

AGRICULTURAL EXPERIMENT STATION
(Amendment)

12 KAR 3:039. Nutritional adequacy.

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 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 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 an 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 has had its capabilities 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/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.

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.

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 nutritional adequacy in labeling information of pet foods and specialty pet foods and delineates criteria for product claims.

(b) The necessity of this administrative regulation:

This is regulation that matches what has been put forth by the American Association of Feed Control Officials as part of their model bill for pet foods. This has been adopted by many states and helps provide uniformity for those companies selling product in multiple states. The regulation provides needed information to consumers.

(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 direction in product labeling.

(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