in. ²	1/2 in.

Section 12.~~[11.]~~ **[Section 10.]** The label of a pet food or specialty pet food shall state~~[specify]~~ the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ", or "Distributed by ", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including **for example, [but not limited to]** a printed~~[current city]~~ directory, electronic database, or website~~[or telephone directory for the city listed on the label]~~,~~[.]~~current city directory, or telephone directory for the city listed on the label.

Section 13.~~[12.]~~ **[Section 11.]** If a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.~~[Section 12. Incorporation by Reference.]~~

~~[(1)] ["20232018 Official Publication", (20232018 Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

Section 14.~~[13.]~~ **Pet food and specialty pet food shall be labeled with:**

(1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;

(2) A statement of~~[specifying]~~ **the intended use of the products as established in 12 KAR 3:017;**

(3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) Pet Nutrition Fact or Specialty Pet Nutrition Facts as established in 12 KAR 3:022;

(5) Ingredient statement as established in 12 KAR 3:027;

(6) Feeding directions as~~[if]~~ **required pursuant to 12 KAR 3:032; and**

(7) Name and address of the manufacturer or distributor as established in Sections 11 and 12~~[10 and 11]~~ **of this administrative regulation.**

Section 15.[14.] If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

Section 16.[15.] A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 17.[16.] The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 18.[17.] A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 19.[18.] A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 20.[19.] A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.

Section 21.[20.] A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 22.[21.]

(1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act, 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

<u>Panel Size</u>	<u>Minimum Warning Statement Type Size</u>
<u>≤5 in.²</u>	<u>1/16 in.</u>
<u>>5-≤25 in.²</u>	<u>1/8 in.</u>
<u>>25-≤100in.²</u>	<u>3/16 in.</u>
<u>>100-≤400in.²</u>	<u>1/4 in.</u>
<u>>400 in.²</u>	<u>1/2 in.</u>

Section 23.[22.] The label of a pet food or specialty pet food shall *state/specify* the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ", or "Distributed by ", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including *for example*, ~~[but not limited to]~~ a printed directory, electronic database, or website.

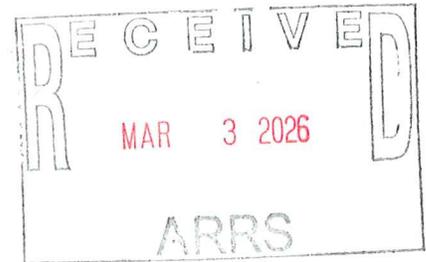
Section 24. ~~[23.]~~ If a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

Section 24. Incorporation by Reference.

(1) "Official Publication", (2025 Edition), Association of American Feed Control Officials, is incorporated by reference for Sections 1 and 13 through 23.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

TO: Angela Darnell, Regulations Compiler
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702 Capitol Avenue, Room 29
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March 2, 2026

After discussions with ARRS staff, the University of Kentucky Division of Regulatory Services proposes the attached suggested substitutes to 12 KAR Chapter 3 regulations.

- 12 KAR 3.012 Label format and labeling
- 12 KAR 3.022 Expression of guarantees
- 12 KAR 3.027 Ingredients
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- 12 KAR 3.039 Nutritional adequacy
- 12 KAR 3.042 Statements of calorie content

Sincerely,



G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

Agricultural Experiment Station

12 KAR 3:022. Expression of guarantees.

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 259.491 to 250.631. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis that advises the purchaser of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for expressing guarantees for pet foods and specialty pet foods.

Section 1. The "Guaranteed Analysis" shall be listed in the following order and format unless otherwise established in 12 KAR Chapter 3:

- (1) A pet food or specialty pet food label shall list the following required guarantees;
 - (a) Minimum percentage of crude protein;
 - (b) Minimum percentage of crude fat;
 - (c) Maximum percentage of crude fat, if required by 12 KAR 3:028;
 - (d) Maximum percentage of crude fiber;
 - (e) Maximum percentage of moisture; and
 - (f) Additional guarantees, if applicable, shall follow moisture;
- (2) If ash is listed in the guaranteed analysis on a pet food or specialty pet food label, ash shall be guaranteed as a maximum percentage and shall immediately follow moisture;
- (3) If listed on the label of a dog or cat food product, guarantees for dietary starch and sugars shall be stated as maximum percentages. Neither guarantee shall be listed without the other. The guarantee for dietary starch shall follow ash, if also listed, or moisture, if ash is not listed. The guarantee for sugars shall follow dietary starch;
- (4) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the **Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012, [AAFCO]** Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in 12 KAR Chapter 3, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles." The disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees; and
- (5)
 - (a) Except as established in paragraph (b) of this subsection, a specialty pet food label shall list other required or voluntary guarantees in the same order and units for the nutrients in an AAFCO-recognized nutrient profile for the specific species.
 - (b) If no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile.

(c)[(e)] Guarantees for substances not listed in an AAFCO recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the _____." The blank shall be completed by listing the specific AAFCO recognized nutrient profile. This disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees. The disclaimer shall not be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

Section 2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") shall not be used.

Section 3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement shall include:

(1)

(a) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units **stated[specified]** in the nutrient profile; or

(b) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units **stated[specified]** in the AAFCO Cat Food Nutrient Profiles if **a[no]** species-specific nutrient profile has not been recognized by AAFCO;

(2) Mineral guarantees required by subsection (1) of this section **shall[may]** be expressed in milligrams (mg) per unit (**for example[e.g.]**, tablets, capsules, granules, or liquids) consistent with those **stated[employed]** in the quantity statement and directions for use; and

(3) A weight equivalent (**for example[e.g.]**, 1 fl. oz. = 28 grams) for liquid products.

Section 4. The label of a pet food or a specialty pet food that is formulated as and represented to be a vitamin supplement shall include:

(1)

(a) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units **stated[specified]** in the nutrient profile; or

(b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units **stated[specified]** in the AAFCO Cat Food Nutrient Profiles if **a[no]** species-specific nutrient profile has not been recognized by AAFCO;

(2) Vitamin guarantees required by subsection (1) of this section **shall[may]** be expressed in approved units (**for example[e.g.]**, IU, mg, **or** g) per unit (**for example[e.g.]**, tablets, capsules, granules, or liquids) consistent with those **stated[employed]** in the quantity statement and directions for use; and

(3) A weight equivalent (**for example[e.g.]**, 1 fl. oz. = 28 grams) for liquid products.

Section 5. If the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following shall apply:

(1) The product shall meet the AAFCO-recognized nutrient profile;

(2)

(a) Except as established in paragraph (b) of this subsection, the statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile.

- (b) The statement that the product meets the AAFCO-recognized nutrient profile shall not be required if the nutritional adequacy statement as **established in[per]** 12 KAR 3:039, Section 1(1) or Section 2(2)(a) appears elsewhere on the product label;
- (3) The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and
- (4) The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

Section 6.

- (1) Except as established in subsection (2) of this section, the maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight (78) percent or the natural moisture content of the ingredients, whichever is higher.
- (2) Pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and that are so labeled, may contain moisture in excess of seventy-eight (78) percent.

Section 7. Guarantees for crude protein, crude fat, and crude fiber shall not be required if the pet food or specialty pet food is intended for purposes other than to **provide[furnish]** these substances or if **these substances[they]** are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 8. Guarantees for microorganisms and enzymes shall be stated in the format as established in 12 KAR 2:021, Sections 7 and 8.

Section 9. The requirements established in[Regulations] in Sections 1 through 8 of this administrative regulation shall remain in effect until June 30, 2030.

Section 10. Pet Nutrition Facts shall be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one (1) color[one-color] type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts," which shall be[that-is] centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box shall contain[contains] the following required elements with all text the same size and style in the following order:

- (1) The stated whole familiar household unit (for example[e.g.], can, measuring cup, treat, or piece), consistent with the feeding directions, and the product's[its] weight in grams shall be right justified. This shall be[is] set off by a bold line centered between this and the next line of text;[:]**
- (2) A statement of Calorie content, determined as established[specified] in KAR 12 3:042, shall include the following:**
- (a) The calorie content of the product shall be stated after the left justified heading:**
- 1. "Calories per familiar household unit" if[when] the calorie content is determined in accordance with KAR 12 3:042, Section 1(1); or**
 - 2. "Calories per familiar household unit" if[when] the calorie content is determined in accordance with KAR 12 3:042, Section 1(2); and[:]**

(b) Below the calorie content statement, the number of calories contributed by protein, fat, and carbohydrate shall be declared, in that order, after "From:". The "From:" line shall be indented to reflect that it is a component of the total calories on the line above. If the total Calorie content of the product is determined by feeding trial in accordance with KAR 12 3:042, Section 1(2), then ME (kcal/kg) shall be declared immediately after the number of calories from carbohydrates. The determination of calories from protein, fat, and carbohydrate are as established[described] in KAR 12 3:042, Section 1(2). This shall be[is] set off by a bold line centered between this and the next line of text;[;]

(3) The nutrient guarantees shall appear under the headers "Nutrients," which shall be[that is] left justified to the edge of the box, "Guaranteed," which shall be[that is] right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient value, and "per {[f]familiar household unit,}[;]" which shall be[that is] right justified to the edge of the box. The amount "per {[f]familiar household unit}[;]" for each nutrient shall be[is] determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of the[such] amount (for example[e.g.], grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;
2. "Fat" is minimum percentage of crude fat;
3. "Total carbohydrate+" is maximum percentage equal to {[f]100 - (crude protein + crude fat + moisture + ash)}[;];
4. "Dietary fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;
5. "Moisture" is maximum percentage of moisture;[-and]
6. Maximum percentage of crude fat ("fat") shall be listed between the minimum percentage of crude fat and the maximum percentage "total carbohydrate," if required by KAR 12 3:042; and
7. Additional required or voluntary guarantees shall follow moisture or ash, if listed;[;]

(b) If[When] "ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture;[;]

(c) If[When] listed on the label of a dog or cat food product, guarantees for "dietary starch" and "sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation;[;]

(d) The "calculated value" shall appear immediately after the last guarantee below a bold line;[;]

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. Guarantees for nutrients shall be[are] in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed; and[;]

2. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in 12 KAR Chapter 3~~[these Regulations]~~, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

a. For any of these~~[such]~~ guarantees, a hairline shall be centered between the last and the next line of text; and

b. The disclaimer "~~*not recognized as an essential nutrient by the AAFCO Dog~~ ~~{[I]or Cat}{[I]}~~ Food Nutrient Profiles" shall appear immediately after "~~+calculated value~~"; and~~[.]~~

(f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers ~~that~~~~[which]~~ follow the guarantees:

1. A statement that the dog or cat food meets the requirements of one (1) or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one (1) of the following:

a. "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ." (Blank is to be completed by using the stage or stages of the pet's life, such as gestation/ lactation, growth, maintenance, or the words "All Life Stages".) For a dog food, ~~if~~~~[when]~~ the blank includes the words "Growth" or "All Life Stages," one (1) of the following phrases ~~shall~~~~[must]~~ also be added verbatim to the end of the claim:

~~(i)~~~~[i.]~~ "Including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; ~~or~~~~[.]~~

~~(ii)~~~~[ii.]~~ "Except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs;~~[or]~~

b. "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for" (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or

c. "(Name of Product) provides complete and balanced nutrition for (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product ~~that~~~~[which]~~ has been substantiated using AAFCO feeding tests~~[.]~~";

2. A nutritional or dietary statement for purposes other than those listed in 12 KAR 3:039, Sections 2 and~~[Section 2 and Section]~~ 3 if the statement is scientifically substantiated; or

3. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of 12 KAR 3:039, Sections 2 or~~[Section 2 or Section]~~ 3 or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

Section 11. Specialty Pet Nutrition Facts shall be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one (1) color~~[one-color]~~ type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Specialty Pet Nutrition Facts," ~~which shall be~~~~[that is]~~ centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Specialty Pet

Nutrition Facts" from the next line of text. The box shall contain[~~contains~~] the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (for example[e.g.], can, measuring cup, treat, or piece), consistent with the feeding directions, and the product's[its] weight in grams shall be right justified. This shall be[is] set off by a bold line centered between this and the next line of text;[:]

(2) The nutrient guarantees shall appear under the headers "Nutrients," which shall be[~~that is~~] left justified to the edge of the box, "Guaranteed," which shall be[~~that is~~] right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient values, and "per {[~~the~~]familiar household unit,}[~~it~~]" which shall be[~~that is~~] right justified to the edge of the box. The amount "per {[~~the~~]familiar household unit}[~~it~~]" for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of the[such] amount (for example[e.g.], grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A specialty pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;

2. "Fat" is minimum percentage of crude fat;

3. "Total Carbohydrate" is maximum percentage equal to {[~~the~~]100 – (Crude Protein + Crude Fat + Moisture + Ash)}[~~it~~];

4. "Dietary fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;[~~and~~]

5. "Moisture" is maximum percentage of moisture; and

6. Additional required or voluntary guarantees shall follow moisture or ash, if listed;[:]

(b) If[~~When~~] "ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture;[:]

(c) If[~~When~~] listed on the label of a specialty pet food product, guarantees for "dietary starch" and "sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation;[:]

(d) The "+calculated value" shall appear immediately after the last guarantee below a bold line;[:]

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. These guarantees shall follow ash, if also listed, or moisture, if ash is not listed;

2. Guarantees for nutrients shall be[~~are~~] in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species ~~except~~[-~~however~~], if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile; and

3. For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in 12 KAR Chapter 3[~~these regulations~~], shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

- a. For any such guarantees, a hairline shall be centered between the last and the next line of text.
 - b. The disclaimer "not recognized as an essential nutrient by the" (Blank shall be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last guaranteed amounts.
 - c. A disclaimer shall not appear unless an AAFCO- recognized nutrient profile is available for the specific species of specialty pet; and
- (f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the guarantees as one (1) of the following:
- 1. For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: "This product is intended to be a daily food";
 - 2. For all other specialty pet foods:
 - a. A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in 12 KAR 3.039, Section 2 or 3 by an AAFCO-recognized nutritional authority. It shall be stated verbatim as the following: "(Name of product) is formulated to meet the nutritional levels established by (the AAFCO-recognized authority for)." (Blank shall be completed by stating the species and the stage or stages of the specialty pet's life);
 - b. A nutritional or dietary claim for purposes other than those listed in 12 KAR 3.039, Section 2 or 3 if the claim is scientifically substantiated; or
 - c. The statement: "This product is intended for intermittent or supplemental feeding only," if a product is suitable only for limited or intermittent or supplementary feeding.

Section 12. The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food that is formulated as and represented to be a food supplement shall include all of the information required in Section 1 or 2 of this regulation except that guarantees shall only be displayed on a per feeding unit (for example, tablets, capsules, granules, or liquids) basis:

(1) For a food supplement that is intended to be a source of nutrients, guarantees shall appear for all nutrients that the product is intended to provide under the headers "nutrients," which shall be left justified to the edge of the box and "per (feeding unit)," which shall be right justified to the edge of the box:

(a) 1. For nutrients with an established requirement by an AAFCO- recognized nutrient profile, minimum guarantees shall be declared in the same order and units (for example, g, mg, or IU) specified in the AAFCO- recognized nutrient profile for the intended species; or

2. If a species-specific nutrient profile has not been recognized by AAFCO, minimum guarantees shall be declared in the same order and units (for example, g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and

(b) Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in 12 KAR Chapter 3, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

1. For any of these guarantees, a hairline shall be centered between the last and the next line of text; and

2. The disclaimer "not recognized as an essential nutrient by the" (Blank shall be completed by listing the specific AAFCO- recognized nutrient profile) shall appear immediately

after the last ~~[such-]~~ guaranteed amounts. A ~~[No-such]~~ disclaimer shall *not* appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet; ~~and[-]~~
(2) For a food supplement that is intended to supply microorganisms ~~or[and/or]~~ enzymes, guarantees shall be declared as *established[stipulated]* in 12 KAR 3.039, Section 7 or 8 on a per feeding unit (*for example[e.g.]*, tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning ~~shall[should]~~ follow the disclaimer within the box.

Section 13. The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (*for example*, "Protein 15–18% Min") ~~shall be[is]~~ prohibited.

Section 14. Protein, fat, calculated total carbohydrate, or dietary fiber ~~shall not be[are-not]~~ required *if[when]* the pet food or specialty pet food is intended for purposes other than to ~~provide[furnish]~~ these substances or *if the substances[they]* are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 15. For small packages with a total printable area of more than *twelve (12)[12]* square inches and less than or equal to *forty (40)[40]* square inches, all information required in Section 1, 2, or 3 of this *administrative* regulation shall appear, but may appear in a linear format. This information shall appear in one (1) place without other intervening material. In the linear format, the required information shall:

- (1) Appear in the same order as required by Section 1, 2, or 3 of this *administrative* regulation but without the formatting described;
- (2) Text shall be all black or *one (1) color[one-color]* type, and all text shall be the same size and style, except that the heading "Pet Nutrition Facts" or "Specialty Pet Nutrition Facts" shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and ~~shall[must]~~ not be smaller than 1/16 inch;
- (4) The guaranteed amount shall appear immediately after the amount "per ~~{[#]}familial household unit}{[#]}~~" for each nutrient with the guaranteed amount enclosed in parentheses, and all units ~~shall be~~ clearly identified; *and*
- (5) The following abbreviations may be used: total carbohydrate as "Carb[†]," dietary fiber as "Fiber".

Section 16. For very small packages with a total printable area of less than or equal to *twelve (12)[12]* square inches, the information required ~~[elsewhere-]~~ in this *administrative* regulation ~~shall[is]~~ not be required to appear on the label. ~~[However,-]~~ All information ~~required[specified elsewhere]~~ in this *administrative* regulation for the particular product type shall be determined and shall be submitted to the ~~{[#]}regulatory authority}{[#]}~~ upon request. The following limited information ~~shall be[is]~~ required to appear on the label:

- (1) This information shall appear in one (1) place without other intervening material;
- (2) Text shall be all black or *one (1) color[one-color]* type, and all text shall be the same size and style, except that the heading "Nutrition Facts" shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and ~~shall[must]~~ not be smaller than 1/16 inch;
- (4) For pet foods, only total calories ~~shall be[are]~~ required and shall be stated as:
 - (a) "Cal (calc): ~~{[#]}{[#]}~~" *if[when]* the calorie content is determined in accordance with 12 KAR 3.042, Section 1(1); or

(b) "Cal (fed): ~~{[#]}~~" if ~~[when]~~ the calorie content is determined in accordance with 12 KAR 3.042, Section 1(2); and~~[]~~

(5) Guaranteed amounts shall be stated in weight per entire contents (for example~~[e.g.]~~, grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:

(a) "Protein" is crude protein;

(b) "Fat" is crude fat;

(c) "Carb" is calculated from ~~{[]}100 - (% Crude Protein + % Crude Fat +~~

~~{[]} % Moisture + % Ash)~~;

(e) "Fiber" is total dietary fiber;

(f) "Moisture" is moisture; and

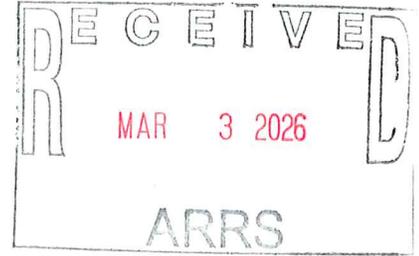
(g) Additional required or voluntary guarantees shall follow moisture or ash, if listed, and shall comply with the requirements for ~~[such-]~~ guarantees in Section 1(3) or Section 2(2) of this administrative regulation, as appropriate, except that they shall be stated in only in weight per entire contents.

~~[Section 9.] [Incorporation by Reference.]~~

~~[(1) ["2023 Official Publication," (2023[2018] Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

~~[(2) [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

TO: Angela Darnell, Regulations Compiler
Legislative Research Commission
702 Capitol Avenue, Room 29
Frankfort, KY 40601



March 2, 2026

After discussions with ARRS staff, the University of Kentucky Division of Regulatory Services proposes the attached suggested substitutes to 12 KAR Chapter 3 regulations.

- 12 KAR 3.012 Label format and labeling
- 12 KAR 3.022 Expression of guarantees
- 12 KAR 3.027 Ingredients
- 12 KAR 3.032 Feeding directions
- 12 KAR 3.037 Drugs and pet food additives
- 12 KAR 3.039 Nutritional adequacy
- 12 KAR 3.042 Statements of calorie content

Sincerely,

G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

AGRICULTURAL EXPERIMENT STATION

12 KAR 3:027. Ingredients.

RELATES TO: KRS 250.501, 250.521, 7 C.F.R. Part 205, C.F.R. Title 9, 21

STATUTORY AUTHORITY: KRS 250.521(1)(c), 250.571(1)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. KRS 250.521(1)(c) requires that a commercial feed label list the common or usual name of each ingredient used in the manufacture of a commercial feed, unless the director promulgates an administrative regulation permitting the use of a collective term for a group of ingredients. This administrative regulation establishes the required format for listing ingredients on the label of pet foods and specialty pet foods.

Section 1. Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as established in subsections (1) through (4) of this section.

(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style, and color, unless[except where] the defined name of the ingredient includes genus and species, (for example[e.g.], microorganisms) which may be shown in italics.[;][.]

(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms, unless[except if] the ingredient is a vitamin and, if applicable,[and/or] mineral premix, in which case the premix may be declared in order of predominance by the name "vitamins" or "minerals," as appropriate, followed by a parenthetical listing of all the vitamins and, if applicable,[and/or] minerals in the premix, each in their order of predominance by weight as listed on the ingredient statement of the premix label.[;][.]

(3) Ingredients shall be listed and identified by the name and definition established by the Association of American Feed Control Officials (AAFCO) Official Common or Usual Names and Definitions of Feed Ingredients, incorporated by reference in 12 KAR 3:012, unless the[except any] ingredient is not included in the[for which no] AAFCO ingredient name list, in which case the ingredient[exists] shall be identified by the common or usual name:[AAFCO.]

(4) Any ingredient suitable for use in pet food or specialty pet food for which there is a codified standard of identity in Title 9 or 21 of the Code of Federal Regulations shall be declared in accordance with the applicable federal regulation, which shall include[includes] the name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as established[provided] in the federal regulation:[for which no name and definition have been so established shall be identified by the common or usual name of the ingredient.]

(5) The ingredients "meat," "poultry," "poultry by-products," or "meat by-products" shall be qualified to designate the animal from which the ingredients are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof,[-or] the poultry or poultry meal [are-]derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs[;] or any combination thereof. For example, ingredients derived from deer shall be listed as "venison" or "venison by-products." [;]

(6) For ingredients consisting of fish, "fish meal," or "fish by-products," the name of the ingredient may include "fish" without further specification of the type of the fish or if *the fish* bears a name descriptive of its kind (for example, "ocean whitefish" or by using the acceptable market name or names or common name (but not any vernacular or slang names) of the individual fish species in the ingredient as established by the FDA Seafood List), it shall correspond thereto.

(7) For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which shall be obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" shall be synonymous with "sugars" as defined in the Official Feed Terms.

~~[Section 2.] [The ingredients "meat" or "meat by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by-products".]~~

~~Section 2. (1)~~ ~~[Section 3.]~~ Brand or trade names shall not be used in the ingredient statement.

(2) Reference to quality or grade of the ingredient shall not appear in the ingredient statement.

~~[Section 4.] [The quality, nature, form, or other attribute of an ingredient may be referenced if:]~~

~~[(1)] [The designation is not false or misleading;]~~

~~[(2)] [The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and]~~

~~[(3)] [A reference to quality or grade of the ingredient does not appear in the ingredient statement.]~~

Section 3. If properly used as established by the USDA National Organic Program (7 C.F.R. Part 205), the term "organic" shall not apply to Section 3 of this administrative regulation.

Section 4. A reference to the nature, form, or other attribute of an ingredient may be included in the ingredient statement if that attribute imparts a distinctive characteristic to the pet food or specialty pet food.

Section 5. Any reference to the percentage or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty pet food, shall be based in relation to the total weight of all ingredients in the product.

(1) The names of the ingredient or ingredients shall appear in order of predominance by weight in the product, and the names of flavors due to their varying intensity may be in any order.

(2) If water sufficient for processing is excluded from the declared percentage, the exclusion of water shall be indicated in words juxtaposed to, the same style and color print, and at least one-half the print size of the stated percentage (for example, "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

~~[Section 5.] [Incorporation by Reference.]~~

~~[(1)] ["2023][2018][Official Publication", ([2023][2018] Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

DR. JAMES MATTHEWS, Director of Agricultural Experiment Station

APPROVED BY AGENCY: January 13, 2026

FILED WITH LRC: January 15, 2026 at 10:00 a.m.



TO: Angela Darnell, Regulations Compiler
Legislative Research Commission
702 Capitol Avenue, Room 29
Frankfort, KY 40601

March 2, 2026

After discussions with ARRS staff, the University of Kentucky Division of Regulatory Services proposes the attached suggested substitutes to 12 KAR Chapter 3 regulations.

- 12 KAR 3.012 Label format and labeling
- 12 KAR 3.022 Expression of guarantees
- 12 KAR 3.027 Ingredients
- 12 KAR 3.032 Feeding directions
- 12 KAR 3.037 Drugs and pet food additives
- 12 KAR 3.039 Nutritional adequacy
- 12 KAR 3.042 Statements of calorie content

Sincerely,

A handwritten signature in blue ink that reads "G. Alan Harrison".

G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

AGRICULTURAL EXPERIMENT STATION

12 KAR 3:032. Feeding directions.

RELATES TO: KRS 250.491-250.631

STATUTORY AUTHORITY: KRS 250.571

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes requirements for feeding directions to ensure that pet food and specialty pet food products have adequate labeling to provide for safe and effective use.

Section 1. All pet foods and specialty pet foods shall state feeding directions consistent with the intended use statement.

Section 2.~~[Section 1.]~~

~~[(1)]~~ Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as established in 12 KAR 3:039, Section ~~2~~~~[3]~~(1) **or Section 3**, except those pet foods labeled in accordance with 12 KAR 3:039, Section 4, shall list feeding directions on the product label.

~~[(2)]~~ ~~[These directions shall be consistent with the intended uses indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (for example, "adult formula").]~~

~~(1)~~~~[(3)]~~ These directions shall be expressed in common terms and shall appear prominently on the label.

~~(2)~~~~[(4)]~~ Feeding directions shall, at a minimum~~[, state]]~~:

(a) **Include the amount of familiar household unit of product weight of dog (or cat); and**~~[.]~~**["Feed (weight/unit of product) per (weight) of dog (or cat)."; and]**

(b) The frequency of feeding.

Section 3.~~[Section 2.]~~ If a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions.

Section 4.~~[Section 3.]~~

~~[(1)]~~ Specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as established in 12 KAR 3:039, Section ~~2~~ ~~[Section 3]~~**or as a daily food**~~[4]~~, shall list feeding directions on the product label.

~~(1)~~~~[(2)]~~ These feeding directions shall be adequate to meet the nutritional requirements of the intended species of specialty pet~~[as recommended by the AAFCO-recognized nutritional authority]~~.

~~(2)~~~~[(3)]~~ These directions shall be expressed in common terms and shall appear prominently on the label.

~~(3)~~~~[(4)]~~ The frequency of feeding shall also be **stated**~~[specified]~~.

~~[Section 4.]~~ ~~[Incorporation by Reference.]~~

~~[(1)] ["[2018]Official Publication", ([2023][2018] Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

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Frankfort, KY 40601

March 2, 2026

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- 12 KAR 3.012 Label format and labeling
- 12 KAR 3.022 Expression of guarantees
- 12 KAR 3.027 Ingredients
- 12 KAR 3.032 Feeding directions
- 12 KAR 3.037 Drugs and pet food additives
- 12 KAR 3.039 Nutritional adequacy
- 12 KAR 3.042 Statements of calorie content

Sincerely,



G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS

AGRICULTURAL EXPERIMENT STATION

12 KAR 3:037. Drugs and pet food additives.

RELATES TO: KRS 250.501, 250.511, 250.541(1)(a), (b), (c), (d), (e), (f), (j), (2)(c), (d), (e), 21 C.F.R. Parts 70, 71, 73, 74, 80, 81, 82, 501.22, 570.3(1), 570.30, 582, 21 U.S.C. 360(b)

STATUTORY AUTHORITY: KRS 250.541, 250.551(1), 250.571(1)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. KRS 250.541 defines adulterated commercial feeds and states how they may be adulterated by additives. KRS 250.551(1) and (2) prohibits the manufacturing and distribution of adulterated products as animal feeds. This administrative regulation establishes requirements to ensure that a drug or additive used in pet food or specialty pet food is safe and effective for its intended purpose.

Section 1. An artificial color may be used in a pet food or specialty pet food only if the artificial color[~~it~~] has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color in 21 C.F.R. Part 70, 71, 73, 74, 80, 81, or 82, or 501.22 as safe for use, together with the conditions, limitations, and tolerances, if any, shall constitute evidence that the color is harmless to pets or specialty pets.

Section 2. Before approval of a label and a registration application, the distributor of a pet food, containing an additive including a drug, another special purpose additive, or a nonnutritive additive shall, upon request of the director, submit evidence to prove the safety and efficacy of the pet food if used according to label directions. Evidence of the safety and efficacy of a pet food or specialty pet food shall be:

- (1) If the pet food or specialty pet food contains an additive that conforms to 21 C.F.R. 570.3(1), 570.30, or Part 582; or
- (2) If the pet food or specialty pet food is a drug as defined by KRS 250.501(7) and is generally recognized by the Food and Drug Administration as safe and effective for its labeled use or is marketed pursuant[~~subject~~] to an application approved by the Food and Drug Administration under 21 U.S.C. 360(b).

Section 3. If a drug is included in a pet food or specialty pet food, the medicated labeling format recommended by the Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012, [~~in its~~][2023][2018] Official Publication shall be used to ensure[~~insure~~] that adequate labeling is provided.

~~[Section 4.] [Incorporation by Reference.]~~

~~[(1)] ["[2023][2018] [Official Publication", ([2023][2018] [Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

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- 12 KAR 3.042 Statements of calorie content

Sincerely,

A handwritten signature in blue ink that reads "G. Alan Harrison".

G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

AGRICULTURAL EXPERIMENT STATION

12 KAR 3:039. Nutritional adequacy.

RELATES TO: KRS 250.501, 250.521, **16 C.F.R. 500.21**, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods and specialty pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for establishing nutritional adequacy in labeling information for pet foods and specialty pet foods and the~~delineates~~ criteria for product claims.

Section 1. The label of a pet food or specialty pet food that is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one (1) of the following apply:

- (1) The product complies with the nutrient requirements for all life stages and sizes established by the~~an~~ **Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012**~~[AAFCO-recognized]~~ nutrient profile;
- (2) The product complies with the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocols; or
- (3) The product is a member of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, if:
 - (a) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;
 - (b) The family product complies with the criteria for all life stages; and
 - (c) Under circumstances of reasonable doubt, the director requires the manufacturer to perform additional testing of the family product and substantiates the claim of nutritional adequacy.

Section 2. The label of a pet food or specialty pet food that is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if the product and claim meet all of the following:

- (1) The claim is qualified with a statement of the limited purpose of specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and
- (2) The product complies with at least one (1) of the following:
 - (a) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile;

(b) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol; or

(c) The requirements of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that, if fed for the limited purpose, will satisfy the nutrient requirements for the limited purpose and ~~the~~**[has had its]** capabilities **of the product** in this regard demonstrated by adequate testing, and if:

1. The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;
2. The family product meets the criteria for the limited purpose; and
3. Under circumstances of reasonable doubt, the director requires the manufacturer to perform additional testing for the family product and substantiates the claim of nutritional adequacy.

Section 3. Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except if the dog or cat food is clearly and conspicuously identified on the principal display panel as "snack," "treat," or "supplement." The statement shall consist of one (1) of the following:

(1) A claim that the dog or cat food complies with the requirements of one (1) or more of the recognized categories of nutritional adequacy: gestation or lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one (1) of the following:

(a) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for _____." (The blank shall be completed by using the stage or stages of the pet's life, such as gestation or lactation, growth, maintenance, or the words "All Life Stages."). For a dog food, if the blank includes the words "growth" or "all life stages," one (1) of the following phrases shall also be added verbatim to the end of the claim:

1. "including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or
2. "except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs;

(b) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____." (The blank shall be completed by using the stage or stages of the pet's life tested, such as gestation **and** ~~[A]~~lactation, growth, maintenance, or the words "all life stages."); or

(c) "(Name of Product) provides complete and balanced nutrition for _____ (The blank shall be completed by using the stage or stages of the pet's life, such as gestation and lactation, growth, maintenance, or the words "all life stages") and is comparable in nutritional adequacy to a product that has been substantiated using AAFCO feeding test.";

(2) A nutritional or dietary claim for purposes other than those established in Sections 1 and 2 of this administrative regulation if the claim is scientifically substantiated; or

(3) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not comply with the requirements of Sections 1 and 2 of this administrative regulation or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

Section 4. A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with Section 3(1) or (3) of this administrative regulation.

Section 5. A signed affidavit attesting that the product complies with the requirements of Sections 1 or 2(2) of this administrative regulation shall be submitted to the director upon request.

Section 6. If the nutrient content of a product does not comply with those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO recognized nutritional authority for the life stages of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.

Section 7. The following AAFCO-recognized nutritional authority, nutrient profile, or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

- (1) As an AAFCO-recognized nutrient profile or nutritional authority:
 - (a) For dogs, the AAFCO Dog Nutrient Profiles;
 - (b) For cats, the AAFCO Cat Nutrient Profiles; and
 - (c) For specialty pets, the nutrient recommendation approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, if this nutrient recommendation is recognized only for the specific specialty pet of which the profile is intended; and
 - (2) As an AAFCO-recognized animal feeding protocol, the AAFCO Dog and Cat Food Feeding Protocols.
- (3) Requirements[Regulations] in Sections 1 through 7 of this administrative regulation shall remain in effect until June 30, 2030.**

Section 8. A statement identifying the intended use of a pet food or specialty pet food shall be/is/ required on the principal display panel of the label in accordance with the following:

- (1) The intended use of a pet food or specialty pet food shall be stated as:**
 - (a) "Complete ([/]/species)[/] food" – for food products intended to be the complete diet for all life stages and sizes of a pet or specialty pet in accordance with the unqualified claims in 12 KAR 3:039, Section 2;**
 - (b) For food products intended to be the complete diet for a limited life stage and size of a pet or specialty pet in accordance with the qualified claims in 12 KAR 3:039, Section 3, one (1) of the following statements shall be used:**
 - 1. "Complete food for ([/][blank], in which case[/-where] the blank shall be filled with one (1) or more of the following:**
 - a. "Adult ([/]/species)[/]"**;
 - b. "Puppies, "kittens", or "juvenile ([/]/species other than dog or cat)[/]"**;
 - c. "Puppies (<70 lb. as an adult)[/]"** or
 - d. "Dogs (except puppies>70 lb. as an adult)"**; or
 - 2. "Complete ([/][blank])[/ food, in which case[/-where] the blank shall be filled with one (1) or more of the following:**
 - a. "Adult ([/]/species)[/]"**;
 - b. "Puppies, "kittens", or "juvenile ([/]/species other than dog or cat)[/]"**;
 - c. "Puppies (<70 lb. as an adult)[/]"** or
 - d. "Dogs (except puppies>70 lb. as an adult)"**; or
 - (c) "Veterinary diet for ([/]/species)[/]" – for food products intended to be used under veterinary supervision only in accordance with 12 KAR 3:039, Section 4;**
 - (d) "([/]/Species)[/] treat" – for food products for pets or specialty pets, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement;**

(e) "~~([Species])~~ food supplement" – for food products for pets or specialty pets that are intended to supply specific *nutrient or nutrients*~~[nutrient(s)]~~ or other food components but are not a complete diet;

(f) "~~([Species])~~ food mixer" – for food products for pets or specialty pets that are intended to top, accompany, or contribute to a complete diet; or

(g) "Daily ~~([specialty pet species])~~ food" – for food products that are intended to be the dairy diet for specialty pets *in cases without*~~[where]~~ no recognized nutritional authority~~[-exists]~~. A limited life stage may be indicated, *for example*~~[i.e.,]~~ "daily ~~([specialty pet species])~~ food for ~~([juveniles or adults])~~."

(2) This intended use statement shall:

(a) 1. Except as established in subparagraph 2. of this paragraph, appear within the bottom thirty (30) percent~~[30%]~~ of the area of the label principal display panel in lines generally parallel to the base on which the package rests as *the package*~~[it]~~ is designed to be displayed and shall be repeated on the alternate principal display panel, if present.

2. ~~[However,]~~ On packages having a principal display panel of five (5)~~[5]~~ square inches or less, the requirement for placement within the bottom thirty (30) percent~~[30%]~~ of the area of the label panel shall not apply;

(b) Be at least as large as the statement of net quantity, consistent with 16 C.F.R. 500.21;

(c) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and

(d) Be separated by at least a space equal to the height of the letter "N" used in the statement of net quantity from other printed label information appearing above or below it and by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of it.

[Section 8.] [Incorporation by Reference.]

[(1) ["~~2023~~[2018] ~~Official Publication~~", (~~2023~~[2018] ~~Edition~~), Association of American Feed Control Officials, is incorporated by reference.]

[(2) [This material may be inspected, copied, or obtained. Subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]

TO: Angela Darnell, Regulations Compiler
Legislative Research Commission
702 Capitol Avenue, Room 29
Frankfort, KY 40601



March 2, 2026

After discussions with ARRS staff, the University of Kentucky Division of Regulatory Services proposes the attached suggested substitutes to 12 KAR Chapter 3 regulations.

- 12 KAR 3.012 Label format and labeling
- 12 KAR 3.022 Expression of guarantees
- 12 KAR 3.027 Ingredients
- 12 KAR 3.032 Feeding directions
- 12 KAR 3.037 Drugs and pet food additives
- 12 KAR 3.039 Nutritional adequacy
- 12 KAR 3.042 Statements of calorie content

Sincerely,

A handwritten signature in blue ink that reads "G. Alan Harrison".

G. Alan Harrison
Feed and Milk Director

UNIVERSITY OF KENTUCKY

SUGGESTED SUBSTITUTE – TO AMENDED AFTER COMMENTS VERSION

AGRICULTURAL EXPERIMENT STATION

12 KAR 3:042. Statements of calorie content.

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.571(1)

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes a uniform procedure for determining the caloric content of dog and cat foods and expressing it on product labels.

Section 1. The label of a dog or cat food, including snacks, treats, and supplements, shall ~~include~~**[bear]** a statement of calorie content and comply with the requirements established in subsections (1) through (5) of this section.

(1) The statement shall be separate and distinct from the "Guaranteed Analysis" and shall appear under the heading "Calorie Content".

(2) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and ~~shall~~**[must]** be expressed both as "kilocalories per kilogram" ("kcal/kg") of product, and as kilocalories per familiar household measure (for example, cans or cups) or unit of product (for example, treats or pieces).

(3) The calorie content shall be determined by one (1) of the following methods:

(a) By calculation using the following "Modified Atwater" formula:

$$\underline{ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]}$$

where ME = metabolizable energy,

CP = % crude protein "as fed,"

CF = % crude fat "as fed,"

NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

(b) In accordance with a testing procedure established by **the Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012[AAFCO]**.

(4) An affidavit shall be provided upon request of the director, substantiating that the calorie content was determined by:

(a) Subsection (3)(a) of this section, in which case the summary data used in the calculation shall be included in the affidavit; or

(b) Subsection (3)(b) of this section, in which case the summary data used in the determination of calorie content shall accompany the affidavit.

(5) The caloric content statement shall appear as one (1) of the following:

(a) The heading "calorie content" on the label or other labeling shall be followed parenthetically by the word "calculated" if the caloric content is determined in accordance with subsection (3)(a) of this section; or

(b) The heading "calorie content" on the label or other labeling shall be followed parenthetically by the word "fed" if the caloric content is determined in accordance with subsection (3)(b) of this section.

Section 2. A comparative claim shall:

(1) Not be false, misleading, or given undue emphasis; and

(2) Be based on the same methodology for all products compared.

Section 3. Requirements[Regulations] in Sections 1 and[through] 2 of this administrative regulation shall remain in effect until June 30, 2030.

Section 4. The statement shall be determined in terms of metabolizable energy (ME) on an "as fed" moisture basis by one (1) of the following methods then converted to calories (kcal) per the familiar household unit (for example[i.e.], can, measuring cup, treat, or piece):

(1) By calculation (indicated with a "+" in the Pet Nutrition Facts) using the following "Modified Atwater" formula:

$$ME (kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$$

[ME (kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)],]

Where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as[, but not limited to] scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) In accordance with testing procedures determined by the Association of American Feed Control Officials (AAFCO) and indicated as "fed" in the Pet Nutrition Facts (12 KAR 3:022, Section 10).

Section 5. An affidavit shall be provided upon the request of ([/regulatory authority]/), substantiating that the Calorie content was determined by:

(1) [Regulation-]12 KAR 3:042, Section 4(1), in which case the summary data used in the calculation shall be included in the affidavit; or

(2) [Regulation-]12 KAR 3:042, Section 4(2), in which case the summary data used in the determination of calorie content shall accompany the affidavit.

Section 6. The calories from protein, fat, and carbohydrate as required in the Pet Nutrition Facts shall be[are] determined using the following calculation, then converted to calories (kcal) per the familiar household unit (for example[i.e.], can, measuring cup, treat, or piece):

(1) Protein: ME (kcal/kg) = 10(3.5 \times CP), where ME = metabolizable energy, CP = % crude protein "as fed" and the percentage of CP is the average value in the product as determined by sound

scientific methods, such as ~~[, but not limited to]~~ scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product; ~~]~~

(2) Fat: ME (kcal/kg) = 10(8.5 × CF), where ME = metabolizable energy, CF = % crude fat "as fed" and the percentage of CF is the average value in the product as determined by sound scientific methods, such as ~~[, but not limited to]~~ scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product; ~~or]~~

(3) Carbohydrate: ME (kcal/kg) = 10(3.5 × NFE), where ME = metabolizable energy, NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash; CP = % crude protein "as fed," CF = % crude fat "as fed" and the percentages are the average values of these components in the product as determined by sound scientific methods, such as ~~[, but not limited to]~~ scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

Section 7. Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared. ~~[Incorporation by Reference.]~~

~~[(1)] ["2023[2018] Official Publication", (2023 Edition), Association of American Feed Control Officials, is incorporated by reference.]~~

~~[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.]~~