

**AGRICULTURAL EXPERIMENT STATIONS  
(Amendment)**

**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 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 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 specified in the AAFCO Cat Food Nutrient Profiles if no species-specific nutrient profile has been recognized by AAFCO;
- (2) Mineral guarantees required by subsection (1) of this section may be expressed in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
- (3) A weight equivalent (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 specified in the nutrient profile; or
  - (b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the AAFCO Cat Food Nutrient Profiles if no species-specific nutrient profile has been recognized by AAFCO;
- (2) Vitamin guarantees required by subsection (1) of this section may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
- (3) A weight equivalent (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 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 furnish these substances or if 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. 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.

*DR. JAMES MATTHEWS, Director*

APPROVED BY AGENCY: September 10, 2025

FILED WITH LRC: September 11, 2025 at 10:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 24, 2025, at 9:00 a.m., at the offices of the Division of Regulatory Services, 1600 University Court, Lexington, Kentucky 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through November 30, 2025. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: G. Alan Harrison, Feed & Milk Director, University of Kentucky Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546, phone (859) 257-2785, fax (859) 323-9931, email alan.harrison@uky.edu.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:**G. Alan Harrison

**Subject Headings:**Agriculture, Pet Food and Feed, Consumer Protection

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes a uniform format for expressing guarantees for pet foods and specialty pet foods.

**(b) The necessity of this administrative regulation:**

Specifies for pet food and specialty pet food manufacturers the nutrient guarantees they are to place on their product labeling. Helps consumers determine which product they need for their pet.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

Helps allow for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

Established standardized labeling of nutrient guarantees on pet and specialty pet food products.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The amendment updates usage of the Official Publication of the American Association of Feed Control Officials (AAFCO) from the 2018 Edition to the 2023 edition.

**(b) The necessity of the amendment to this administrative regulation:**

This change provides more information to the consumer and more uniformity in guarantees required for the manufacturer selling pet and specialty pet food products in multiple states.

**(c) How the amendment conforms to the content of the authorizing statutes:**

Updates terms and definitions used to regulate the feed industry.

**(d) How the amendment will assist in the effective administration of the statutes:**

These updates are beneficial to both the regulatory body and the regulated industry as it brings in new terms and definitions that have been developed since 2018.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years?No**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

Firms which register commercial feeds in Kentucky will be affected by this administrative regulation.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

No action required by distributors of animal feed. No significant action required by manufacturers of animal feed.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

No cost.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

No significant benefit to distributors of animal feed. Manufacturers of animal feed may benefit from additional ingredients available for use in products and more descriptive ingredient definitions.

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

No cost.

**(b) On a continuing basis:**

No cost.

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

The Division of Regulatory Services regular annual budget is the source of funding.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No new fees and no increase in existing fees.

**(10) TIERING: Is tiering applied?**

No, this administrative regulation treats all regulated entities the same.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

KRS 250.571

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

KRS 250.571

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

University of Kentucky Division of Regulatory Services

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:No fiscal impact**

**For subsequent years:No fiscal impact**

**2. Revenues:**

**For the first year:No fiscal impact**

**For subsequent years:No fiscal impact**

**3. Cost Savings:**

**For the first year:No fiscal impact**

**For subsequent years:No fiscal impact**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

No impact on local entities

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:No impact**

**For subsequent years:No impact**

**2. Revenues:**

**For the first year:No impact**

**For subsequent years:No impact**

**3. Cost Savings:**

**For the first year:No impact**

**For subsequent years:No impact**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

No impact on other entities

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:No impact**

**For subsequent years:No impact**

**2. Revenues:**

**For the first year:No impact**

**For subsequent years:No impact**

**3. Cost Savings:**

**For the first year:No impact**

**For subsequent years:No impact**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

This regulation is being updated to reference the latest recommendations from the Association of American Feed Control Officials with regards to ingredient definitions and labeling of pet food.

**(b) Methodology and resources used to reach this conclusion:**

Minor changes in regulation affect only manufacturers and guarantors of pet food.

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

No

**(b) The methodology and resources used to reach this conclusion:**

Minor changes in regulation affect only manufacturers and guarantors of pet food.

## FEDERAL MANDATE ANALYSIS COMPARISON

**(1) Federal statute or regulation constituting the federal mandate.**

Federal Food, Drug, and Cosmetic Act and C.F.R. 21

**(2) State compliance standards.**

In harmony with federal standards.

**(3) Minimum or uniform standards contained in the federal mandate.**

Standards developed by the Association of American Feed Control Officials are in harmony with federal standards.

**(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?**

No

**(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.**

N/A