

**AGRICULTURAL EXPERIMENT STATION
(Amendment)**

12 KAR 3:028. Descriptive terms.

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 delineates criteria for the use of descriptive terms.

Section 1. Calorie Terms.

(1) "Light."

(a) A dog food product that bears on its label the terms "light," "lite," "low calorie," or words of similar designation shall:

1. Contain no more than 3100 kcal ME/kg for products containing less than twenty (20) percent moisture, no more than 2500 kcal ME/kg for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than 900 kcal ME/kg for products containing sixty-five (65) percent or more moisture;
2. Include on the label a calorie content statement:
 - a. In accordance with the format established in 12 KAR 3:042; and
 - b. That states no more than 3100 kcal ME/kg for products containing less than twenty (20) percent moisture, no more than 2500 kcal ME/kg for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than 900 kcal ME/kg for products containing sixty-five (65) percent or more moisture; and
3. Include on the label feeding directions that reflect a reduction in calorie intake consistent with the intended use.

(b) A cat food product that bears on its label the terms "light," "lite," "low calorie," or words of similar designation shall:

1. Contain no more than 3250 kcal ME/kg for products containing less than twenty (20) percent moisture, no more than 2650 kcal ME/kg for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than 950 kcal ME/kg for products containing sixty-five (65) percent or more moisture;
2. Include on the label a calorie content statement:
 - a. In accordance with the format established in 12 KAR 3:042; and
 - b. That states no more than 3250 kcal ME/kg for products containing less than twenty (20) percent moisture, no more than 2650 kcal ME/kg for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than 950 kcal ME/kg for products containing sixty-five (65) percent or more moisture; and
3. Include on the label feeding directions that reflect a reduction in calorie intake consistent with the intended use.

(2) "Less" or "reduced calories."

(a) A dog or cat food product that bears on its label a claim of "less calories," "reduced calories," or words of similar designation, shall include on the label:

1. The name of the product of comparison and the percentage of calorie reduction (expressed on equal weight basis) explicitly stated and juxtaposed with the largest or more prominent use of the claim on each panel of the label on which the term appears;
2. The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim;
3. A calorie content statement in accordance with the format established in 12 KAR 3:042; and
4. Feeding directions that reflect a reduction in calories compared to feeding directions for the product of comparison.

(b) A comparison between products in different categories of moisture content (for example, less than twenty (20) percent, twenty (20) percent or more but less than sixty-five (65) percent, sixty-five (65) percent or more) is misleading.

Section 2. Fat Terms.

(1) "Lean."

(a) A dog food product that bears on its label the terms "lean," "low fat," or words of similar designation shall:

1. Contain no more than nine (9) percent crude fat for products containing less than twenty (20) percent moisture, no more than seven (7) percent crude fat for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than four (4) percent crude fat for products containing sixty-five (65) percent or more moisture; and
2. Include on the product label in the Guaranteed Analysis:
 - a. A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in (12 KAR 3:022, Section 1(1)); and
 - b. A maximum crude fat guarantee that is no more than nine (9) percent crude fat for products containing less than twenty (20) percent moisture, no more than seven (7) percent crude fat for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than four (4) percent crude fat for products containing sixty-five (65) percent or more moisture.

(b) A cat food product that bears on its label the terms "lean," "low fat," or words of similar designation shall:

1. Contain a maximum percentage of crude fat that is no more than ten (10) percent crude fat for products containing less than twenty (20) percent moisture, no more than eight (8) percent crude fat for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than five (5) percent crude fat for products containing sixty-five (65) percent or more moisture; and
2. Include on the product label in the Guaranteed Analysis:
 - a. A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as established in 12 KAR 3:022, Section 1(1); and
 - b. A maximum crude fat guarantee that is no more than ten (10) percent crude fat for products containing less than twenty (20) percent moisture, no more than eight (8) percent crude fat for products containing twenty (20) percent or more but less than sixty-five (65) percent moisture, and no more than five (5) percent crude fat for products containing sixty-five (65) percent or more moisture.

(2) "Less" or "Reduced Fat."

(a) A dog or cat food product that bears on its label a claim of "less fat," "reduced fat," or words of similar designation, shall include on the label:

1. The name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;
2. The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and
3. A maximum crude fat guarantee in the Guaranteed Analysis immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in 12 KAR 3:022, Section 1(1).

(b) A comparison on the label between products in different categories of moisture content (for example, less than twenty (20) percent, twenty (20) percent or more but less than sixty-five (65) percent, sixty-five (65) percent or more) is misleading.

Section 3. Carbohydrate Terms.

(1) "Low" carbohydrate, dietary starch, and sugars claims. A claim of "low carbohydrates," "low dietary starch," "low sugars," or a combination thereof shall be prohibited.

(2) "Less" or "reduced" carbohydrates, dietary starch, and sugars claims.

(a) A dog or cat food product that bears on its label a claim of "less _____" or "reduced _____" (the blank shall be completed by using "carbohydrates," "dietary starch," or "sugars") or words of similar designation, shall include on the label:

1. The name of the product of comparison and the percentage of reduction in total dietary starch plus sugars (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears;
2. The comparative statement printed in type of the same color and style and not less than one-half the size used in the claim; and
3. Maximum guarantees for dietary starch and sugars as established in 12 KAR 3:022, Section 1(3).

(b) A comparison between products in different categories of moisture content (for example, less than twenty (20) percent, twenty (20) percent or more but less than sixty-five (65) percent, sixty-five (65) percent or more) is misleading.

Section 4. 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

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 labeling information for pet foods and delineates criteria for the use of descriptive terms.

(b) The necessity of this administrative regulation:

To ensure proper labeling directions on the labeling of pet and specialty pet food products.

(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:

Provides further clarification on labeling for consumers and a level playing field for manufacturers.

(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:

The feed ingredient and feed terms defined in the Official Publication of AAFCO needed to be updated from the older version to a more modern version.

(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