



STATE OF TENNESSEE  
**EXECUTIVE ORDER**  
BY THE GOVERNOR

Number 72

**AN ORDER TRANSFERRING CERTAIN FUNCTIONS FROM THE  
DEPARTMENT OF AGRICULTURE TO THE DEPARTMENT OF HEALTH**

**WHEREAS**, Chapter No. 591 of the Public Acts of 2009, enacted the Commercial Breeder Act, which established a system of licensure for commercial breeders of dogs and cats; and

**WHEREAS**, pursuant to the Commercial Breeder Act, oversight and licensure of such commercial breeders in Tennessee is administered by the Commissioner of Health; and

**WHEREAS**, pursuant to existing state law, the regulation and licensure of dog and cat dealers is administered by the Department of Agriculture; and

**WHEREAS**, in addition, current state law gives the Department of Agriculture certain responsibilities related to the Animal Population Control Endowment Fund; and

**WHEREAS**, it has been determined that in the interest of economy, efficiency and better coordination of the functions of state government, the regulation and licensure of dog and cat dealers, as well as functions related to the Animal Population Control Endowment Fund, should be administered by the same executive branch agency responsible for dog and cat commercial breeder licensure; and

**WHEREAS**, both the Department of Health and the Department of Agriculture are created and established in Tennessee Code Annotated, Section 4-3-101.

**NOW THEREFORE**, I, Phil Bredesen, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and the laws of Tennessee, including but not limited to Tenn. Code Ann. § 4-4-102, do hereby direct and order the following:

1. The functions of the Department of Agriculture related to dog and cat dealer licensure and regulation pursuant to Tenn. Code Ann., Title 44, Chapter 17, Part 1, are hereby transferred from the Department of Agriculture to the Department of Health.
2. The functions of the Department of Agriculture related to the Animal Population Control Endowment Fund created in Tenn. Code Ann. § 55-4-290, are hereby transferred from the Department of Agriculture to the Department of Health.
3. The Commissioner of Health, with the assistance of the Commissioner of Agriculture, shall immediately begin the process of implementing this Executive Order No. 72, with such process to be completed in due time.



4. The Commissioner of Finance and Administration shall immediately transfer to the Department of Health from the Department of Agriculture all appropriations and other revenues budgeted for the programs. As needed, the Department of Finance and Administration shall revise the budgets of both agencies to reflect the effect of this Executive Order No. 72.
5. The Commissioner of Agriculture and the Commissioner of Health, with the assistance of the Commissioner of Human Resources, shall evaluate the need, if any, of transferring to the Department of Health any filled or unfilled, authorized and funded positions, in order to effectively carry out the provisions of this Executive Order No. 72. If any positions are so identified, such positions shall then be transferred to the Department of Health. This process shall be completed in due time.
6. All personal property, equipment and other materials and supplies made available to the Department of Agriculture for use by these programs shall be transferred to the custody of the Department of Health.
7. All contractual agreements, including but not limited to leases, entered into prior to October 22, 2010, by the Department of Agriculture with any entity, corporation, agency, enterprise or person with respect to any program or function transferred herein shall continue in full force and effect as to all essential provisions in accordance with the terms and conditions of the contracts in existence on October 22, 2010, to the same extent as if such contracts had originally been entered into by and between such entity, corporation, agency, enterprise or person and the Department of Health, unless and until such contracts or leases are amended or modified by the parties thereto.
8. All rules and polices heretofore promulgated or issued by the Department of Agriculture, related to functions transferred pursuant to this Executive Order No. 72, shall remain in full force and effect and shall hereafter be administered and enforced by the Department of Health. The Department of Health, through the Commissioner, shall have the authority, consistent with the statutes and regulations pertaining to the programs and functions transferred herein, to modify rules and policies heretofore promulgated or issued and to promulgate and adopt new rules and polices as may be necessary.
9. To the extent their terms are inconsistent with the terms of this Executive Order No. 72, all previous executive orders are hereby repealed.

**IN WITNESS WHEREOF**, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 5<sup>th</sup> day of November 2010.

*Phil B. Bredemeyer*

GOVERNOR

ATTEST:

*Joe Mangott*

SECRETARY OF STATE

