

Tennessee Companion Animal Welfare Act **2015**

Section 1. Title

This is known as **“Tennessee Companion Animal Welfare Act”** for the purpose of defining and controlling companion animal welfare in Tennessee

Section 2. Definitions

2.1 Definitions.

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also signify the plural and the masculine form shall also signify the feminine. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

“Abandon” means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 39-14-202(a)(2).

“Adequate exercise” means, the opportunity for exercise may be provided in a number of ways, such as:

- (1) **Group housing** in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the adequate minimum floor space as defined;
- (2) **Maintaining individually** housed dogs in cages, pens, or runs that provide at least twice the adequate minimum floor space as defined;
- (3) **Providing access to a run** or open area at the frequency and duration for the minimum of 15 minutes while cleaning primary enclosure; or
- (4) Other similar activities.

“Adequate minimal space” means each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space and head room.

- (1) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; **times itself**, then divide the product by 144. The calculation is: (length of dog in inches + 6) times (length of dog in inches + 6) = required floor space in square inches divided by 144 (inches per square foot) = required floor space in square feet. (See chart * 4.13)
- (2) Interior height at least six inches higher than the head of the tallest dog in the

- enclosure when the dog is in a normal standing position;
- (3) Enable each dog to be clean and dry, and contain dry bedding in an amount sufficient space to allow all dogs housed in each enclosure to lie down comfortably at the same time.

Ambient temperature means the air temperature surrounding the animal.

Adult animal is any animal 6 mo. or older

Animal means any live dog and/or cat that is in a professional breeder or reputable rescue facility or possessed as a personal pet.

“Animal control officer” means a person appointed as an animal control officer, deputy animal control officer, or other designee, appointed by the Chief County Law Enforcement Officer.

Animal cruelty means the intentional act of: causing physical harm to; chronic neglect towards; and/or not providing for (food, water, housing/shelter, vetting of life threatening conditions); any animal in one’s care.

Animal neglect means not providing adequate care (grooming, sanitation, appropriate amount of space, and/or vetting of nonlife threatening conditions) for any animal in one’s care.

Attending veterinarian means a person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education, or has a certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates, or has received equivalent formal education as determined by the Administrator; has received training and/or experience in the care and management of the species being attended; and who has direct or delegated authority for activities involving animals at a facility subject to the jurisdiction of the Secretary.

Backyard breeder means a person(s) with 35 or less animals that are housed and bred for the purpose of selling their offspring and consistently neglects the animals in their care.

Business hours means a reasonable number of hours between 7 a.m. and 7 p.m., Monday through Friday, except for legal Federal holidays, each week of the year, during which inspections by State officials may be made.

Business year means the 12-month period during which business is conducted, and may be either on a calendar or fiscal-year basis.

Cat means any live cat (*Felis catus*) or any cat-hybrid cross.

Clean water means potable water that is not frozen, free of debris, feces, algae, and other contaminants.

Climate controlled means inside area in which animals are kept are maintained between 50 and 85 degrees.

“Commissioner” means the Commissioner of Commerce and Insurance or the Commissioner’s designee or, in the event of the Commissioner’s or designee’s absence or vacancy in the office of the Commissioner, the deputy Commissioner.

Companion animal means any cat or dog that is placed, adopted, and/or sold to a consumer

for the purpose of a pet.

“Consumer” means any natural person purchasing/adopting a companion animal from a professional breeder or reputable rescue. The term “consumer” shall not include a business or corporation engaged in sales or services.

Chronic animal neglect means the intentional act of not correcting or attempting to correct the same animal neglect violation that has occurred more than 3 times within a calendar year.

“Department” means the Department of Commerce and Insurance.

Discovery means the exact time upon seeing and recognizing a problem

Disposition means the permanent removal of records or animals.

Dog means any live dog (Canis familiaris) or any dog-hybrid cross.

Donation means any monetary or bartering (including money, trade, services, gift or products) given to and not purchased by a reputable rescue

“Dump” means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

“Emergency veterinary treatment” means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Employee means any person hired with compensation to do certain tasks.

Euthanasia means the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death. In the State of Tennessee this can only be performed by a licensed Veterinarian.

Excessive rust means total surface area on which animal has immediate contact is less than 10% and entire enclosure is no greater than 25% rust. Reputable rescues only will be permitted to have 25% rust in immediate contact of animal but no greater than 45% of an entire enclosure.

Handling means petting, feeding, and watering, cleaning, manipulating, loading, crating, shifting, transferring, immobilizing, restraining, treating, training, working and moving, or any similar activity with respect to any animal.

Housing facility means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

Impervious surface means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material. (Example: fiberglass, linoleum, Thompson’s water seal treated wood, sealed concrete)

Indoor housing facility means any structure or building with environmental controls housing or intended to house animals and meeting the following four requirements:

- (1) It must be capable of controlling the temperature within the building or structure within the limits set forth for that species of animal, of maintaining humidity levels of 30 to 70 percent and of rapidly eliminating odors from within the building; and
- (2) It must be an enclosure created by the continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); and
- (3) It must have at least one door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic);
- (4) Any residential building that does not allow animal's access to outside yard or run

Intact means an animal dog/cat that has not been altered by surgical means and has the capability of breeding.

“Law enforcement entity” means any police department, sheriff's office, ~~animal control agency,~~ other law enforcement agency, or the designee of any police department, sheriff's office, ~~animal control agency,~~ or other law enforcement agency that is part of or administered by the state or any political subdivision thereof, such as a county, municipality, or other locality..... or.... A body sanctioned by local, state, or federal government to enforce laws and apprehend those that break them.

“Law enforcement officer” mean any part-time or full-time employee of a law enforcement entity, or the designee of any part-time or full-time employee of a law enforcement entity.

Licensee means any person licensed according to the provisions of the Act and the regulations in part 3 of this subchapter.

Licensed veterinarian means a person who has graduated from an accredited school of veterinary medicine or has received equivalent formal education as determined by the Administrator, and who has a valid license to practice veterinary medicine in some State.

Non-conditioned animals means animals which have not been subjected to special care and treatment for sufficient time to stabilize, and where necessary, to improve their health.

“Other officer” includes all other persons employed or elected by the people of Tennessee, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Outdoor housing facility means any structure, building, land, or premise, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the regulations, and in which temperatures cannot be controlled within set limits.

“Owner” means any person who has a right of property in an animal; keeps or harbors an animal; has an animal in his care; or acts as a custodian of an animal.

Person means any individual, partnership, firm, corporation, association, trust, estate, or other legal entity

Pet animal means any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, and hamsters. This term excludes exotic animals and wild animals.

Positive physical contact means petting, stroking, or other touching, which is beneficial to the well-being of the animal.

Pound or shelter means a facility that accepts and/or seizes animals for the purpose of caring for them, placing them through adoption, or carrying out law enforcement, whether or not the facility is operated for profit.

Primary caregiver means any one person who is solely responsible for all animal care.

Primary enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, crate, run, cage, compartment, or hutch.

Professional breeder means any person who possess of maintains, under his or her immediate control, five (5) or more unsterilized adult dogs or cats in this state for the purpose of selling the offspring as companion animals.

“Proper veterinarian care” means all Professional breeders and Reputable rescues must;

- (1) have immediate veterinary treatment of any illness or injury;
- (2) have vaccinations against contagious and infectious diseases, including at a minimum canine distemper, adenovirus type II parainfluenza, and parvovirus for dogs;
- (3) have vaccinations against contagious and infectious diseases, including at a minimum feline leukemia, rhinotracheitis, calicivirus, panleukopenia, and chlamydia psittaci for cats;
- (4) have rabies vaccinations for dogs/cats four months and older, to be administered only by a licensed veterinarian;
- (5) All surgical procedures including but not limited to sterilization, ear cropping, tail docking, dew claw removal, and cesarean sections, shall be performed by a veterinarian or under the supervision of a veterinarian.

Additional requirements for Professional Breeders:

- (a) Have at least one hands-on veterinary examination per year for every animal.
- (b) a written annual veterinarian program to address each dog’s exercise, behavioral, and social needs; and any additional care recommended by a veterinarian;

Additional requirements for Reputable Rescues:

- (a) Have an application of a microchip and a hands-on veterinary examination within 5 business days of acquiring any animal.

Puppy mill means a place where greater than 35 animals are housed and bred for the purpose of selling their offspring that consistently neglects the animals in their care.

Reputable rescue means any place, building, structure, land, premises, or other housing that does not breed any animals, but has more than 5 animals for the sole purpose of rehoming unwanted and/or owner surrendered animals regardless of profit status.

Responsible adopting methods shall mean prior to adopting or otherwise transferring a companion animal; Reputable rescues must:

- (1) Have a permanent application of a microchip and a hands-on veterinary examination with written findings within 5 business days, or accept a vet exam from an owner surrender that is within 5 business days, of acquiring any animal, stating the current condition of said animal including the following conditions of, but not limited to:
 - (a) needs grooming, thin, fleas, scars, dental issues;
 - (b) Heartworm test results for dogs greater than 6 months of age;
 - (c) Feline Leukemia test results for cats greater than 8 weeks of age;
 - (d) Major health issues involving long term care;
- (2) Provide a valid veterinarian health certificate with microchip number and disclosure of any and all medical issues and/or veterinary recommendations for continuing proper treatment for said animal that is not in good health and/or has a condition that will require lifelong or long term treatment including but not limited to:
 - (a) positive heartworm test findings;
 - (b) positive feline leukemia test findings
- (3) provide a consumer with a well written adoption contract that:
 - (a) States a mandatory spay/neuter clause;
 - (b) Has a return policy;
 - (c) Shall be signed by any and all adoptees.
- (4) Provide a foster or another rescue, if animal is transferred and the original licensed rescue retains ownership, documentation that includes:
 - (a) Date of transfer;
 - (b) Copy of initial vet examination and its findings;
 - (c) Full instructions on future care of said animal;
 - (d) A signed agreement between both parties stating whether or not the foster/rescue will be compensated in any way for future vetting, feeding or housing of said animal;
 - (e) Date of retrieval of said animal
 - (f) The original licensed rescue will be held accountable for any and all proper care and vetting not given to said animal.
- (5) Maintain for five years detailed records of:
 - (a) Date of transfer
 - (b) The person(s) to whom an animal was adopted or given;
 - (c) Copy of initial vet examination and its findings;
 - (d) Copies of adoption forms and agreements.
- (6) No Reputable rescue shall falsify the condition of and/or possession of an animal for the gain of donations

“Responsible breeding methods” shall mean prior to the first breeding of any dog or cat; Professional breeders must:

- (1) Have a physical examination by a licensed veterinarian and an annual exam every year that animal is in the breeders custody as to determine such breeding based on a whether pregnancy, whelping, or nursing puppies or kittens for at least 8 weeks would or would not compromise the animal’s well-being; and
- (2) maintain for 5 years detailed records of each dog or cat’s pregnancy and whelping history, including:
 - (a) date of each confirmed pregnancy,
 - (b) result of such pregnancy,
 - (c) date of whelping,
 - (d) number of puppies or kittens delivered,
 - (e) pregnancy-related complications experienced by the dog or cat,
 - (f) birth-related complications experienced by any puppies or kittens;

“Releasing agency” means a public animal shelter or a private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases companion animals for adoption.

Residential building means any building or structure that is deemed livable by humans and is also occupied with one or more family members of a professional breeder or reputable rescue.

“Safe primary enclosure” means enclosures that; must be designed and constructed of suitable materials so that they are structurally sound, is impervious to moisture, is kept in good repair, has no sharp edges, protects animals bodies and feet from injury, does not have sagging floors, provides adequate shelter to protect each animal from the elements, including rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, and other elements that could cause physical suffering or the impairment of health, provides access to food and water, and must be cleaned once a day.

Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

Sheltered housing facility means a housing facility which provides the animals with shelter; protection from the elements; and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

Standards means the requirements with respect to the humane housing, exhibition, handling, care, treatment, temperature, and transportation of animals by person or persons in a professional breeder or reputable rescue facility as set forth in section 4 of this subchapter.

State official means any person employed by the Department who is authorized to perform a function under the Act and the regulations in parts 2, 3 and 4.

“Sufficient sustenance” means necessary, appropriate nutritious food at least once a day or more frequently to maintain good health and weight, provide continuous access to potable, clean water that is not frozen. Water and food containers shall be free of debris, hair, dirt, algae, mold, vermin, insects, urine, feces and any other contaminants or waste.

Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals.

Viscous animal means any animal that attacks another person or animal without being provoked.

Volunteer means any person who agrees to do certain tasks without any compensation

Weaned means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

Yard or run means anything outside of primary enclosure that meets the minimum space for exercise.

Section 3. License Application and Requirements

* 3.1 Requirements and application.

(A) Any person or organization operating or intending to operate as a **Professional Breeder or Reputable Rescue** except persons who are exempted from the licensing requirements under paragraph (E) of this section, must have a valid license. A person must be 16 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the Department of Commerce and Insurance. The application must include the signed inspection report by the County Chief Law Enforcement Officer or designee Department of Commerce and Insurance. The application must include the signed inspection report by the County Chief Law Enforcement Officer or designee. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the official state agency.

(B) If an applicant for a license or license renewal operates in more than one State, he or she shall apply in the State in which he or she has his or her principal place of business. All premises, facilities, or sites where such person operates or keeps animals shall be indicated on the application form or on a separate sheet attached to it. The completed application form, along with the application fee indicated in paragraph (F) (2) of this section, and the annual license fee indicated in * 3.6(B) shall be filed with the state official.

- (1) **No Professional breeder or Reputable rescue shall breed, adopt, or sell companion animals without a valid license issued by the Commissioner pursuant to this part. Each license is valid for one (1) year, unless otherwise revoked or suspended.**
 - (a) Through an inspection, that the premises conform to this part and the rules and regulations promulgated pursuant to this part;
 - (b) The applicant has a valid sales tax registration number and is in good standing with the Tennessee Department of Revenue; if the applicant meets or will meet the requirements to file sales tax report.

- (c) The applicant has never been convicted of a violation of § 39-14-212 or any other criminal offense involving an animal as set out in title 39, chapter 14, part 2;
 - (d) The applicant of a Professional breeder does not operate or maintain an interest in any releasing agency.
 - (e) The applicant of a Reputable rescue does not breed animals, operate or maintain an interest in any professional breeding operation.
 - (f) Meets all of the requirements of section 4.
- (2) Provide purchaser/consumer at time of adoption/sale that has any monetary exchange or bartering (including money, donations, trade, or services) with documentation from a licensed veterinarian which will include:
- (a) A certified health certificate;
 - (b) That animal has been examined by a licensed veterinarian and is in good health and free of internal and external parasites;
 - (c) Disclosure of any and all medical issues and veterinarian recommendations for continued proper care for that animal if that animal is not in good health or has a condition that will require lifelong or long term treatment;
 - (d) Proof of at least the first round of proper immunizations;
 - (e) Only for purpose of sale in the state of Tennessee, a health certification will be valid for 30 days from date of veterinarian inspection.
 - (f) During the 30 days grace on a health certification all puppies/kittens must be maintained on current age appropriate vaccines and worming.
- (3) Any animals must have a current valid health certification before crossing any state lines.
- (4) Copies of these records must be maintained for a period of 5 years.
- (5) Dispose of animals only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian, and shall not abandon or dump any animal.

(C) Each license shall be issued only for the premises and to the person or persons named in the application and shall not be transferable or assignable.

(D) Licenses shall be posted in a conspicuous place on the licensed premises. License numbers shall be included on all of the licensee's invoices, advertisements or promotions that pertain to a dog, including, but not limited to, newspapers, internet, radio, or flyers.

(E) The following persons or organizations are exempt from the licensing requirements under section 3 or section 4 of the Act:

- (1) Any person or organization who possesses 4 (four) or less adult intact dogs and/or cats for the purpose of selling their offspring.
- (2) Any person or organization who possesses 4 (four) or less animals for the purpose of adopting or rehoming.
- (3) Any federally funded shelter or pound.
- (4) Any person who arranges for transportation or transports animals solely for the purpose of, exhibiting in shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license;

- (5) Any retail pet store, grooming shop, training facility and veterinarian clinic who owns less than 4 (four) intact breeding animals for the purpose of selling offspring;
- (6) Anyone who owns 4 (four) or less adult intact female dogs bred and used in the cattle industry for the primary purpose of controlling, moving and herding cattle.
- (7) Anyone who owns 4 (four) or less adult intact female dogs bred and used for the primary purpose of hunting.
- (6) Anyone, regardless if exempt from licensing, must provide purchaser/consumer at time of adoption/sale of any animal that has any monetary exchange or bartering (including money, donation, trade, or services) with documentation from a licensed veterinarian which will include:
 - (a) A certified health certificate;
 - (b) That animal has been examined by a licensed veterinarian and is in good health and free of internal and external parasites;
 - (c) Disclosure of any and all medical issues pertaining to that animal if an animal is not in good health or has a condition that will require lifelong or long term treatment.
 - (d) Proof of at least the first round of proper immunizations;

(F) A license will be issued to any applicant, except as provided in * 3.10 (denial of license) and * 3.11 (termination of license), when:

- (1) The applicant has met the requirements of this section and * 3.2 and * 3.3; and
- (2) The applicant has paid the application fee of \$10 and the annual license fee to the State office for an initial license, and, in the case of a license renewal, the annual license fee has been received by the State office on or before the expiration date of the license.

(G) A licensee who wishes a renewal must submit to the State office a completed application form including the signed form by Chief Law Enforcement or designee and the annual license fee by certified check, cashier's check, personal check, money order, or credit card. The application form and the annual license fee must be received by the State office on or before the expiration date of the license. An applicant whose check is returned by the bank will be charged a fee of \$25 for each returned check. A returned check will be deemed nonpayment of fee and will result in the denial of the license. If an applicant's check is returned, subsequent fees must be paid by certified check, cashier's check, or money order.

(H) The failure of any person to comply with any provision of the Act, or any of the provisions of the regulations or standards in this subchapter, shall constitute grounds for denial of a license; or for its suspension or revocation by the State, as provided in the Act.

*** 3.2 Acknowledgement of regulations and standards.**

(A) *Application for initial license.* State Official Department will supply a copy of the applicable regulations and standards to the applicant with each request for a license application. The applicant shall acknowledge receipt of the regulations and standards and agree to comply with them by signing the application form before a license will be issued.

(B) *Application for license renewal.* State Department will renew a license after the applicant certifies by signing the application form that, to the best of the applicant's knowledge and belief, he or she is in compliance with the regulations and standards and agrees to continue to comply

with the regulations and standards. State Department will supply a copy of the applicable regulations and standards to the applicant upon request.

*** 3.3 Demonstration of compliance with standards and regulations.**

(A) Each applicant must demonstrate that his or her premises and any animals, facilities, vehicles, equipment, or other premises used or intended for use in the business comply with the regulations and standards set forth in parts 3 and 4 of this subchapter. Each applicant for an initial license or license renewal must make his or her animals, premises, facilities, vehicles, equipment, other premises, and records available for inspection during business hours and at other times mutually agreeable to the applicant and Officials, to ascertain the applicant's compliance with the standards and regulations.

(B) Each applicant for an initial license must be inspected by Officials and demonstrate compliance with the regulations and standards, as required in paragraph *3.3 (A) of this section, before State Official will issue a license. If the first inspection reveals that the applicant's animals, premises, facilities, vehicles, equipment, other premises, or records do not meet the requirements of this subchapter, State Official will advise the applicant of existing deficiencies and the corrective measures that must be completed to come into compliance with the regulations and standards. An applicant who fails the first inspection will have two additional chances to demonstrate his or her compliance with the regulations and standards through a second inspection by State Official. The applicant must request the second inspection, and if applicable, the third inspection, within 180 days following the first inspection. If the applicant fails inspection or fails to request re-inspections within the 180-day period, he or she will forfeit the application fee and cannot reapply for a license for a period of 6 months from the date of the failed third inspection or the expiration of the time to request a third inspection. Issuance of a license will be denied until the applicant demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, other premises, and records are in compliance with all regulations and standards in this subchapter.

*** 3.4 Non-interference with State officials.**

A licensee or applicant for an initial license shall not interfere with, threaten, abuse (including verbally abuse), or harass any State official in the course of carrying out his or her duties.

*** 3.5 Duration of license and termination of license.**

(A) A license issued under this part shall be valid and effective unless:

- (1) The license has been revoked or suspended pursuant an animal cruelty investigation.
- (2) The license is voluntarily terminated upon request of the licensee, in writing, to the State Director.
- (3) The license has expired or been terminated under this part.
- (4) The annual license fee has not been paid to the State office as required. There will not be a refund of the annual license fee if a license is terminated prior to its expiration date.

(B) Any person who is licensed must file an application for a license renewal and pay the required annual license fee. The required annual license fee must be received in the State office

on or before the expiration date of the license or the license will expire and automatically terminate. Failure to pay the required annual license fee on or before the expiration date of the license will result in automatic termination of the license.

(C) Any person who seeks the reinstatement of a license that has been automatically terminated must follow the procedure applicable to new applicants for a license set forth in * 3.1.

(D) Licenses are issued to specific persons for specific premises and do not transfer upon change of ownership, nor are they valid at a different location.

(E) A license which is invalid under this part shall be surrendered to the State Director. If the license cannot be found, the licensee shall provide a written statement so stating to the State Director.

*** 3.6 Annual license fees.**

(A) For an initial license, the applicant must submit a \$10 application fee in addition to the initial license fee prescribed in this section. Licensees applying for license renewal must submit only the license fee prescribed in this section. All initial license fees must be sent to the State office, and, in the case of license renewals, all fees must be received by the State office on or before the expiration date of the license.

(B) The Professional Breeders' license fee shall be based on number of unsterilized adult dogs/cats:

(1) 6-11 animals	\$100
(2) 12-21 animals	\$150
(3) 22-31 animals	\$200
(4) 32-41 animals	\$250
(5) 42-51 animals	\$300
(6) 52-61 animals	\$400
(7) 62-71 animals	\$500
(8) 72-81 animals	\$600
(9) 82-91 animals	\$700
(10) 92-101 animals	\$800
(11) 102-111 animals	\$900
(12) 112 or greater animals	\$1000

(C) The Reputable Rescues' license fee shall be \$100 (one hundred) regardless of actual numbers of animals in one's custody. The annual license renewal fee for a Reputable Rescue person or organization shall be \$100 (one hundred).

(D) Duplicate license: \$25.00

(E) Each license application shall contain a section in which the applicant must declare, under penalty of perjury pursuant to § 39-16-702(a) (3), whether the applicant has ever been convicted of a violation of this chapter or § 39-14-212, or any other criminal offense involving an animal as set out in title 39, chapter 14, part 2, and that the applicant is in compliance with the provisions set forth in this part.

(F) Except as otherwise provided, any violation of the provisions of this part shall constitute a Class C misdemeanor. Local law enforcement shall assess a civil penalty of fifty dollars

(\$50.00) per violation of this section. Each day of violation constitutes a separate violation. Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any applicable criminal offense.

(G) If an applicant of a Professional breeder acquires more breeding animals during the course of their physical year that makes them fall into a different fee bracket, applicant must notify?? Of any changes and acquire the health care check sheet for each animal. In the event an applicant falsifies the true total number of intact animals in ones care in order to fall under a lower fee bracket the fines will be \$1000 per animal that is falsified.

~~(H) Fees and penalties collected pursuant to this part shall be divided evenly between the Department and the local law enforcement entity responsible for enforcement of this part.~~

- (a) The application fee will remain with the State.
- (b) The License Fees will be divided as follows
 - a. 10% to the State
 - b. 90% to the County's Chief Law Enforcement Office
- (c) Fees and penalties collected pursuant to violations of this act shall be retained by the local law enforcement entity responsible for enforcement of this part.

*** 3.7 Notification of change of name, address, control, or ownership of business.**

A licensee shall promptly notify the State Director by certified mail of any change in the name, address, management, or substantial control or ownership of his business or operation, or of any additional sites, within 10 days of any change and surrender of license.

*** 3.8 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.**

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based will not be licensed within the period during which the order of suspension or revocation is in effect.

*** 3.9 Licensees whose licenses have been suspended or revoked.**

(A) Any person whose license has been suspended for any reason shall not be licensed in his or her own name or in any other manner within the period during which the order of suspension is in effect. No partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, will be licensed during that period. Any person whose license has been suspended for any reason may apply to the State Director, in writing, for reinstatement of his or her license. No license will be renewed during the period that it is suspended. Renewal of the license may be initiated during the suspension in accordance with *3.2(B) and * 3.11. If revocation is overturned, the licensee, at that time, shall be eligible to have license reinstated with possible restrictions or limitations.

(B) Any person whose license has been revoked shall not be licensed in his or her own name or in any other manner; nor will any partnership, firm, corporation, or other legal entity in which any such person has a substantial interest, financial or otherwise, be licensed. Any person that has had their license revoked, due to animal cruelty charges shall not receive another license for a period of five (5) years.

(C) Any person whose license has been suspended or revoked shall not buy, sell, transport, exhibit, or deliver for transportation, any animal during the period of suspension or revocation.

(D) The County's Chief Law Enforcement Officer may only confiscate animals from a Professional breeder or Reputable rescue if an inspection reveals, or there is credible evidence to believe, a violation of title 39, chapter 14, part 202 exists.

*** 3.10 Denial of initial license application.**

(A) A license will not be issued to any applicant who:

- (1) Has not complied with the requirements of * 3.1, * 3.2, * 3.3, and * 3.4 and has not paid the fees indicated in * 3.6;
- (2) Is not in compliance with any of the regulations or standards in this subchapter;
- (3) Has had a license revoked or whose license is suspended, as set forth in * 3.10;
- (4) Has pled *nolo contendere* (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to animal cruelty within 5 years of application, or after 5 years if the Administrator determines that the circumstances render the applicant unfit to be licensed;
- (5) Is or would be operating in violation or circumvention of any Federal, State, or local laws; or
- (6) Has made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled *nolo contendere* (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.

(B) An applicant whose license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied. The license denial shall remain in effect until the final legal decision has been rendered. Should the license denial be upheld, the applicant may again apply for a license 1 year from the date of the final order denying the application, unless the order provides otherwise.

(C) No partnership, firm, corporation, or other legal entity in which a person whose license application has been denied has a substantial interest, financial or otherwise, will be licensed within 1 year of the license denial.

(D) No license will be issued under circumstances that the Administrator determines would circumvent any order suspending, revoking, terminating, or denying a license under the Act.

*** 3.11 Termination of a license.**

A license may be terminated during the license renewal process or at any other time for any reason that an initial license application may be denied pursuant to * 3.10 after a hearing in accordance with the applicable rules of practice.

***3.12 Advertising requirements**

(A) A current valid license number is required for anyone who wishes to put an ad in any newspaper or other similar type advertising designed to be viewed, heard, or seen by the general public.

(1) The licensee is encouraged to use the caption:

“Licensed Tennessee Professional Breeder” and/or “Licensed Tennessee Reputable Rescue” in addition to the required license number.

(B) An individual with fewer than 5 intact companion animals and is not required to have a state license and there will be a temporary license number issued for the sum of \$25.

(C) To be issued a temporary license one will fill out a state form and pay the \$25 for a brief inspection. Once an individual has passed the inspection, they will be provided a temporary license for the maximum of 60 days. This inspection includes:

- (1) A brief inspection of animals housing and welfare to insure the public in not being an unknowing participant a possible animal cruelty case.
- (2) This inspection is only to view the conditions in which the animals are housed as to verify that there are no gross negligence and the ammonia levels are within the allowable limits,
- (3) Verify proof of current rabies on all age appropriate companion animals on site;
- (4) Verify the companion animals appear healthy and in good weight.

***3.13 Public displays for the sale of companion animals**

Anyone selling, showing, or otherwise engaged in or on public property companion animals for the purpose of sale/adoption is to provide proof of license or receive a ticket from local authorities, a fine from the state, and community service.

(A) Along with proof of valid license (temporary license may be obtained thru methods in *3.12) all of *4.5 must be adhered to.

(B) Any animal neglect violation of *4.5 regardless of sale/adoption or given away during public display, will result in fines and possible license revocation if 3 or more violations occur.

There will be a 3 strike limit with increasing fines per offence and community service

- (a) First offense will include inspection of one's facility, a fine from state of \$100, and/or 10 days of community service plus whatever local authorities deem their normal ticket violation fees
- (b) Second offense will include second facility inspection, a \$250 fine, and/or 20 days of community service, plus local ticket fees
- (c) Third offense will be a \$500 fine, and/or 30 days community service, local ticket fees, and the possibility of all companion animals removed for one's care.

Section 4. Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats.

Professional breeder and Reputable rescue requirements.

- (A) All Professional breeders and Reputable rescues shall:
 - (1) provide safe primary enclosures with adequate space, as defined;
 - (2) provide sufficient sustenance, as defined;
 - (3) provide adequate exercise, as defined;
 - (4) provide proper veterinarian care, as defined;
 - (5) dispose of animals only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian, and shall not abandon or dump any animal;
 - (6) maintain accurate records for at least five years
 - (7) meet all requirements of section 4.
- (B) **Additional requirements for Professional breeders shall:**
 - (1) Ensure responsible breeding methods, as defined.
- (C) **Additional requirements for Reputable rescues shall:**
 - (1) Ensure responsible adoption methods, as defined.

Facilities and Operating Standards

*** 4.0 Records:**

- (A) Each licensed breeder or rescue shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal acquired, owned, held,

or otherwise in his or her possession or under his or her control, or which is transported, euthanized, adopted, or otherwise disposed of by that breeder or rescue. The records shall include any offspring born of any animal while in his or her possession or under his or her control including animals in boarding, foster care or off site for any other reason. These records shall include:

- (1) The name and address of the person from whom an animal was acquired;
- (2) The date an animal was acquired;
- (3) A description of each animal which shall include:
 - (a) The sex;
 - (b) The date of birth or approximate age;
 - (c) The color and any distinctive markings;
 - (d) The permanent identification such as microchip, tattoo number, or name tag.
- (4) The method of transportation or transfer. Including the name of the initial carrier or intermediate handler or, if a privately owned vehicle is used to transport an animal, the name of the owner of the privately owned vehicle;
- (5) The date and method of disposition of an animal, (example: sale, death, euthanasia, or donation);
- (6) The person(s) to whom an animal was sold or given;
- (7) Maintain records of responsible breeding methods for Professional breeders
- (8) Maintain records of responsible adopting methods for Reputable rescues
- (9) Dispose of animals only by gift, sale, transfer, barter, adoption, or euthanasia by a licensed veterinarian, and shall not abandon or dump any animal.

(B) Disposition.

- (1) No licensed breeder or rescue, for a period of 5 years, destroy or dispose of, without the consent in writing from the official state agency, any books, records, documents, or other papers required to be kept and maintained under this part.
- (2) Unless otherwise specified, the records required to be kept and maintained under this part shall be held for 5 years after an animal is euthanized or disposed of and for any period in excess of one year as necessary to comply with any applicable Federal, State, or local law. Whenever the state official notifies a licensed breeder or rescue in writing that specified records shall be retained pending completion of an investigation or preceding the licensed breeder shall hold those records until their disposition is authorized by the state agency.

*** 4.1 Housing facilities, general.**

(A) Structure; construction. Housing facilities for animals must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.

(B) Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area and fixtures. Housing facilities must be physically separated from any other business. If a housing facility is located on the same premises as another

business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(C) Surfaces:

- (1) General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility—must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed, or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with animals must:
 - (a) Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and
 - (b) Be free of jagged edges or sharp points that might injure the animals.
- (2) Maintenance and replacement of surfaces. All surfaces must be maintained on a regular basis. Surfaces of housing facilities—including houses, dens, and other furniture-type fixtures and objects within the facility—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.
- (3) Cleaning. Hard surfaces with which the animals come in contact must be spot-cleaned daily and sanitized in accordance with * 4.11(B) of this subpart to prevent accumulation of excreta and reduce disease hazards. Floors made of dirt, covered with absorbent bedding, sand, gravel, grass, or other similar material must be raked or spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta. Contaminated material must be replaced whenever this raking and spot-cleaning is not sufficient to prevent or eliminate odors, insects, pests, or vermin infestation. All other surfaces of housing facilities must be cleaned and sanitized when necessary to satisfy generally accepted standards and practices. Sanitization may be done using any of the methods provided in * 4.11(B) (3) for primary enclosures.

(D) Water and electric power. The housing facility must have reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other licensed breeder requirements in accordance with the regulations in this subpart. The housing facility must provide adequate running potable water for the animals' drinking needs, for cleaning, and for carrying out other licensed breeder requirements.

(E) Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly and removed when spoiled. All food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the animals but are required for normal housekeeping practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

(F) Drainage and waste disposal. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination

and disease risks.

Housing facilities must be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. If an automated system or stacking type enclosures are used all waste containments must be impervious to moisture, meet all requirements of *4.6(n) and (o), and prevent any urine and/or excreta from dripping or otherwise coming in contact with animals below. Disposal and drainage systems must minimize vermin and pest infestation, insects, odors, and disease hazards. All drains must be properly constructed, installed, and maintained. If closed drainage systems are used, they must be equipped with traps and prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds, or other similar systems for drainage and animal waste disposal, the system must be located far enough away (minimum of 20 ft.) from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation. Standing puddles of water in animal enclosures that is greater than 10% must be drained or mopped up so that the animals stay dry. Trash containers in housing facilities and in food storage and food preparation areas must be leak-proof and must have tightly fitted lids on them at all times. Dead animals, animal parts, and animal waste must not be kept in food storage or food preparation areas, food freezers, food refrigerators, or animal areas.

(G) Sinks: Washing facilities such as basins or sinks must be provided for animal caretakers and must be readily accessible.

*** 4.2 Indoor housing facilities.**

(A) Heating, cooling, and temperature. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from temperature or humidity extremes and to provide for their health and well-being. When animals are present, the ambient temperature in the facility must not fall below 50 °F (10 °C) for animals not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds), and for sick, aged, young, or infirm animals, except as approved by a licensed veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when animals are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when animals are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(B) Ventilation. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels below 20 ppm, and moisture condensation. Ventilation must be provided by windows that are screened, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air conditioning must be provided when the ambient temperature is 85 °F (29.5 °C) or higher. The relative humidity must be maintained at a level between 30-70% that ensures the health and well-being of the animals housed therein. This can be accomplished with dehumidifiers.

(C) Lighting. Indoor housing facilities for animals must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the animals. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be

uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the animals from excessive light.

(D) Interior surfaces. The floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable (e.g., a suspended ceiling with replaceable panels).

(F) Exemptions for those who possess 12 or less companion animals are as follows:

- (1) Only animals that are housed in a residential building defined by definition and has one or more family member(s) of a professional breeder or reputable rescue occupying the residence and:
 - (2) That has more than 4 (four) adult animals but less than 13;
 - (3) Every canine in excess of 5 (five) has an available enclosure that:
 - (a) Is impervious to moisture (solid plastic crate, etc.);
 - (b) Wire crates or other enclosures are used that does not completely contain fluids or excreta:
 - (i) Has to have an impervious to moisture barrier 2 ft. In any direction exceeding the dimensions of the enclosure.
 - (c) Innovative primary enclosures will be permitted that does not precisely meet the floor area and/or height requirements, as defined in paragraphs *4.6(C) (1) of this section, provided that:
 - (i) it has as a minimum of 2 inches above an animal's head;
 - (ii) provides the animals with a sufficient volume of space and the opportunity to express species-typical behavior, and;
 - (iii) All of *4.8 (C) (3) is met with this animal having adequate time outside of this enclosure. (Example: a commercially obtained plastic crate measures d-27"x w-21 1/2"x h-20" has a square foot value of 4.02. A 19" length dog by 18" tall requires a 4.34 square foot area and height of 24")
 - (d) All canines has access to outside runs, pens, or walked in ordinance with *4.8;
- (4) No more than 4 dogs over the age of 1 year shall be loose at any time without uninterrupted supervision.
- (5) All containments must be moved at least every 2 weeks as to clean under, on, and around excess food, hair, cob webs, etc.
- (6) There is the maximum of 12 cats loose with:
 - (a) Minimum of 3 litter stations;
 - (b) Each litter station has an impervious to moisture barrier 2 ft. in any direction exceeding the dimensions of litter station.

*** 4.3 Sheltered housing facilities.**

(A) Heating, cooling, and temperature. The sheltered part of sheltered housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from

temperature or humidity extremes and to provide for their health and well-being. The ambient temperature in the sheltered part of the facility must not fall below 50 °F (10 °C) for animals not acclimated to lower temperatures, for those breeds that cannot tolerate lower temperatures without stress and discomfort (such as short-haired breeds), and for sick, aged, young, or infirm animals, except as approved by a licensed veterinarian. Dry bedding, solid resting boards, or other methods of conserving body heat must be provided when temperatures are below 50 °F (10 °C). The ambient temperature must not fall below 45 °F (7.2 °C) for more than 4 consecutive hours when animals are present, and must not rise above 85 °F (29.5 °C) for more than 4 consecutive hours when animals are present. The preceding requirements are in addition to, not in place of, all other requirements pertaining to climatic conditions in parts 2 and 3 of this chapter.

(B) Ventilation. The enclosed or sheltered part of sheltered housing facilities for animals must be sufficiently ventilated when animals are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels below 20 ppm and moisture condensation. Ventilation must be provided by windows, doors, vents, fans, or air conditioning. Auxiliary ventilation, such as fans, blowers, or air-conditioning, must be provided when the ambient temperature is 85 °F (29.5 °C) or higher.

(C) Lighting. Sheltered housing facilities for animals must be lighted well enough to permit routine inspection and cleaning of the facility, and observation of the animals. Animal areas must be provided a regular diurnal lighting cycle of either natural or artificial light. Lighting must be uniformly diffused throughout animal facilities and provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and for the well-being of the animals. Primary enclosures must be placed so as to protect the animals from excessive light.

(D) Shelter from the elements. Animals must be provided with adequate shelter from the elements at all times to protect their health and well-being. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely. Which is equivalent to 1/2 of required minimum space required by chart *4.13 for each animal in enclosure. (Example: 1- 20" dog needs 4.69 square feet divided by 2 = 2.35 square feet)

(E) Surfaces. The following areas in sheltered housing facilities must be impervious to moisture:

- (1) Indoor floor areas in contact with the animals.
- (2) All walls, boxes, houses, dens, and other surfaces in contact with the animals.

*** 4.4 Outdoor housing facilities.**

(A) Restrictions.

- (1) The following categories of animals must not be kept in outdoor facilities, unless that practice is specifically approved by a licensed veterinarian:
 - (a) Animals that are not acclimated to the temperatures prevalent in the area or region where they are maintained;
 - (b) Breeds of dogs or cats that cannot tolerate the prevalent temperatures of the area without stress or discomfort (such as short-haired breeds in cold climates); and

(c) Sick, infirm, aged or young animals.

- (2) When their acclimation status is unknown, animals must not be kept in outdoor facilities when the ambient temperature is less than 50 °F (10 °C).

(B) Shelter from the elements. Outdoor facilities for animals must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun at any time of day. Shelters in outdoor facilities for animals must contain a roof, four sides, and a floor with only opening is entrance, such as a commercially obtained dog house and must:

- (1) Provide the animals with adequate protection and shelter from the cold and heat;
- (2) Provide the animals with protection from the direct rays of the sun and the direct effect of wind, rain, or snow;
- (3) Shade provided must come from a shade screen with a value of 85% or greater, a solid roof, or tarp without tears.
- (4) Be provided with a wind break and rain break at the entrance; or be placed under a three sided shed with entrance facing back of shed; and
- (5) Contain clean, dry, bedding material if the ambient temperature is below 50 °F (10 °C). Additional clean, dry bedding is required when the temperature is 35 °F (1.7 °C) or lower.

(C) Construction.

- (1) Must be constructed in such a manner to be strong, impervious to moisture, and only openings are that of entry way
- (2) If a type of structure is used that does not have a permanent floor:
 - (a) Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. The floors of outdoor housing facilities may be of compacted earth, absorbent bedding, sand, gravel, or grass, and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin. All surfaces must be maintained every two weeks. Surfaces of outdoor housing facilities—including houses, dens, etc.—that cannot be readily cleaned and sanitized, must be replaced when worn or soiled.
 - (b) The following is permitted for use by Reputable rescues only: Metal or plastic barrels, cars, refrigerators, or freezers may be used provided they meet * 4.4(B).

(D) Must have a permanent potable water source within 50 ft. of outdoor enclosures.

(E) 20 ft. of outdoor enclosures must be free of debris, trash, animal and food waste, garbage, dead animals, and excessive weeds or overgrowth.

(F) Permanent tethering is permitted for use by Reputable Rescues only provided that:

- (1) Animal is on a zip line that will not permit any tangling at either end or around shelter;

- (2) Main line is at least 25 ft. long;
- (3) Main line is made from a material that is chew proof, have no sharp points or edges that could cause injury, and does not weigh more than ¼ of the weight of the animal applied;
- (4) Water source cannot in anyway be turned over by tether or be in anyway inaccessible to animal while on tether;
- (5) All other requirements are met in section 4.4;
- (6) Must have a complete enclosed premise fencing that prohibits other animals from having access to each tethered animal.

***4.5 Mobile or Traveling Housing Facilities**

(A) Heating, cooling and temperature

- (1) Supplemental heaters, heat lamps or other obtainable warming methods will be accepted for the winter months or otherwise temperatures below 50 degrees
- (2) Ice bottles, fans or other obtainable cooling methods for the summer or otherwise temperatures above 85 degrees.
- (3) Shade with the equivalent value of 85% or greater must be provided in any temperature above 70 degrees

(B) Water must be provided during duration of public viewing,

(C) Adequate space required for each companion animal on display in 4.6(A).

*** 4.6 Primary enclosures.**

(A) General requirements. Primary enclosures for animals must meet the following minimum requirements:

- (1) Primary enclosures must be designed and constructed of suitable materials so that they are structurally sound. The primary enclosures must be kept in good repair.
- (2) Primary enclosures must be constructed and maintained so that they:
 - (a) Have no sharp points or edges that could injure the animals;
 - (b) Protect the animals from injury;
 - (c) Contain the animals securely;
 - (d) Keep other animals from entering the enclosure;
 - (e) Enable the animals to remain dry and clean;
 - (f) Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the animals;
 - (g) Provide sufficient shade to shelter all the animals housed in the primary enclosure at one time regardless of time of day; must be equivalent to 85% sun shade, tarp without tears, or other roof bearing shed;
 - (h) Provide all the animals with easy and convenient access to clean food and water;

- (i) Enable all surfaces in contact with the animals to be readily cleaned and sanitized in accordance with * 4.11(B) of this subpart, or be replaceable when worn or soiled;
- (j) Have floors that are constructed in a manner that protects the animals' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the animals' feet to pass through any openings in the floor, openings must be 1" or less for small breeds and 1 1/4" or less for large breeds;
- (k) Provide sufficient space to allow each animal to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner; and
- (l) All primary enclosures must be in compliance with the requirements in this paragraph (A) (2). If the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports. Only allowed is coated 12 GA 1 x 1" , 14 GA 3/4 x 3/4" or smaller opening wire flooring, or any commercially available grids/ grates meeting all requirements of 4.6 .
- (m) If an all wire enclosure is used. There must be a resting board present that is at is large enough for all occupants of enclosure to be on comfortably but not less than 16 percent of entire enclosures size. Resting board must be constructed of material that is impervious to moisture and is at least 85 percent solid. If it has drain holes they must be smaller than ¼ of an inch in diameter. If commercially available grids are in use with a flat surface, made of plastic and/or fiberglass, has 50% solid surface and openings are less than 7/8" no resting board is required.
- (n) If an automated system is in place such as, a Sundowner, Whorton, or otherwise available fully automated sheltered apartment type housing typically designed for smaller breeds 35 pounds or less is used, all containments must meet all minimum space requirements and be constructed as * 4.2 indoor, or * 4.3 sheltered housing and:
 - (i) Must include automated water, feeders, wire or grated flooring, and wash down pans inside for indoor only, or;
 - (ii) Must include automated water, feeders, wire or grated flooring and wash down pans inside and outside for sheltered housing;
 - (iii) If water is not automated, water bottles or other watering containers are to be present on each containment.
 - (iv) Wash down pans must prevent any urine or excreta from reaching any animals on the pens below;
 - (v) Must be impervious to moisture.
 - (vi) Must be constructed in such a manner there is no dripping or otherwise leakage on the pens below.
- (o) If a system is used indoors that that meets * 4.6(B) or(C) is and has removable trays or containment pans that require dumping or newspaper removal, (Example: a 3- stack):

- (i) Removable tray must be constructed in such a manner that is impervious to moisture;
- (ii) The containment pan must reach all sides of the bottom of containment is designed for;
- (iii) The containment pan must be of sufficient depth as to contain any and all urine and excreta.

(B) Additional requirements for cats.

- (1) Space. Each cat, including weaned kittens, that is housed in any primary enclosure must be provided minimum vertical space and floor space as follows:
 - (a) Each primary enclosure housing cats must be at least 24 in. high (60.96 cm);
 - (b) Cats up to and including 8.8 lbs. (4 kg) must be provided with at least 3.0 ft² (0.28 m²);
 - (c) Cats over 8.8 lbs. (4 kg) must be provided with at least 4.0 ft² (0.37 m²);
- (2) Each queen with nursing kittens must be provided with an additional amount of floor space, based on her breed and behavioral characteristics. The additional amount of floor space for each nursing kitten is equivalent to or more than 5 percent of the minimum requirement for the queen; and
- (3) The minimum floor space required by this section is exclusive of any food or water pans. The litter pan may be considered part of the floor space if properly cleaned and sanitized.
- (4) Compatibility. All cats housed in the same primary enclosure must be compatible, as determined by observation. Not more than 12 adult non-conditioned cats may be housed in the same primary enclosure. Queens in heat may not be housed in the same primary enclosure with sexually mature males. Queens with litters may not be housed in the same primary enclosure with other adult cats, and kittens under 4 months of age may not be housed in the same primary enclosure with adult cats, other than the dam or foster dam. Cats with a vicious or aggressive disposition must be housed separately.
- (5) Litter. In all primary enclosures, a minimum of 1 receptacle per 4 cats containing sufficient clean litter must be provided to contain excreta and body wastes. All receptacles must be completely dumped, rinsed out, and new litter applied daily, not just scooped out as to prevent odor and disease. (Example: 1/2 cup of standard litter per cat is sufficient for proper potty behavior)
- (6) Resting surfaces. Each primary enclosure housing cats must contain a resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably. The resting surfaces must be elevated, impervious to moisture, and be able to be easily cleaned and sanitized, or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal will be counted as part of the floor space.

(C) Additional requirements for dogs:

- (1) Space:

- (a) Each dog housed in a primary enclosure (including weaned puppies) must be provided a minimum amount of floor space, calculated as follows: Find the mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; times itself, then divide the product by 144. The calculation is: (length of dog in inches + 6) times (length of dog in inches + 6) = required floor space in square inches divided by 144 (inches per square foot) = required floor space in square feet. (See chart * 4.13) Example: 20 inch dog will be (20 +6) = 26 inches (26 times 26) = 676 inches divided by 144 inches = 4.69 square feet.
 - (b) Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics. The additional amount of floor space for each nursing puppy is at least 5 percent of the minimum requirement for the bitch.
 - (c) The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- (2) Compatibility. All dogs housed in the same primary enclosure must be compatible, as determined by observation. Not more than 4 adult non-conditioned dogs may be housed in the same primary enclosure. Bitches in heat may not be housed in the same primary enclosure with sexually mature males. Bitches with litters may not be housed in the same primary enclosure with other adult dogs, and puppies under 4 months of age may not be housed in the same primary enclosure with adult dogs, other than the dam or foster dam. Dogs with a vicious or aggressive disposition must be housed separately.
- (3) Vicious dog enclosure: There must be an enclosure provided for each viscous dog, jumper, digger, and/or climber with the minimum of two enclosures at every reputable rescues site regardless of use. This enclosure must be constructed in such a manner as to prevent; digging, climbing, and easy entry of enclosure. (Example: concrete floor, covered top, and a lock or other similar device on entry gate)

(4) Exemptions for those who possess 12 or less companion animals in a residential building are as follows:

- (a) Innovative primary enclosures will be permitted that does not precisely meet the floor area and/or height requirements, as defined in paragraphs *4.6(C) (1) of this section, provided that:
 - (i) it has as a minimum of 2 inches above an animal's head;
 - (ii) provides the animals with a sufficient volume of space and the opportunity to express species-typical behavior, and;
 - (iii) All of *4.8 (C) (3) is met with this animal having adequate time outside of this enclosure. (Example: a commercially obtained plastic crate measures d-27"x w-21 1/2"x h-20" has a square foot value of 4.02. A 19" length dog by 18" tall requires a 4.34 square foot area and height of 24")

***4.7 Animal Health and care Standards**

(A) Compatible grouping. Animals that are housed in the same primary enclosure must be compatible, with the following restrictions:

- (1) Females in heat (estrus) may not be housed in the same primary enclosure with males,
- (2) Any animal exhibiting a vicious or overly aggressive disposition must be housed separately;
- (3) Puppies or kittens 4 months of age or less may not be housed in the same primary enclosure with adult dogs or cats other than their dams or foster dams,
- (4) Dogs or cats may not be housed in the same primary enclosure with any other species of animals, unless they are compatible; and
- (5) Animals that have or are suspected of having a contagious disease must be isolated from healthy animals in the colony, as directed by a licensed veterinarian. When an entire group or room of animals is known to have or believed to be exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(B) Grooming:

- (1) All animals shall be free from excessive hair and nail length that prohibits ease of normal movement and function.

(C) Adequate veterinary care:

- (1) Each Professional breeder and Reputable rescue shall have a working relationship with a local licensed veterinary that:
 - (a) Provides care to all animals that require veterinary care in compliance with this section.
 - (b) Has an adequate veterinary program that includes:
 - (i) Use the appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Including proper vaccine and worming protocols for adult animals and puppies/kittens,
 - (ii) A defined availability of emergency, weekend, and holiday care.
- (2) Daily observation of all animals by on site care givers to assess their health and well-being.
- (3) Life threatening conditions such as broken limbs, uncontrolled bleeding, severe oral infections, or other traumas, must be addressed upon discovery.
- (4) Must provide proof of annual vaccinations against contagious and infectious diseases that include a minimum of canine distemper, adenovirus type II parainfluenza, and parvovirus for dogs;
 - (a) Reputable rescues only will have the exclusion of this requirement on a dog over the age of 8 years.

- (5) Must provide proof of annual vaccinations against contagious and infectious diseases, including at a minimum feline leukemia, rhinotracheitis, calicivirus, panleukopenia, and chlamydia psittaci for cats;
 - (a) Reputable rescues only will have the exclusion of this requirement on a cat over the age of 8 years.
- (6) Provide proof of valid rabies either annual or 3 year to be given only by a licensed veterinarian for any animal over the age of 4 months;
- (7) All surgical procedures are required to be performed only by a licensed Veterinarian including, but not limited to cesarean sections, spay and/or neuters.
- (8) Dispose of animals only by gift, sale, transfer, barter, adoption, or euthanasia by a licensed veterinarian, and shall not abandon or dump any animal;
- (9) Copies of these records must be maintained for a period of 5 years

Additional requirements for Professional breeders:

- (1) Must provide proof of current animal care sheet signed by a licensed veterinarian
 - (a) Must include heartworm prevention plan for dogs
 - (b) procedures of tail docking, and dewclaw removal has to be under the supervision of a licensed veterinarian with signed documentation from the licensed veterinarian, stating proper methods, instruments to be used, proper sanitizing methods for such instruments, and an emergency plan.
 - (c) A written annual program to address each dog's exercise and additional care.
- (2) Must have every adult intact animal in the custody of the breeder that is the age of 12 months and older to be inspected by a licensed veterinarian once a year and have documentation for each inspection which includes:
 - (a) date of inspection,
 - (b) they are in good health for breeding,
 - (c) any medical issues (need dental, ear or eye infection) found at time of inspection.
 - (d) at least one negative feline leukemia test for cats.
- (3) All medical issues must be addressed immediately.
- (4) Any animals with medical issues found upon time of annual inspection must be re-inspected in 30 days.
- (5) Any animals upon re-inspection found to chronic medical issues that require long term treatment (ears, eyes) but is unrelated to the soundness for breeding purposes must have a written statement stating the medical issue and recommended future care by a licensed veterinarian.

Additional requirements for Reputable rescues:

- (1) Have a permanent application of a microchip and a hands-on veterinary examination with written findings within 5 business days, or accept a vet exam from an owner surrender that is within 5 business days, of acquiring any animal, stating the current condition of said animal including the following conditions of, but not limited to:
 - (a) needs grooming, thin, fleas, scars, dental issues;
 - (b) Heartworm test results for dogs greater than 6 months of age;

- (c) Feline Leukemia test results for cats greater than 8 weeks of age;
- (d) Major health issues involving long term care;
- (2) All medical issues must be addressed immediately
- (3) Have a permanent microchip number applied to the veterinarian intake statement and the health certificate.

* 4.8 Exercise for dogs.

(A) Dogs housed individually. Dogs over 12 weeks of age, except bitches with litters, housed, held, or maintained by any licensed breeder must be provided the opportunity for exercise regularly if they are kept individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated by * 4.6(C)(1) of this subpart for the minimum of 15 minutes while one is cleaning primary enclosure.

(B) Dogs housed in groups. Dogs over 12 weeks of age housed, held, or maintained in groups by any licensed rescue, do not require additional opportunity for exercise regularly if they are maintained in cages, pens, or runs that provide in total at least 100 percent of the required space for each dog if maintained separately. (Example: 3 -20" dogs require the minimum of 14.07 square feet.) Such animals may be maintained in compatible groups, unless:

- (1) In the opinion of a licensed veterinarian, such housing would adversely affect the health or well-being of the dog(s); or
- (2) Any dog exhibits aggressive or vicious behavior.

(C) Methods and period of providing exercise opportunity.

- (1) The frequency, method, and duration of the opportunity for exercise shall be determined by a licensed veterinarian for any ill or injured animals.
- (2) In developing your plan, you should consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, it must be provided with positive physical contact with humans at least daily.
- (3) The opportunity for exercise may be provided in a number of ways, such as:
 - (a) **Group housing** in cages, pens or runs that provide at least 100 percent of the required space for each dog if maintained separately under the minimum floor space requirements of * 4.6(C)(1) of this subpart;(example: an ex-pen can make a 4'x 4' square(16 square foot) or a 2'x 6' rectangle(12 square foot) the 16' can have 3- 21" small dogs or 2- 28" but the 12' can only have 3-18" or 2-23")
 - (b) **Maintaining individually** housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by * 4.6(C) (1) of this subpart; (example 1- 20" animal is required to have the minimum of 4.69 x 2 = 9.38 square foot if not turned out daily)
 - (c) **Providing access to a run** or open area at the frequency and duration for the minimum of 15 minutes while cleaning primary enclosure; or
 - (d) Other similar activities.

(D) Forced exercise methods or devices such as swimming, treadmills, or carousel-type devices are unacceptable for meeting the exercise requirements of this section.

(E) Exemptions:

- (1) If, in the opinion of a licensed veterinarian, it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensed breeder may be exempted from meeting the requirements of this section for those dogs. Such exemption must be documented by a licensed veterinarian and, unless the basis for exemption is a permanent condition, must be reviewed at least every 30 days by a licensed veterinarian.
- (2) Records of any exemptions must be maintained and made available to state officials.

*** 4.9 Feeding.**

(A) All animals must be fed at least once each day, except as otherwise might be required to provide adequate veterinary care. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition.

(B) Food receptacles must be used for animals, must be readily accessible to all animals, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with * 4.11(B) of this subpart. Sanitization is achieved by using one of the methods described in * 4.11(B) (3) of this subpart. If the food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with * 4.11(B) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

*** 4.10 Watering.**

(A) Potable water must be continually available to the animals. Water receptacles must be kept clean and sanitized in accordance with * 4.11(B) of this subpart, and before being used to water a different animal or social grouping of animals.

Exemptions:

- (1) Only if animals are engaged in animal related event such as cat/dog show or other similar type event; or
- (2) Animal is being prepared for a veterinarian related surgery then;
 - (a) water must be offered to the animals as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by a licensed veterinarian.

(B) Fresh water must be supplied daily.

*** 4.11 Cleaning, sanitization, housekeeping, and pest control.**

(A) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily and from under primary enclosures daily to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, animals must be removed, unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and animals in other primary enclosures must be protected from being contaminated with water and other wastes during the cleaning. The pans under primary enclosures with grill-type floors and the ground areas under raised runs with mesh or slatted floors must be cleaned as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards pests, insects and odors.

(B) Sanitization of primary enclosures and food and water receptacles.

- (1) Used primary enclosures and food and water receptacles must be cleaned and sanitized in accordance with this section before they can be used to house, feed, or water another animal, or social grouping of animals.
- (2) Used primary enclosures and food and water receptacles for animals must be sanitized at least once every 2 weeks using one of the methods prescribed in paragraph (B)(3) of this section, and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.
- (3) Hard surfaces of primary enclosures and food and water receptacles must be sanitized using one of the following methods:
 - (a) Live steam under pressure;
 - (b) Washing with hot water (at least 180 °F (82.2 °C)) and soap or detergent, as with a mechanical cage washer; or
 - (c) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or by using a combination detergent/disinfectant product that accomplishes the same purpose, with a thorough cleaning of the surfaces to remove organic material, so as to remove all organic material and mineral buildup, and to provide sanitization followed by a clean water rinse. .
Recommended for dogs: 4 ounces bleach to 1 gallon water, (1:32 ratio).
Never bleach for cats.
- (4) Pens, runs, and outdoor housing areas using material that cannot be sanitized using the methods provided in paragraph (B)(3) of this section, such as gravel, sand, grass, earth, or absorbent bedding, must be sanitized by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(C) Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair to protect the animals from injury, and to reduce or eliminate breeding and living areas for rodents and other pests and

vermin. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(D) Pest control. An effective program for the control of insects, external parasites affecting dogs and cats that are pests, must be established and maintained in the minimum of 30 days upon acquiring any animal, so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas.

*** 4.12 Employees.**

(A) Each person maintaining more than 5 intact animals must have enough employees to carry out the level of good housekeeping practices and care required in this subpart. The employees who provide and care for, or handle animals, must be supervised by an individual who has the knowledge, background, and experience in proper care of animals to supervise others. The employer must be certain that the supervisor and other employees can perform to these standards.

(B) **15 minute rule:** These formulations have been assigned to each type of containment. Any combination thereof maybe used in calculations for time needed daily.

(1) 15 minutes is the minimum requirement for properly cleaning each containment area and is defined as such:

- (a) Per containment in an indoor and/or sheltered housing (example: crate, ex-pen)
- (b) Per group in an indoor and/or sheltered housing:
 - (i) Maximum per group is 4 dogs 12 months or older
- (c) Per 4 cats.
- (d) Per pen or run (example: any type of ground based enclosure):
 - (i) Maximum per pen or run is 4 dogs 12 months or older
- (e) Per tethered dog

(2) If an automated system is in place such as, a Sundowner, Whorton, or otherwise available fully automated sheltered apartment type housing typically designed for smaller breeds 35 pounds or less is used, the time frame is 5 minutes per indoor/outdoor containment or 3 minutes per indoor only containment. All containments must meet all minimum space requirements and be constructed as * 4.2 indoor, or * 4.3 sheltered housing and:

- (a) Must include automated water, feeders, wire or grated flooring, and wash down pans inside for indoor only, or;
- (b) Must include automated water, feeders, wire or grated flooring and wash down pans inside and outside for sheltered housing;
- (c) If water is not automated on either indoor or indoor/outdoor housing an additional 1 minute will be added for each containment. Water bottles are excluded as automated.

- (d) Wash down pans must prevent any urine or excreta from reaching any animals on the pens below, must be constructed in such a manner that there is no dripping or otherwise leakage on the pens below and is impervious to moisture.
- (3) If a system is used indoors that that meets * 4.6(B) or(C) is 30" x 48" maximum on the floor sizing and has removable trays that require dumping or newspaper removal, (Example: a 3 stack) 5 minutes will be required per containment. A 3- stack will require 15 min as it is 3 individual containments. If it is larger than 30" x 48" 1 minute will be added for each additional 12".
 - (a) Removable tray must be constructed in such a manner that is impervious to moisture;
 - (b) The containment pan must reach all sides of the bottom of containment it is designed for;
 - (c) The containment pan must be of sufficient depth as to contain any and all urine and excreta.
- (4) If an elevated hutch type containment is used, (Example: whole containment is elevated, includes wire or grated flooring and a box or dog house that meets * 4.4 (B) 10 minutes will be required per containment regardless if containment is on top of the ground or placed on concrete.

(D) Licensed breeders or rescues may use any combination stated above for defining the amount of time needed for proper care. When calculating man hours for your population number, your formula has to be predicated on the least amount of hours per any given day an attendant or caregiver is on the premises.

(E) Licensed breeders or rescues may use any combination of the following for calculating total man hours:

- (1) Each employee will be allotted the maximum of 8 hours or 480 minutes per day regardless of actual time at licensed breeder's facility provided they are present and working for at least 8 hours. (Example: one maybe present for 12 hours.)
- (2) Primary caregiver (yourself) will be automatically be allotted 8 hours provided that you are actively hands on for the minimum of 8 hours and you must be on site 7 days a week for the minimum of 8 hours.
- (3) If you have a commitment off site that prohibits your being on site (Example: a job), you will only be allotted 2 hours for a full time job and 4 hours for part-time job.

(F) When calculating man hours for your population number, your formula has to be predicated on the **least** amount of attending hours per any given day an attendant or caregiver is on the premises.

Examples:

All enclosures have to meet the required space for each animal in the enclosure *4.6

(1) A single primary caregiver with 8 hours hands on, provided that this formula is met 7 days a week can easily manage:

- (a) 32 dogs in individual ground pens or crates in an indoor and/or sheltered housing
- (b) or the maximum of 128 dogs in grouped ground type indoor and/or sheltered housing,
- (c) or 128 cats,
- (d) or 32 outdoor runs or pens with maximum of 128 dogs
- (e) or 96 individual dogs in an full automated indoor/outdoor system,
- (f) or maximum of 384 in group housing in a fully automated indoor/outdoor system,
- (g) or 48 above ground housing with the maximum of 192 dogs
- (h) or 96 individual tray type enclosures
- (i) or any mix and match of enclosures predicated on 8 hours or 480 minutes per day.

(2) 1- 8 hour employee 7 days a week and a primary caregiver that works the minimum of 8 hours a day, 7 days a week, has a total of 16 man hours per day, will be able to manage and maintain in an indoor and/or sheltered housing 64 dogs in individual containments, or 256 dogs in grouped housing, or 256 cats, or 64 outdoor runs or yards with the maximum 256 dogs.

(3) A single caregiver who works full time and is home on the week-ends is only allotted 2 hours every day, or 8 dogs in crates, or maximum of 32 dogs in group housing, or 8 outdoor housing maximum of 32 dogs, or maximum of 32 cats.

(4) 1- 8 hour employee Monday thru Friday, and primary caregiver that is 8 hours 7 days a week will have a total of 8 man hours for every day (sat and sun have only 1 person)

(5) 1- 8 hour employee Monday thru Thursday, 1- 8 hour employee Friday thru Sunday, primary caregiver who works part time, will have the total of 12 man hours for every day. (Employees cover mon-sun, however primary care giver is allotted 4 hours)

(6) 1 employee that is there only 6 hours a day Monday thru Friday, primary caregiver is full time for 7 days, will have the total of 8 man hours for every day. (Sat and Sun have only 1 person)

***5.0 Commissioner; Local Law Enforcement; Duties and Powers.**

(A) The Commissioner may adopt regulations and guidelines consistent with the objectives and intent of this part concerning the care and humane treatment of companion animals and consumer protection.

(B) The Commissioner, any law enforcement officer, and any public health or safety official employed by the locality where a professional breeder resides or maintains breeding operations may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this part. Such investigation may include (i) the inspection of the books and records of any professional breeder, (ii) the inspection of any animal in the possession of the

professional breeder, and (iii) the inspection of any facility, enclosure, or other place where animals are bred, maintained, or otherwise held. In conducting the inspection, the Commissioner or officer may enter any premises where animals may be bred or maintained during daytime hours ~~without a warrant.~~

(C) Any professional breeder who is the subject of an investigation by the Commissioner, ~~the State Veterinarian,~~ or a law enforcement officer shall, upon request, provide assistance to the Commissioner, ~~the State Veterinarian,~~ or the officer in making any inspection authorized by this section.

(D) The Commissioner shall maintain a database or list of all professional breeders and provide the following information for each breeder: name, business name, license number, the date(s) on which the license was issued, renewed, suspended, revoked, or terminated, and the number and nature of any violations, if any. The database or list shall be made available to the public via the Internet and shall be updated ~~annually.~~ Quarterly.

(E) The Commissioner shall delegate to the Chief Law Enforcement Officer in each county, ~~municipality or other political subdivision~~ of the State responsibility for conducting inspections, collecting fines, initiating investigations, taking enforcement measures, or performing any of the other responsibilities or duties outlined in this part.

Right of Entry for law enforcement?

(F) The Commissioner, ~~and/or~~ County Chief law enforcement officer shall have authority to seize any dog/cat as may be necessary to provide for the humane treatment of that animal.

***6.0 Consumer Protection**

(A) The following shall be considered an unfair or deceptive act or practice as defined in the Tennessee Consumer Protect Act of 1977, Tenn. Code Ann. 47-18-101 et seq., and shall constitute a violation thereof:

- (1) Selling/adopting, offering for sale or advertising any animal while a breeder or rescue is unlicensed or has had its license suspended or revoked;
- (2) Selling/adopting a puppy/kitten younger than eight (8) weeks of age;
- (3) Misrepresenting the physical condition of and/or medical history of any animal at the time of sale, adoption, trade, delivery, or other method of transfer. For the purpose of this section, misrepresentation shall include, but is not limited to, selling, adopting trading, delivering or otherwise transferring an animal to another person with the knowledge that the animal has an infection, communicable disease, parasitic infestation, abnormality or other physical defect that is not made known to the person receiving the animal
- (4) Misrepresenting the condition of and/or possession of an animal for the purpose of receiving donations.
- (5) Not providing purchaser/consumer at time of adoption/sale that has any monetary exchange or bartering (including money ,trade, donations or services) with

documentation from a licensed veterinarian which will include:

- (a) A valid certified health certificate,
 - (b) That animal has been examined by a licensed veterinarian and is in good health and free of internal and external parasites;
 - (c) Disclosure of any and all medical issues and/or veterinary recommendations for continuing proper treatment for an animal that is not in good health or has a condition that will require lifelong or long term treatment
 - (d) Proof of at least the first round of proper immunizations;
 - (e) Only for purpose of sale in the state of Tennessee, a health certification will be valid for 30 days from date of veterinarian inspection.
- (6) Any animals not having a current valid health certification before crossing any state lines.
- (7) Disposing of animals by other means other than by gift, sale, adoption, transfer, barter, or euthanasia by a licensed veterinarian,

(B) Any professional breeder and/or reputable rescue who commits a violation of this section shall be subject to a remedial civil penalty for each separate violation not to exceed one thousand dollars (\$1,000) per offense.

(C) Upon reason to believe that a professional breeder or reputable rescue is selling dogs or cats without the license required by this part, the attorney general and reporter, after consultation with the director of the division of consumer affairs, may issue a pre-filing request for consumer protection information in accordance with § 47-18-106. Should a person deny the representative access to the premises, the attorney general and reporter shall petition, without cost or bond, any circuit or chancery court of competent jurisdiction for an order granting access to such premises and records. This part shall apply to the issuance of such request.

(Not sure about the above)

Any complaint received by the Division of Consumer Affairs or the Commissioner shall be forwarded to local law enforcement.

(D) Any person who suffers an ascertainable loss as a result of the use or employment by a professional breeder or reputable rescue, or any employee or other agent thereof, of unfair or deceptive act or practice described above may bring an action individually in accordance with § 47-18-109.

(E) Nothing in this section shall be construed to limit the remedies provided for by law.

***7.0 Duty of attorneys for the State**

It shall be the duty of each attorney for the State to enforce this article.

*** 4.13 chart and diagram**

MINIMUM SQUARE FEET PER DOG

(Length of dog per inch +6) times (length of dog per inch +6) divided by 144

DOG LENGTH	SQ FT NEEDED	DOG LENGTH	SQ FEET NEEDED	DOG LENGTH	SQ FEET NEEDED
10 INCHES	1.7	21 INCHES	5.06	32 INCHES	10.03
11 INCHES	2.01	22 INCHES	5.44	33 INCHES	10.56
12 INCHES	2.25	23 INCHES	5.84	34 INCHES	11.11
13 INCHES	2.51	24 INCHES	6.25	36 INCHES	12.25
14 INCHES	2.78	25 INCHES	6.67	38 INCHES	13.44
15 INCHES	3.06	26 INCHES	7.11	40 INCHES	14.69
16 INCHES	3.36	27 INCHES	7.56	42 INCHES	16.00
17 INCHES	3.67	28 INCHES	8.03	44 INCHES	17.36
18 INCHES	4.00	29 INCHES	8.51	46 INCHES	18.78
19 INCHES	4.34	30 INCHES	9.00	48 INCHES	20.25
20 INCHES	4.69	31 INCHES	9.51	50 INCHES	21.78

A. With dog in a normal standing position or with the dog held laying flat on its side, measure the dog in a straight line from the tip of the nose to the base of the tail. Do not follow the convolutions of the dog's body when measuring the length of the dog. .

B. Minimum 6 inches to top of cage from top of head



