

AGRICULTURAL EXPERIMENT STATION
(Amended After Comments)

12 KAR 3:027. Ingredients.

RELATES TO: KRS 250.501, 250.521

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, except where the defined name of the ingredient includes genus and species (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, except if the ingredient is a vitamin and/or mineral premix, 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/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 except any ingredient for which no AAFCO ingredient name 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 regulation, which includes the name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as provided in the 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 it bears a name descriptive of its kind (e.g., "ocean whitefish" or by using the acceptable market name(s) 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 must correspond thereto; and

(7) For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which is 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. ~~{Section 3.}~~ Brand or trade names shall not be used in the ingredient statement. 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 specified by the USDA National Organic Program (7 CFR Part 205), the term "organic" does not apply to Section 3 of this regulation.

Section 4. A reference to the nature, form, or other attribute of an ingredient shall be allowed in the ingredient statement when 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(s) shall appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity can be in any order.

(2) Where 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 (e.g., "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.

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 the required format for listing ingredients on the label of pet foods and specialty pet foods.

(b) The necessity of this administrative regulation:

Provides a uniform guide on how ingredients are to be expressed on product labeling so all manufacturers are playing by the same rules.

(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 clear rules on how ingredients are listed on 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 2025 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 CFR 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.

NA.