

O.C.G.A. Title 4

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15)

TITLE 4 Animals

Official Code of Georgia Annotated

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O.C.G.A. § 4-1-1

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4-1-1. Definitions.

As used in this title, the term:

- (1) “Commissioner” means the Commissioner of Agriculture of the State of Georgia.
- (2) “Department” means the Department of Agriculture of the State of Georgia.

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O.C.G.A. § 4-1-2

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4-1-2. State veterinarian — Qualifications; term of office; assistants.

- (a) The Commissioner is empowered to employ a licensed veterinarian, with not less than five years' practical experience in the general practice of his profession, as state veterinarian. The state veterinarian shall hold his office for the same term as the Commissioner unless removed sooner at the direction of the Commissioner.
- (b) The Commissioner may employ such other assistants as may be necessary in carrying out the duties imposed on him by this title.
- (c) The Commissioner shall have the power to prescribe the powers, duties, and functions of the state veterinarian and his assistants.

History

Ga. L. 1910, p. 125, §§ 1-3; Ga. L. 1929, p. 336, § 1; Ga. L. 1931, p. 7, § 97; Code 1933, §§ 62-902, 62-903; Ga. L. 1935, p. 167, §§ 3, 4; Ga. L. 1937, p. 850, §§ 1, 3; Ga. L. 1941, p. 238, §§ 2-4; Ga. L. 1995, p. 10, § 4.

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O.C.G.A. § 4-1-3

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4-1-3. State veterinarian — Duties generally.

The duties of the state veterinarian are to administer the business and affairs of the Animal Industry Division of the department. This includes enforcing the regulations and directing the programs designed to control and eradicate animal disease, directing the proper interstate movement of livestock, enforcing Article 3 of Chapter 2 of Title 26, the “Georgia Meat Inspection Act,” promoting livestock marketing, and licensing and bonding livestock markets, dealers, and meat packers.

History

Ga. L. 1910, p. 125, § 2; Ga. L. 1931, p. 7, § 97; Code 1933, § 62-901; Ga. L. 1935, p. 167, §§ 2, 4; Ga. L. 1937, p. 850, § 2; Ga. L. 1941, p. 238, §§ 1, 4; Ga. L. 1984, p. 22, § 4.

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O.C.G.A. § 4-1-4

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4-1-4. Presumption as to livestock killed or injured by poisons.

If livestock is killed or injured by poisoned crops or other poison on the property, there shall be a rebuttable presumption that the poisoning was done by the person in possession and charge of the property.

History

Orig. Code 1863, § 1403; Code 1868, § 1460; Code 1873, § 1447; Code 1882, § 1447; Civil Code 1895, § 1768; Civil Code 1910, § 2027; Code 1933, § 62-803.

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4-1-5. Use, possession, delivery, or sale of hog cholera vaccine, serum, or virus.

(a) It shall be unlawful for any person, firm, partnership, corporation, or association or any agency, department, or other political subdivision of a state, county, or municipal government or other entity to use, possess, sell, offer or hold for sale, deliver, distribute, introduce, or deliver for introduction into commerce hog cholera vaccine, serum, or virus in this state. A violation of this subsection shall constitute a misdemeanor.

(b) The Commissioner shall seize and destroy any hog cholera vaccine, serum, or virus found in this state.

History

Code 1933, §§ 62-1201, 62-1202, enacted by Ga. L. 1977, p. 280, § 1.

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4-1-6. Obstruction, interference, or hindrance of duties.

It shall be unlawful for any person to obstruct, interfere, or hinder the Commissioner, his or her designated agents and employees, an animal control officer, or a dog control officer in the lawful discharge of his or her official duties pursuant to this title. Any person convicted of a violation of this Code section shall be punished as provided in subsection (b) of Code Section 16-10-24.

History

Code 1981, § 4-1-6, enacted by Ga. L. 2000, p. 754, § 2.

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4-1-7. Investigation prior to charges of cruelty to animals in animal husbandry; “food animal” defined.

Prior to the filing of criminal charges for a violation under Code Section 16-12-4 with regard to conduct involving animal husbandry of food animals, a law enforcement officer shall consult with a licensed and accredited Category II veterinarian employed by the department or other agency of the State of Georgia whose primary practice and responsibilities are food animal veterinary medicine to confirm whether or not such conduct is in accordance with customary and standard practice. For purposes of this Code section, the term “food animal” means any animal that is raised for the production of an edible product intended for consumption by humans or is itself intended for consumption by humans. Such term shall include, but is not limited to, eggs, beef or dairy cattle, swine, sheep, goats, poultry, nonornamental fish, and any other animal designated by such veterinarian as a food animal.

History

Code 1981, § 4-1-7, enacted by Ga. L. 2018, p. 770, § 1/HB 956.

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O.C.G.A. Title 4, Ch. 2

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CHAPTER 2 Marks and Brands

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O.C.G.A. § 4-2-1

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4-2-1. Mark, brand, or tattoo registration — Certificates.

(a) Any person owning any livestock and desiring to register a mark, brand, or tattoo shall apply to the Commissioner for a certificate of mark, brand, or tattoo registration. Application for a certificate shall be made on forms provided by the department. Applications shall contain or be accompanied by such information as may be required by rule or regulation. In issuing certificates, the Commissioner shall not issue certificates to more than one person for the same or substantially identical marks, brands, or tattoos. There shall be no charge or fee for registration.

(b) Prior to July 1 of 1974 and on or before the same date every fifth year thereafter, the Commissioner shall purge from his lists of registrations the registrations of all marks, brands, or tattoos which the person to whom they are registered does not desire to retain as a registered mark, brand, or tattoo. Prior to removing a mark, brand, or tattoo from registration, the Commissioner shall, by registered or certified mail or statutory overnight delivery, notify the person to whom the mark, brand, or tattoo is registered that the registration will be canceled unless the Commissioner is notified within a period of three months from the date of mailing that such person desires to continue the registration of his mark, brand, or tattoo. If the Commissioner does not receive a reply within three months, he may cancel the registration of such mark, brand, or tattoo and may then reassign such mark, brand, or tattoo to any person seeking to register it, under such rules and regulations as may be prescribed by the Commissioner.

(c) It shall be the duty of the Commissioner to transmit a copy of any certificate of mark, brand, or tattoo registration to the judge of the probate court of the county of residence of the person to whom the certificate is issued or to the judge of the probate court of the county in which the animals to be marked, branded, or tattooed are located if the owner thereof is not a resident of this state. The judge of the probate court may record the certificate in a book kept by him for that purpose.

(d) No provision of this chapter shall affect or impair the validity of any mark, brand, or tattoo registered or recorded in the office of the Commissioner prior to April 1, 1974.

History

Ga. L. 1953, Nov.-Dec. Sess., p. 175, § 2; Code 1933, § 62-102, enacted by Ga. L. 1974, p. 1003, § 1; Ga. L. 1995, p. 244, § 3; Ga. L. 2000, p. 1589, § 3; Ga. L. 2008, p. 458, § 2/SB 364.

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4-2-2. Mark, brand, or tattoo registration — Evidential value.

The fact that any livestock is marked, branded, or tattooed with a registered mark or brand shall constitute prima-facie evidence in any trial or proceeding that such livestock belongs to the person to whom the certificate of mark, brand, or tattoo registration for that particular mark, brand, or tattoo was issued. This Code section shall not apply to livestock marked or branded prior to April 1, 1974, unless the mark, brand, or tattoo was registered or recorded in the office of the Commissioner.

History

Orig. Code 1863, § 1395; Code 1868, § 1452; Code 1873, § 1439; Code 1882, § 1439; Civil Code 1895, § 1758; Civil Code 1910, § 2017; Code 1933, § 62-104; Code 1933, § 62-103, enacted by Ga. L. 1974, p. 1003, § 1.

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4-2-3. Mark, brand, or tattoo registration — Change.

No registered mark, brand, or tattoo shall be changed so as to be of any use to the owner, unless permission is first granted by the Commissioner and the change is recorded.

History

Orig. Code 1863, § 1398; Code 1868, § 1455; Code 1873, § 1442; Code 1882, § 1442; Civil Code 1895, § 1761; Civil Code 1910, § 2020; Code 1933, § 62-107; Code 1933, § 62-104, enacted by Ga. L. 1974, p. 1003, § 1.

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4-2-4. Promulgation of rules and regulations.

The Commissioner is authorized to promulgate and adopt such rules and regulations as may be necessary or convenient to carry out this chapter.

History

Code 1933, § 62-105, enacted by Ga. L. 1974, p. 1003, § 1.

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4-2-5. Administration of chapter and rules and regulations.

It shall be the duty of the Commissioner to administer this chapter and any rules and regulations adopted pursuant to this chapter.

History

Ga. L. 1953, Nov.-Dec. Sess., p. 175, § 3; Code 1933, § 62-101, enacted by Ga. L. 1974, p. 1003, § 1.

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PART 1 General Provisions

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4-4-1. Legislative intent.

Because of the existing and increasing possibility of the occurrences of highly contagious or infectious diseases which threaten to destroy the livestock of this state and because certain known agents and vectors are instrumental in the spread of certain highly contagious or infectious diseases in livestock, it is found and declared to be necessary to:

- (1) Regulate the feeding of garbage;
- (2) Regulate the rendering of the carcasses of dead domestic animals;
- (3) Protect areas of this state free of disease by quarantine against the introduction of such diseases;
- (4) Quarantine infected areas against the spread of such diseases therefrom; and
- (5) Undertake to eradicate, control, suppress, and prevent such contagious or infectious diseases and make provisions therefor.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 1.

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4-4-1.1. “Livestock” defined.

As used in this chapter, the term:

- (1) “Livestock” means cattle, swine, equines, poultry, sheep, goats, nontraditional livestock, and ruminants.
- (2) “Nontraditional livestock” means the species of Artiodactyla (even-toed ungulates) listed as bison, water buffalo, farmed deer, llamas, and alpacas that are held and possessed legally and in a manner which is not in conflict with the provisions of Chapter 5 of Title 27 dealing with wild animals.

History

Code 1981, § 4-4-1.1, enacted by Ga. L. 1986, p. 425, § 1; Ga. L. 1995, p. 244, § 5; Ga. L. 1997, p. 1395, § 1; Ga. L. 2008, p. 458, § 4/SB 364.

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4-4-2. Promulgation of rules and regulations.

The Commissioner of Agriculture is authorized to promulgate rules and regulations as may be necessary to effectuate the purpose of this article.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 4.

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4-4-2.1. Fees for services rendered to A.P.H.I.S. programs.

The Commissioner is authorized by rule or regulation to establish, impose, and provide for the collection of reasonable fees for services rendered by the department or its employees or agents in connection with federal programs administered by the United States Department of Agriculture, Animal and Plant Health Inspection Service pursuant to 5 U.S.C. Section 5542; 7 U.S.C. Section 1622; 19 U.S.C. Section 1306; 21 U.S.C. Sections 102 through 105, 111, 114, 114a, 134a, 134c, 134d, 134f, 136, and 136a; or 7 C.F.R. 2.22, 2.80, and 371.2(d) (1-1-99 Edition); provided, however, no fees shall be imposed or collected under this Code section for any services rendered for primates or wild animals. The fees so established shall be sufficient in amount to reimburse the state for the cost incurred by the department in providing and administering such services.

History

Code 1981, § 4-4-2.1, enacted by Ga. L. 2000, p. 878, § 1.

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4-4-3. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner thereunder. An injunction issued under this Code section shall not require a bond.

History

Ga. L. 1956, p. 627, § 1.

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4-4-4. Administrative hearings and penalties.

(a) The Commissioner, in order to enforce this article or any orders, rules, or regulations promulgated pursuant thereto, may issue an administrative order imposing a penalty not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing, determines that any person has violated any provision of this article or any quarantines, orders, rules, or regulations promulgated thereunder.

(b) The initial hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases in Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.” Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the Commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article shall be paid into the state treasury. The Commissioner may file in the superior court wherein the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the Commissioner unappealed from or of a final order of the department affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in an action duly heard and determined by said court. The penalty prescribed in this Code section shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with respect to any violation of this article and any quarantines, orders, rules, or regulations promulgated pursuant thereto.

History

Ga. L. 1979, p. 1035, § 1; Ga. L. 1982, p. 3, § 4.

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4-4-5. [Reserved]

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4-4-6. Penalty for introducing foreign animal disease; notice and reporting required for certain diseases; exception for bona fide research activities.

(a) Any person who knowingly introduces into this state any foreign animal disease or any animal disease, syndrome, chemical, poison, or toxin that may pose a substantial threat of harm to the animal industries in this state shall be guilty of a misdemeanor of a high and aggravated nature.

(b)

(1) Any person who makes a clinical diagnosis or laboratory confirmation of or who reasonably suspects the presence or occurrence of any of the following diseases, syndromes, or conditions in animals shall report the same immediately to the state veterinarian or the United States Department of Agriculture area veterinarian in charge:

- (A) African Horse Sickness;
- (B) African Swine Fever;
- (C) Avian Influenza;
- (D) Classical Swine Fever (Hog Cholera);
- (E) Contagious Bovine Pleuropneumonia (*Mycoplasma mycoides mycoides*);
- (F) Contagious Ecthyma (Soremouth);
- (G) Foot & Mouth Disease (FMD, any type);
- (H) Heartwater (*Cowdria ruminantium*);
- (I) Lumpy Skin Disease;
- (J) Newcastle Disease (Exotic);
- (K) Nipah Virus;
- (L) Peste des Petits Ruminants;
- (M) Plague (*Yersinia pestis*);
- (N) Rift Valley Fever;
- (O) Rinderpest;
- (P) Screwworm (*Cochliomyia hominivorax*, *C. bezziana*);
- (Q) Sheep Pox and Goat Pox;
- (R) Swine Vesicular Disease;
- (S) Vesicular or Ulcerative Conditions;
- (T) Vesicular Exanthema; or

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(U) Vesicular Stomatitis (VS, any type).

(2) Any person who reasonably suspects the presence or occurrence of any vesicular diseases, mucosal diseases, or abortion storms of unknown etiology in livestock; undiagnosed bovine central nervous system conditions; unusual number of acute deaths in livestock; unusual myiasis or acariasis (flies, mites, ticks, etc.) in animals; or any apparently highly infectious or contagious animal condition of unknown etiology shall report the same immediately to the state veterinarian or the United States Department of Agriculture area veterinarian in charge.

(3) Any person who makes a laboratory confirmation of any of the following diseases, syndromes, or conditions in animals shall report the same within 24 hours or by the close of the next business day, whichever last occurs, to the state veterinarian or the United States Department of Agriculture area veterinarian in charge:

- (A)** Akabane Virus Disease;
- (B)** Anthrax (*Bacillus anthracis*);
- (C)** Aujeszky's Disease (Pseudorabies);
- (D)** Avian Chlamydiosis (Psittacosis and Ornithosis, *Chlamydia psittaci*);
- (E)** Babesiosis (in livestock, any species);
- (F)** Bluetongue;
- (G)** Borna Disease;
- (H)** Bovine Spongiform Encephalopathy;
- (I)** Brucellosis (*Brucella abortus*, *B. ovis*, *B. suis*, *B. mellitensis*);
- (J)** Camel Pox Virus;
- (K)** Caseous Lymphadenitis (*Corynebacterium pseudotuberculosis*);
- (L)** Chronic Wasting Disease;
- (M)** *Clostridium perfringens* Epsilon Toxin;
- (N)** Coccidioidomycosis (*Coccidioides immitis*);
- (O)** Contagious Agalactia (*Mycoplasma agalactiae*, *M. capricolum capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* LC);
- (P)** Contagious Caprine Pleuropneumonia (*Mycoplasma capricolum capripneumoniae*);
- (Q)** Contagious Equine Metritis (*Taylorella equigenitalis*);
- (R)** Dourine (*Trypanosoma equiperdum*);
- (S)** Enterovirus Encephalomyelitis (porcine);
- (T)** Ephemeral Fever;
- (U)** Epizootic Lymphangitis (*Histoplasma farciminosum*);
- (V)** Equine Encephalomyelitis (Eastern, Western, Venezuelan, West Nile Virus);
- (W)** Equine Infectious Anemia (EIA);
- (X)** Equine Morbillivirus (Hendra virus);
- (Y)** Equine Piroplasmiasis (Babesiosis, *Babesia (Piroplasma) equi*, *B. caballi*);
- (Z)** Equine Rhinopneumonitis (Type 1 and 4);
- (AA)** Equine Viral Arteritis;

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- (BB) Feline Spongiform Encephalopathy;
- (CC) Glanders (*Burkholderia [Pseudomonas] mallei*);
- (DD) Hemorrhagic Septicemia (*Pasteurella multocida*);
- (EE) Japanese Encephalitis Virus;
- (FF) Ibaraki;
- (GG) Infectious Laryngotracheitis (other than vaccine induced);
- (HH) Infectious Petechial Fever (*Ehrlichia ondiri*);
- (II) Louping Ill (Ovine encephalomyelitis);
- (JJ) Maedi-Visna/Ovine Progressive Pneumonia;
- (KK) Malignant Catarrhal Fever (Bovine Malignant Catarrh) (AHV-1, OHV-2);
- (LL) Mange (in livestock) (*Sarcoptes scabiei* var *bovis* and *ovis*, *Psoroptes ovis*, *Chorioptes bovis*, *Psorergates bos* and *ovis*);
- (MM) Menangle virus;
- (NN) Melioidosis (*Burkholderia [Pseudomonas] pseudomallei*);
- (OO) Nairobi Sheep Disease;
- (PP) Paratuberculosis (*Mycobacterium avium paratuberculosis*);
- (QQ) Perkinsosis (*Perkinsus marinus* and *P. olseni*);
- (RR) Pullorum Disease (*Salmonella pullorum*);
- (SS) Q Fever (*Coxiella burnetti*);
- (TT) Rabbit Hemorrhagic Disease (Calicivirus disease);
- (UU) Rabies;
- (VV) Ricin Toxicosis (toxin from *Ricinis communis*);
- (WW) Salmonellosis caused by *Salmonella enteritidis*;
- (XX) Salmonellosis in equine (*Salmonella typhimurium*, *S. agona*, *S. anatum*, etc.);
- (YY) Scrapie;
- (ZZ) Shigatoxin;
- (AAA) Staphylococcal Enterotoxins;
- (BBB) Sweating Sickness;
- (CCC) Theileriosis (*Theileria annulata*, *T. parva*);
- (DDD) Transmissible Mink Encephalopathy;
- (EEE) Transmissible Spongiform Encephalopathies (all types);
- (FFF) Trypanosomiasis (*Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*, *T. evansi*);
- (GGG) Tuberculosis (*Mycobacterium. bovis*, *M. tuberculosis*);
- (HHH) Tularemia (*Francisella tularensis*);
- (III) Ulcerative Lymphangitis (*Corynebacterium pseudotuberculosis*); or
- (JJJ) Wesselsbron Disease.

O.C.G.A. § 4-4-6

- (4)** Any person who makes a laboratory confirmation of any unusual presentation, unexplained increase in number of cases, or unusual trend of Botulism (*Clostridium botulinum* toxin), aflatoxin, or T-2 toxin in animals which such person reasonably suspects may be caused by bioterrorism as defined by Code Section 31-12-1.1 or epidemic or pandemic presentation and may pose a substantial threat of harm to the animal industries in this state shall report the same immediately to the state veterinarian or the United States Department of Agriculture area veterinarian in charge.
- (5)** Any person, including without limitation any veterinarian or veterinary diagnostic laboratory or practice personnel, person associated with any livestock farm, ranch, sales establishment, transportation, or slaughter facility, as well as any person associated with a facility licensed under Chapter 10 of this title, the "Bird Dealers Licensing Act," or under Article 1 of Chapter 11 of this title, the "Animal Protection Act," who shall fail to report any disease, syndrome, or condition specified in this subsection as required by this subsection shall be guilty of a misdemeanor.
- (c)** The Commissioner is authorized to declare certain other animal diseases and syndromes to be diseases requiring notice and to require the reporting thereof to the department in a manner and at such times as may be prescribed by the Commissioner. The department shall require that such data be supplied as is deemed necessary and appropriate for the prevention and control of certain diseases and syndromes as are determined by the Commissioner.
- (d)** Any person who reasonably suspects the intentional use of any chemical or nuclear agent, microorganism, virus, infectious substance, or any component thereof, whether naturally occurring or bioengineered, to cause death, illness, disease, or other biological malfunction in an animal shall report such suspicion immediately to the state veterinarian or the United States Department of Agriculture area veterinarian in charge.
- (e)** All such reports and data submitted to the state veterinarian or the department pursuant to this Code section shall be deemed confidential and shall not be open to inspection by the public; provided, however, that the Commissioner may release such reports and data in statistical form, for valid research purposes, and for other purposes as deemed appropriate by the Commissioner.
- (f)** Any person, including, but not limited to, any veterinarian or veterinary diagnostic laboratory or practice personnel, person associated with any livestock farm, ranch, sales establishment, transportation, or slaughter facility, as well as any person associated with a facility licensed under Chapter 10 of this title, the "Bird Dealers Licensing Act," or under Article 1 of Chapter 11 of this title, the "Animal Protection Act," submitting reports or data in good faith in compliance with this Code section shall not be liable for any civil damages therefor.
- (g)** Any person who knowingly and willingly makes a false, fictitious, or fraudulent report in any matter within the jurisdiction of the state veterinarian or the department under this Code section shall be subject to the provisions of Code Section 16-10-20.
- (h)** This Code section shall not prohibit the conduct of any bona fide research activities by or on behalf of any accredited public or private college or university in this state, nor shall the reporting requirements of this Code section apply to persons performing such research activities.

History

Code 1981, § 4-4-6, enacted by Ga. L. 2002, p. 1386, § 1; Ga. L. 2003, p. 322, § 1.

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O.C.G.A. § 4-4-20

Current through the 2022 Regular Session of the General Assembly.

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4-4-20. “Garbage” defined.

The term “garbage,” as used in this part, except as otherwise provided in this part, means all refuse matter, animal or vegetable; by-products of a restaurant, kitchen, or slaughterhouse; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise. This term includes the word “swill” as commonly used.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 6; Ga. L. 1971, p. 60, § 4.

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O.C.G.A. § 4-4-21

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4-4-21. Feeding garbage to animals generally.

Except as otherwise provided in this part, it shall be unlawful for any person to feed garbage to animals; provided, however, that an individual may feed garbage to his own animals if he feeds them only with garbage from his own household.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 2.

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O.C.G.A. § 4-4-22

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4-4-22. Feeding garbage to swine.

(a) As used in this Code section, the term:

(1) “Garbage” means any refuse matter or by-product which contains animal tissue or which has been mixed with any animal tissue, whether liquid or otherwise.

(2) “Person” means any individual, firm, partnership, corporation, or association or any agency, department, or other political subdivision of the state or any other entity.

(b) It shall be unlawful for any person to feed garbage to swine or to place garbage in such a position or location as to permit its consumption by swine, except as otherwise provided in this Code section. Persons who negligently or intentionally provide garbage or sources of garbage to other persons found to be feeding garbage to swine in violation of this part shall be deemed culpable and responsible for the violative acts of feeding as if they were the actual feeders of the garbage.

(c) This Code section shall not apply to any person who:

(1) Raises swine solely for slaughter and consumption on the farm or property on which the swine are raised;

(2) Does not purchase and import or permit the importation onto such farm or property on which swine are raised any swine, portion of the carcass of any swine, pork food product, or garbage containing any animal tissue, whether liquid or otherwise; and

(3) Does not sell, trade, exchange, export, or otherwise dispose of any swine, portion of the carcass of any swine, pork food product, or any garbage or refuse containing any portion thereof outside of such farm or property on which the swine are raised.

(d) Any person who violates any provision of this Code section shall be guilty of a misdemeanor. Each day in which such violation occurs shall constitute a separate offense.

History

Ga. L. 1971, p. 60, § 1; Ga. L. 1977, p. 225, § 1.

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O.C.G.A. § 4-4-23

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4-4-23. Licensing of garbage feeders.

No person shall feed garbage to swine without first applying for and obtaining a license from the Commissioner. There shall be no fee for such license, and it shall be valid until and unless revoked or canceled. The requirement of obtaining a license shall not apply to an individual feeding his own animals garbage from his own household. No license which will permit the feeding of any garbage, as that term is defined in subsection (a) of Code Section 4-4-22, to swine shall be issued to any person who does not meet the qualifications of subsection (c) of Code Section 4-4-22.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 3; Ga. L. 1960, p. 939, § 1; Ga. L. 1971, p. 60, § 2.

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O.C.G.A. § 4-4-24

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4-4-24. Cancellation, suspension, or revocation of licenses.

Every licensed feeder of garbage who violates this part or the rules and regulations promulgated by the Commissioner pursuant thereto shall have his license revoked, canceled, or suspended, upon a notice and hearing.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 5.

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O.C.G.A. § 4-4-25

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4-4-25. Administrative remedies.

Any person affected by this part or by any rule or regulation adopted pursuant thereto shall have and shall be required to exhaust the administrative remedies provided by Code Section 4-6-8.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 7.

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O.C.G.A. § 4-4-26

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4-4-26. Penalty for violations of part or rules or regulations promulgated thereunder.

Any person, firm, partnership, or corporation which violates any provision of this part or any rule or regulation made pursuant thereto shall be guilty of a misdemeanor.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 8; Ga. L. 1956, p. 85, § 1.

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O.C.G.A. Title 4, Ch. 4, Art. 1, Pt. 3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 1 Control of Infectious or Contagious Diseases in Livestock (Pts. 1 — 5) > PART 3 Rendering and Disposal Plants (§§ 4-4-40 — 4-4-48)

PART 3 Rendering and Disposal Plants

Official Code of Georgia Annotated

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O.C.G.A. § 4-4-40

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4-4-40. Definitions.

As used in this part, the term:

- (1) “Carcasses of domestic animals” means all or any part or portions of any dead domestic animal not slaughtered for human consumption.
- (2) “Collection center” means any approved facility where carcasses of domestic animals from state or federally licensed facilities are collected for loading into approved vehicles for delivery to a rendering plant.
- (3) “Rendering plant” means a place of business or location or plant where the carcasses of domestic animals or packing house refuse or other refuse is purchased, received, or unloaded and where such carcasses or refuse is processed for the purpose of obtaining the hide, skin, grease, residue, or any other by-product from such animals or refuse in any way whatsoever.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 9; Ga. L. 1989, p. 1414, § 1.

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O.C.G.A. § 4-4-41

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4-4-41. Licenses required; expiration; fee.

It shall be unlawful for any person, firm, partnership, or corporation to engage in the business of operating a rendering plant without first applying for and obtaining a license from the Commissioner of Agriculture. Each license shall expire on December 31 of each year, and each application for a license must be accompanied by a license fee of \$5.00.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 12; Ga. L. 1989, p. 1414, § 1.

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4-4-42. Revocation, cancellation, or suspension of licenses.

Every licensed rendering plant which violates the laws of this state or the rules and regulations promulgated by the Commissioner pursuant thereto shall have its license revoked, canceled, or suspended upon a notice and hearing.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 14; Ga. L. 1989, p. 1414, § 1.

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4-4-43. Rendering plant requirements.

(a) It shall be unlawful for any person, firm, partnership, or corporation to operate a rendering plant unless the rendering plant:

(1) Is constructed according to blueprints approved by the Georgia Department of Agriculture; provided, however, that neither blueprints for nor alterations to facilities existing on July 1, 1989, shall be required except to the extent that alterations are necessary for compliance with the other provisions of this part, and to the extent that alterations are necessary for such compliance they shall be made not later than July 1, 1990;

(2) Has walls, floors, and ceilings of concrete or other impervious materials;

(3) Has ample hot water (140 degrees Fahrenheit) to facilitate cleaning of the building, equipment, and vehicles used to move products;

(4) Has adequate drainage constructed and maintained so that no liquid or other matter is permitted to escape therefrom unless into a sewage facility approved by the governmental authority having proper jurisdiction. The document showing approval of such sewage facility must be maintained at the plant for inspection review; and

(5) Is cleaned and sanitized daily to prevent odor and the accumulation of refuse.

(b) It shall be unlawful for any person, firm, partnership, or corporation to operate a rendering plant unless all vehicles used in the transportation of carcasses or refuse on public highways are of such construction as to prevent seepage or residue from escaping.

(c) Carcasses or refuse shall not be allowed to accumulate or be held for any period of time at any place other than a licensed slaughtering, processing, or rendering plant or any combination thereof. Such licensed facilities shall have a procedure approved by the department if they accumulate or hold carcasses or refuse for longer than one day's operation.

(d) Rodent and vermin control shall be diligently practiced with buildings and surrounding grounds kept clean and free of refuse, trash, and manure.

(e) All barrels used for transportation and storage of carcasses or refuse shall be clearly marked "INEDIBLE" with letters not less than two inches in height.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 10; Ga. L. 1989, p. 1414, § 1.

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4-4-44. Collection center requirements.

- (a)** It shall be unlawful for any person, firm, partnership, or corporation to operate a collection center until it has applied for and obtained a written permit from the Commissioner to carry on such an operation.
- (b)** A collection center shall be located on a site in compliance with local zoning ordinances and shall have a sewage facility approved by the governmental authority having proper jurisdiction.
- (c)** A collection center shall be covered by a metal roof or other permanent type covering with sufficient screened ventilators to allow air flow yet prevent the entry of rodents, birds, and insects.
- (d)** A collection center shall have adequate drains in an impervious floor with adequate hot water (140 degrees Fahrenheit) to clean thoroughly the collection center premises.
- (e)** A collection center shall be cleaned and sanitized daily.
- (f)** The management of a collection center shall agree to hold inedible materials no longer than 24 hours.
- (g)** With respect to any requirements of subsections (a) through (d) of this Code section which relate solely to the physical construction or alteration of a collection center, the collection center operator shall have until July 1, 1990, to comply with such requirements.

History

Code 1981, § 4-4-44, enacted by Ga. L. 1989, p. 1414, § 1.

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O.C.G.A. § 4-4-45

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4-4-45. Inspections; maintenance of records; maintenance of vehicles.

Every rendering plant shall be subject at all times to inspection by the Commissioner. Each such rendering plant shall keep and furnish the Commissioner such information as he may by rule or regulation require concerning the collection, transportation, distribution, and processing of the carcasses of dead domestic animals or packing house refuse and, further, shall keep and maintain sanitary at all times its vehicles used in the collection, transportation, and distribution of dead domestic animals and packing house refuse.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 13; Code 1981, § 4-4-44; Code 1981, § 4-4-45, as redesignated by Ga. L. 1989, p. 1414, § 1.

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4-4-46. Administrative remedies.

Any person affected by this part or by any rule or regulation adopted pursuant to this part shall have and shall be required to exhaust the administrative remedies provided by Code Section 4-6-8.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 15; Code 1981, § 4-4-45; Code 1981, § 4-4-46, as redesignated by Ga. L. 1989, p. 1414, § 1.

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4-4-47. Funding of inspection system for slaughtering establishments unable to qualify for federal inspection; adoption of grading standards for use in inspections of such establishments.

The Governor is authorized to make available to the department the funds necessary to provide an inspection system for those slaughtering establishments in this state which are unable to qualify for federal inspection. The department is authorized to adopt appropriate grading standards to be used in the inspection of such establishments so as to indicate on each carcass inspected the grade and quality thereof.

History

Ga. L. 1959, p. 191; Code 1981, § 4-4-46; Code 1981, § 4-4-47, as redesignated by Ga. L. 1989, p. 1414, § 1.

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4-4-48. Penalty for violations of part or rules or regulations promulgated thereunder.

Any person, firm, partnership, or corporation which violates any provision of this part or any rule or regulation made pursuant to this part shall be guilty of a misdemeanor.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 11; Ga. L. 1956, p. 85, § 2; Code 1981, § 4-4-47; Code 1981, § 4-4-48, as redesignated by Ga. L. 1989, p. 1414, § 1.

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O.C.G.A. Title 4, Ch. 4, Art. 1, Pt. 4

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PART 4 Preventing Spread of Livestock Diseases

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4-4-60. Extermination of parasites and development of livestock industry under supervision and control of Commissioner; employment of inspectors and veterinarians; public report.

The work of exterminating the cattle fever tick, screwworm, and other parasites and of developing the livestock industry in this state shall be under the supervision and control of the Commissioner, who is authorized to employ persons qualified to act as livestock inspectors and supervising veterinarians. The Commissioner shall publish in print or electronically a detailed statement annually of the expenditures and progress of this work for free public distribution.

History

Ga. L. 1912, p. 22, § 2; Code 1933, § 62-1012; Ga. L. 2010, p. 838, § 10/SB 388.

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O.C.G.A. § 4-4-61

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4-4-61. Duties of livestock inspectors and supervising veterinarians generally.

It shall be the duty of all livestock inspectors and supervising veterinarians employed by the Commissioner to enforce the provisions of this part and any rule, regulation, or order made pursuant thereto.

History

Ga. L. 1912, p. 22, § 3; Code 1933, § 62-1013.

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4-4-62. Right of entry of inspectors.

The Commissioner or any duly authorized livestock inspector is authorized and empowered, in the discharge of the duties imposed upon him by this part, to enter the premises or any barn or building where livestock are temporarily or permanently kept in this state.

History

Ga. L. 1909, p. 131, § 6; Civil Code 1910, § 2078; Code 1933, § 62-1008.

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4-4-63. Appointment of federal livestock inspectors as state livestock inspectors.

The Commissioner may appoint or commission federal veterinarians or livestock inspectors to work as state livestock inspectors, provided that they shall act without pay from the state.

History

Ga. L. 1909, p. 131, § 9; Civil Code 1910, § 2081; Code 1933, § 62-1010.

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4-4-64. Establishment and maintenance of quarantine lines for protection of livestock generally.

(a) As used in this Code section, the term “animal” means the domestic animals and livestock of this state, including poultry.

(b) In addition to any other quarantine and inspection duties imposed by law, the Commissioner shall establish quarantine lines against the introduction of any animals, any animal carcasses or parts thereof, any biological products or preparations, or any live viruses or other disease vectors when in his judgment such a quarantine is necessary for the protection of the livestock of this state from any contagious or infectious disease. The Commissioner is authorized to make such rules and regulations as he may deem necessary to prevent, suppress, control, and eradicate such contagious or infectious diseases. The Commissioner may allow the movement into the quarantined area of the types of animals or products against which quarantine is imposed when, after inspection, he is satisfied that the animals or products being moved into the quarantined area are free of disease or that they will be handled so as not to introduce or spread disease.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 16.

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4-4-65. Maintenance of quarantine along state borders to prevent introduction of parasites or diseases into state.

The Commissioner shall provide and maintain an effective quarantine along the borders of Georgia by the use of patrols or in such other manner as in his judgment will prevent the introduction of cattle fever tick, screwworm, or other parasites or other contagious or infectious diseases into the state.

History

Ga. L. 1924, p. 78, § 1; Code 1933, § 62-1019.

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4-4-66. Movement of cattle infested with parasites.

The movement of cattle infested with cattle fever tick, screwworm, or other parasites into, within, or through the state at any time or for any purpose, except as provided for in this part, is prohibited.

History

Ga. L. 1918, p. 256, § 1; Code 1933, § 62-1014.

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4-4-67. Establishment of quarantines in areas in which livestock affected with or exposed to contagious or infectious disease; transportation of livestock within and from quarantined areas.

- (a) The Commissioner or any duly authorized livestock inspector is authorized and required to quarantine any stall, lot, yard, pasture, field, farm, premises, packing house, rendering plant, town, city, militia district, county, or any part thereof or the whole of the state when he shall determine that livestock in such place or places are affected with, exposed to, or suspected of being exposed to a contagious or infectious disease or with anything which might cause such disease. The Commissioner or any livestock inspector shall provide written or printed notice of the establishment of such quarantine to the owners or keepers of such livestock and to the proper officers of railroad, steamboat, motor vehicle, or other transportation companies doing business in or through the quarantined territory.
- (b) No such transportation company shall receive for transportation or shall transport livestock from any quarantined area to any nonquarantined area, except as provided for in this part. No person, company, corporation, or other entity shall drive or cause to be driven or permit to go astray any livestock from any quarantined area to any nonquarantined area, except as provided for in this part.
- (c) Livestock may be moved within a quarantined area or removed from a quarantined area only under and in compliance with the rules and regulations of the Commissioner. It shall be unlawful to move livestock within or from a quarantined area in any other manner or under any conditions other than those prescribed by the rules and regulations of the Commissioner.

History

Ga. L. 1909, p. 131, §§ 3, 4; Civil Code 1910, §§ 2075, 2076; Code 1933, §§ 62-1005, 62-1006; Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 17.

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4-4-68. Employment of veterinary surgeon or expert.

- (a) When the Commissioner receives a request to investigate, treat, or otherwise prevent the spread of an infectious or contagious disease affecting the livestock of a county, he shall employ a competent veterinary surgeon or expert to investigate the causes of the disease, to treat the same, and otherwise prevent its spread.
- (b) The Commissioner is authorized to fix the compensation of the veterinary surgeon or expert.

History

Ga. L. 1905, p. 121, § 1; Civil Code 1910, § 2069; Code 1933, § 62-1011; Ga. L. 1956, p. 332, § 1.

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4-4-69. Regulation of manufacture and use of disease vectors.

(a) As used in this Code section, the term “disease vector” means any agent or material which has the power to produce or spread disease in livestock.

(b) No experimental or research work, except at or under the direction of the College of Veterinary Medicine of the University of Georgia, the Georgia Poultry Improvement Association Laboratory, the College of Agricultural and Environmental Sciences of the University of Georgia, and the state agricultural experiment stations, shall be carried on in this state with any live virus or any other disease vector. No such virus or disease vector shall be manufactured or distributed in this state except under permit issued by the Commissioner and conditioned, as in his judgment necessary, to prevent the spread of such disease.

(c) This Code section shall not apply to the county health departments, the Department of Public Health, the United States Department of Health and Human Services, accredited medical and dental colleges and universities, approved hospitals, approved medical centers, or foundations engaged in medical research, diagnosis, or treatment of the diseases of man.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 18; Ga. L. 1995, p. 10, § 4; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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4-4-70. Conduct of programs to eradicate contagious or infectious diseases generally.

Whenever it is determined by the Commissioner, in cooperation with the United States Department of Agriculture, that a contagious or infectious disease should be eradicated, the Commissioner is authorized to take whatever steps are necessary to eradicate the disease. Owners, renters, or persons in possession of livestock or premises infected with such a disease shall be required to disinfect the premises and to destroy the cause or causes of the contagious or infectious disease, including the destruction of those livestock on the premises, under the supervision and direction of the Commissioner or his duly authorized representative. The cost of destroying the cause or causes or sources of infection of a contagious or infectious disease which is sought to be eradicated shall be borne by the owner, renter, or person in possession of the infected or quarantined premises. However, when budget conditions permit or when federal matching funds are available, the Commissioner may participate in the cost of eradication and is authorized to expend such funds as are available.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 21.

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4-4-71. Cooperation of Commissioner with other officials in establishing quarantine lines.

The Commissioner shall cooperate with officials of other states and with the secretary of agriculture of the United States in establishing quarantine lines.

History

Ga. L. 1899, p. 97, § 3; Civil Code 1910, § 2072; Code 1933, § 62-1002; Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 20.

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4-4-72. Indemnification of owners of livestock destroyed in eradication of diseases.

- (a) The Commissioner is authorized, in cooperation with the United States Department of Agriculture, to indemnify the owner of livestock destroyed in eradicating any infectious or contagious disease, upon such basis and appraisal as the federal government prescribes; but in no event shall the state pay more than one-half of the indemnity and cost incident to the eradication.
- (b) In the case of public stockyards, meat packing establishments, slaughterhouses, community sales, and licensed garbage feeders, the state shall not pay in participation with the United States Department of Agriculture more than one-third of the indemnity and cost incident to the eradication. However, the Commissioner may make indemnity payments inapplicable to garbage feeders if in any case he finds the feeding of garbage to be a source of such disease.
- (c) Any person, firm, partnership, or corporation which shall violate any quarantine law or rule and regulation thereunder shall be ineligible for indemnity.
- (d) The Commissioner is authorized, in the eradication of any infectious or contagious disease, to indemnify the owner of livestock destroyed in eradicating the disease in those instances in which the United States Department of Agriculture cannot participate in the payment of the indemnity.
- (e) The limits on the amount of payment to be made by the state as set out in this Code section shall have no application to payments in excess of such limits authorized by law for the purpose of elimination of swine mycobacteriosis.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 22; Ga. L. 1957, p. 488, § 1; Ga. L. 1979, p. 1032, § 12.

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4-4-73. Transfer of state funds to eradication programs for purposes of matching federal funds.

For the purpose of matching available federal funds where state funds are insufficient, the Governor may transfer money from any available funds in the state treasury to a program of eradication of a contagious or infectious disease, which program is supported by federal funds, contingent on matching state funds. The money so transferred shall be repaid to the fund from which it was taken when money becomes available for that purpose by legislative appropriation or otherwise.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 23.

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4-4-74. Penalty for violation of quarantine.

Any person, firm, partnership, or corporation which violates any quarantine provision, rule, or regulation established by the Commissioner under the authority of law for the protection of the livestock and domestic animals of this state shall be guilty of a misdemeanor.

History

Ga. L. 1953, Jan.-Feb. Sess., p. 480, § 19.

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4-4-75. Interfering with Commissioner or livestock inspectors.

Any person who shall forcibly resist, oppose, assault, prevent, impede, or interfere with the Commissioner or any duly authorized livestock inspector in the execution of his duties or on account of the execution of such duty shall be guilty of a misdemeanor.

History

Ga. L. 1909, p. 131, § 6; Penal Code 1910, § 583; Code 1933, § 62-9911.

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4-4-76. Importation of diseased livestock.

Any person who shall knowingly import within the limits of this state any livestock with contagious diseases, except distemper, shall be guilty of a misdemeanor.

History

Ga. L. 1901, p. 82, §§ 1, 2; Penal Code 1910, § 581; Code 1933, § 62-9910.

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PART 5 Live Poultry Dealers, Brokers, and Market Operators

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4-4-80. Definitions.

As used in this part, the term:

- (1) “Dealer” or “broker” means any person, firm, or corporation engaged in the business of buying live poultry of any kind for resale or in selling live poultry of any kind bought for the purpose of resale. Every agent acting for or on behalf of any dealer, broker, or poultry market operator is a dealer or broker, provided that any farmer acquiring poultry solely for the purpose of rearing and feeding such poultry as a part of his or her farm operations is not a “dealer” or “broker.”
- (2) “Person” means any person, firm, corporation, association, cooperative, or combination thereof.
- (3) “Poultry” means domestic fowl including, but not limited to, water fowl such as geese and ducks; birds which are bred for meat and egg production, exhibition, or competition; game birds such as pheasants, partridge, quail, and grouse, as well as guinea fowl, pigeons, doves, peafowl; ratites; and all other avian species.
- (4) “Poultry market operator” means any person engaged in the business of operating public auctions or sales of live poultry or of operating barns and yards for the containment of live poultry held for the purpose of auction or sale.
- (5) “Sales establishment” means any yard, barn, or other premises where live poultry is offered for sale, auction, or exchange.

History

Code 1981, § 4-4-80, enacted by Ga. L. 1987, p. 525, § 1; Ga. L. 1995, p. 244, § 6; Ga. L. 2008, p. 458, § 5/SB 364.

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4-4-81. Infected or diseased poultry — Sale, auction, transfer, or movement; inspection; reports; diagnosis.

No dealer, broker, poultry market operator, or other person shall sell, auction, transfer, or move any poultry which is infected or exposed to a highly infectious or contagious disease or which has been placed under quarantine by the authority of the Commissioner. Until all such poultry has been inspected by a veterinarian approved by the Commissioner, no dealer, broker, or poultry market operator shall sell, auction, transfer, or move any poultry which has been infected, which is suspected of being infected, or which is likely to have been exposed to infection. Any such poultry shall be reported to the department. Representative specimens of such poultry shall be submitted to a state diagnostic laboratory for diagnosis.

History

Code 1981, § 4-4-81, enacted by Ga. L. 1987, p. 525, § 1.

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4-4-82. License requirement; records requirement; transportation equipment; disposal of dead poultry.

- (a) No poultry market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. No poultry dealer or broker shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. There shall be a fee of \$35.00 per annum for such license. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.
- (b) The license of any licensed dealer, broker, or poultry market operator violating this part or any rule or regulation adopted by the Commissioner pursuant to this part shall be subject to revocation, cancellation, or suspension following a notice and hearing.
- (c) No dealer, broker, or poultry market operator shall buy, store, or otherwise receive any poultry without first recording the name and address of the person or persons from whom the poultry is received, the number and type of such poultry, and the motor vehicle license tag number of the vehicle used by the person or persons to transport the poultry. The dealer, broker, or poultry market operator shall also keep records of the name and address of the person or persons buying such poultry. These records shall be maintained for two years. All records shall be subject to review by the Commissioner or a representative or employee of the department.
- (d) Any dealer, broker, or poultry market operator who transports live poultry shall keep all cages, coops, trucks, and trailers clean and sanitary. All equipment used to transport live poultry shall be cleaned and disinfected after each use.
- (e) Each dealer, broker, and poultry market operator shall properly dispose of dead poultry in accordance with Code Section 4-5-5.

History

Code 1981, § 4-4-82, enacted by Ga. L. 1987, p. 525, § 1; Ga. L. 2006, p. 216, § 1/ HB 1213; Ga. L. 2010, p. 9, § 1-15/ HB 1055.

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4-4-82.1. Limitation on slaughter of live poultry.

No dealer, broker, poultry market operator, or employee or contractor thereof or any person acquiring live poultry from any of them shall slaughter, other than for humane euthanasia or disease control, any poultry that are on the premises of the dealer or broker or on the premises of a sales establishment.

History

Code 1981, § 4-4-82.1, enacted by Ga. L. 2006, p. 216, § 2/HB 1213.

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4-4-83. Quarantines; rules and regulations for disease control; confiscation, destruction, or disposal of diseased poultry, eggs, chicks, or stock.

- (a) In the control, suppression, prevention, and eradication of poultry diseases, the Commissioner or any duly authorized inspector or employee of the department acting under the authority of this part or any other poultry law of this state is authorized to quarantine any premises or any area when he shall determine that any poultry in such place or places is infected with a contagious or infectious disease, that the unsanitary condition of such place or places might cause the spread of such disease, or that the owner or occupant of such place or places has not observed sanitary practices.
- (b) The Commissioner is authorized to promulgate and adopt rules and regulations prescribing sanitary standards and requirements for the prevention, control, suppression, and eradication of poultry diseases in this state. Such regulations shall be no less adequate for the protection of the poultry industry and the public health than those regulations of the secretary of agriculture of the United States.
- (c) The Commissioner is authorized, in his discretion, to confiscate, destroy, or otherwise dispose of any poultry, hatching eggs, chicks, or breeding stock which is infected with any contagious or infectious diseases.

History

Code 1981, § 4-4-83, enacted by Ga. L. 1987, p. 525, § 1; Ga. L. 2013, p. 141, § 4/HB 79.

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4-4-84. Penalties.

Any dealer, broker, or poultry market operator who violates any provision of this part or any quarantine order issued by the Commissioner under the authority of this part or any other law of this state for the protection of the general public in the prevention of poultry diseases shall be guilty of a misdemeanor.

History

Code 1981, § 4-4-84, enacted by Ga. L. 1987, p. 525, § 1.

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4-4-90. Purpose of article.

The purpose of this article is to safeguard public health by controlling and, if practical, eradicating any and all diseases of cattle which are communicable to man.

History

Ga. L. 1937, p. 591, § 1.

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O.C.G.A. § 4-4-91

Current through the 2022 Regular Session of the General Assembly.

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4-4-91. “Qualified veterinarians” defined.

The term “qualified veterinarians,” as used in this article, means veterinarians approved by the Commissioner and the secretary of agriculture of the United States to administer tuberculin tests to cattle intended for interstate shipment.

History

Ga. L. 1927, p. 348, § 4; Code 1933, § 62-1104.

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4-4-92. Duty of Commissioner to eradicate tuberculosis; county appropriations; right of entry to test cattle; assistance by owners of cattle.

(a) It shall be the duty of the Commissioner to eradicate tuberculosis in cattle. The Commissioner shall have full and complete authority and responsibility in all livestock sanitary control work.

(b) To enable the Commissioner to eradicate bovine tuberculosis effectively and to aid him in establishing a modified accredited tuberculosis-free area, in conformity with the rules and regulations promulgated by the United States Animal Health Association and adopted by the secretary of agriculture, United States Department of Agriculture, the authority having charge of county affairs of any county in which the state and federal governments jointly engage in a tuberculosis eradication campaign may appropriate such sums as they may deem adequate and necessary to aid in this work. The Commissioner or his duly authorized agent is empowered to enter upon any premises, barn, lot, or any other place where cattle are kept, for the purpose of applying tests with tuberculin to ascertain whether or not the cattle so tested are affected with tuberculosis. The owners or keepers of such cattle shall render such reasonable assistance as may be required to enable the Commissioner or his agent to apply the test with accuracy and promptness.

History

Ga. L. 1927, p. 348, § 1; Code 1933, § 62-1101.

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4-4-93. Notice to owners; testing; branding of infected cattle; slaughter.

(a) If the Commissioner receives information or has reason to believe that tuberculosis exists in any cattle, he shall promptly notify the owner or owners and shall arrange to have such cattle tested by a qualified veterinarian.

(b) All cattle which shall react to a tuberculin test shall immediately after such reaction be branded on the left jaw with the letter "T," such letter to be not less than two inches in length; and in addition such reactors shall be tagged in the left ear with a special tag to be adopted by the Commissioner. All cattle so identified shall be slaughtered within a period of 14 days immediately following such reaction, such slaughter to be under the direction of the Commissioner in a slaughterhouse where federal or competent local meat inspection is maintained. The owners of such reactors to the tuberculin test shall be indemnified for such cattle, as provided for in this article.

History

Ga. L. 1927, p. 348, § 2; Code 1933, § 62-1102.

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4-4-94. Indemnification of owners.

Before having such reacting cattle slaughtered, the Commissioner shall notify the owner of his findings as to the condition of the cattle. The owner shall be indemnified in an appropriate amount, to be determined by the Commissioner using the standards set forth in Code Section 4-4-72, from available funds.

History

Ga. L. 1927, p. 348, § 3; Code 1933, § 62-1103.

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4-4-95. Use or sale of veterinary tuberculin.

No person, firm, or corporation shall administer veterinary tuberculin, except qualified veterinarians. No person, firm, or corporation shall sell, offer for sale or distribution, or keep on hand any veterinary tuberculin, except qualified veterinarians, licensed druggists, or others lawfully engaged in the sale of veterinary biological products.

History

Ga. L. 1927, p. 348, § 4; Code 1933, § 62-1104.

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O.C.G.A. § 4-4-95.1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 2 Bovine Diseases (§§ 4-4-90 — 4-4-97)

4-4-95.1. Transport of cattle; segregation of cattle with brucellosis; removal or alteration of cattle identification; rules and regulations; sale of infected cattle.

(a) As used in this Code section, the term:

- (1) "Cattle" or "cow" means bovine animals, such as cows, bulls, steers, heifers, and bison.
- (2) "Person" means any individual, partnership, corporation, association, or other entity.

(b) It shall be unlawful for any person to transport or cause to be transported into the State of Georgia any cattle:

- (1) Unless each cow is accompanied by a health certificate containing such information and in such form as may be provided for by rules and regulations of the Commissioner or unless each such cow is listed on an accompanying waybill and is transported directly to a federally approved or state approved slaughtering establishment and is not allowed to come into contact with any other cattle in this state until its arrival at such establishment;
- (2) Which are infected with brucellosis, unless such cattle are transported directly to a federally approved or state approved slaughtering establishment and are not allowed to come into contact with any other cattle in this state until their arrival at such establishment or unless a permit has been issued by the Commissioner allowing the importation or movement of such cattle and all conditions of such permit are complied with by the person transporting such cattle; or
- (3) Which originate from a quarantined herd or a quarantined area, unless the Commissioner has issued a permit authorizing the importation or movement of such cattle and all conditions of such permit are complied with by the person transporting such cattle.

(c) It shall be unlawful for any person to move any cattle within this state in violation of any quarantine order imposed by the Commissioner or to allow any cow which such person knows or, through the use of reasonable inquiry, should know is from a quarantined herd or area to come into contact with any other cattle, except as authorized by a permit issued by the Commissioner or as authorized in rules and regulations adopted by the Commissioner.

(d)

- (1) Any person violating subsection (b) or (c) of this Code section for the first time on or after July 1, 1985, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$100.00 for each cow transported or moved in violation of subsection (b) or (c) of this Code section, or in lieu of prosecution such person may be issued a warning by the Commissioner.
- (2) Any person violating subsection (b) or (c) of this Code section for a second time on or after July 1, 1985, shall be guilty of a misdemeanor of a high and aggravated nature.
- (3) Any person violating subsection (b) or (c) of this Code section for a third or subsequent time on or after July 1, 1985, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine

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not to exceed \$10,000.00 or imprisonment for not less than one year nor more than three years, or both.

- (e)** Any person who owns or has custody or control over any cattle infected with brucellosis or which are known reactor animals to an official brucellosis test shall segregate such cattle in such manner that they cannot come into contact with other cattle or spread such brucellosis infection to other cattle. Any person who fails to take such action within 30 days following an order from the Commissioner to do so shall be guilty of a misdemeanor and each day of continued failure to comply with such order shall constitute a separate offense.
- (f)** Any person who removes, defaces, alters, or otherwise changes any official permanent mark, brand, tattoo, tag, or other means of identification on any cow for which a health certificate or permit or official test has been issued or performed under this chapter or the rules and regulations of the Commissioner or which has a known brucellosis infection or is a known reactor animal to an official brucellosis test shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for not less than one year nor more than three years, or both.
- (g)** The Commissioner is authorized to adopt rules and regulations, issue orders and permits, and impose quarantines when such actions are authorized or required by federal or state law or are appropriate to prevent the introduction or spread of brucellosis into or within this state, any area thereof, or any cattle located therein.
- (h)** Any person who knowingly sells any cow within this state which is infected with brucellosis or which such person knows or, through the use of reasonable inquiry, should know is from a quarantined herd or area and who sells such cow without disclosing such fact to the purchaser, prior to the consummation of the sale, shall be liable for all reasonable and foreseeable damages incurred by the purchaser as a proximate result of the purchaser mixing such cow with other cattle owned or under the control of the purchaser.

History

Code 1981, § 4-4-95.1, enacted by Ga. L. 1985, p. 704, § 1.

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4-4-96. Applicability of article to anthrax and brucellosis.

This article shall apply to the control and, if possible, the eradication of anthrax and brucellosis as well as to the eradication of bovine tuberculosis.

History

Ga. L. 1937, p. 591, § 1.

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4-4-96.1. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner under this article. An injunction issued under this Code section shall not require a bond.

History

Code 1981, § 4-4-96.1, enacted by Ga. L. 1991, p. 361, § 1.

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4-4-97. Penalty for violations of article.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$25.00 for each offense.

History

Ga. L. 1927, p. 348, § 6; Code 1933, § 62-9914.

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O.C.G.A. Title 4, Ch. 4

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CHAPTER 4 Prevention and Control of Disease in Livestock

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O.C.G.A. Title 4, Ch. 4, Art. 3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

Article 3 Equine Diseases

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O.C.G.A. § 4-4-110

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-110. Short title.

This article may be cited as the “Georgia Equine Act.”

History

Ga. L. 1969, p. 1021, § 1.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-111. Definitions.

As used in this article, the term:

- (1) “Bond” means a written instrument, issued or executed by a bonding, surety, or insurance company licensed to do business in this state, guaranteeing that the person bonded shall faithfully fulfill the terms of the contract of purchase and guarantee the payment of the purchase price of all equines purchased by him, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.
- (2) “Dealer” or “broker” means any person, firm, or corporation engaged in the business of buying equines of any kind for resale or in selling equines of any kind bought for the purpose of resale or in buying equines of any kind for slaughter; and every agent acting for or on behalf of any dealer or broker or livestock market operator is, for the purpose of this article, a dealer or broker; provided, however, that any persons acquiring equines for the purpose of using them as a part of their operations or for pleasure only are exempt from the definition herein applicable to dealer or broker.
- (3) “Equine” includes horses, mules, asses, and any other members of the Equidae species.
- (4) “Livestock market operator” means any person, firm, or corporation engaged in the business of operating public auctions or sales of equines or of operating barns and yards for the containment of equines held for the purpose of auction or sale.
- (5) “Special sale” means any sale by a dealer, broker, or livestock market operator held at a time other than a regularly scheduled time; provided, however, that any sale by any individual of his own entire stock of equines or part thereof on his own premises shall not be considered a special sale.

History

Ga. L. 1969, p. 1021, § 2.

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4-4-112. Sale, auction, transfer, or moving of equines.

No dealer, broker, or livestock market operator shall sell, auction, transfer, or move any equines which are infected with any infectious or contagious disease or which have been placed under quarantine by the authority of the Commissioner. No dealer, broker, or livestock market operator shall sell, auction, transfer, or move any equines which are infected with or which are suspected of being infected with or which are likely to have been exposed to an infectious or contagious disease until all such equines have been inspected by a veterinarian approved by the Commissioner. No dealer, broker, or livestock market operator shall sell, auction, transfer, or move any equines from any barn, yard, or premises unless all sanitary practices and precautions prescribed by the rules and regulations of the Commissioner have been observed in such premises, barn, or yard.

History

Ga. L. 1969, p. 1021, § 3.

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4-4-113. Licensing and bonding requirements generally.

(a) No livestock market operator engaged in the sale of equines shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner; no equine dealer or broker who buys or sells through a livestock market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner, provided that such licenses shall be permanent until canceled, suspended, revoked, or surrendered; such licenses shall be nontransferable and free of charge. Any person, firm, or corporation commencing operation of a new sales establishment for the sale of equines at auction and any dealer or broker commencing such a business shall, prior to obtaining a license, post a bond as required by this Code section. The provisions of this Code section requiring the posting of a bond shall not apply to any authorized agent of a person, firm, or corporation having posted the bond required by this Code section, when such agent is acting for and on behalf of such principal.

(b) No person shall operate a sales establishment for the sale of equines at auction unless he has then in force a bond in an amount calculated as follows:

(1) If the annual sales of the establishment are \$2,600,000.00 or less, the amount of the bond shall be one fifty-second of the amount of annual sales but not less than \$10,000.00;

(2) If the annual sales of the establishment are more than \$2,600,000.00, the amount of the bond shall be \$50,000.00 plus one fifty-second of the amount of annual sales in excess of \$2,600,000.00 times a factor of 0.20; or

(3) An amount calculated under paragraph (1) or (2) of this subsection, if not a multiple of \$5,000.00, shall be rounded to the nearest higher multiple of \$5,000.00.

(c) No dealer or broker shall purchase equines at any sales establishment or directly from producers unless he has then in force a bond in an amount calculated as follows:

(1) Determine a number which is the number of days during the preceding year on which the dealer or broker did business;

(2) Divide the total dollar value of livestock purchased by the dealer or broker during the preceding year by the lesser of:

(A) One-half of the number determined under paragraph (1) of this subsection; or

(B) One hundred thirty;

(3) Adjust the amount obtained under paragraph (2) of this subsection as follows:

(A) If the amount obtained under paragraph (2) of this subsection is \$10,000.00 or less then the amount of the bond shall be \$10,000.00;

(B) If the amount obtained under paragraph (2) of this subsection is more than \$10,000.00 but not more than \$75,000.00 then that amount shall be the amount of the bond; or

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- (c)** If the amount obtained under paragraph (2) of this subsection is more than \$75,000.00 then the amount of the bond shall be the sum of \$75,000.00 plus 10 percent of the amount by which the amount obtained under paragraph (2) of this subsection exceeds \$75,000.00; and
- (4)** An amount calculated under paragraph (3) of this subsection, if not a multiple of \$5,000.00, shall be rounded up to the nearest multiple of \$5,000.00.
- (d)** Any equine dealer, broker, or sales establishment operator who would otherwise be required by this Code section to post a bond and who has posted a current livestock dealer's, broker's, or sales establishment's bond under Chapter 6 of this title shall not be required to post any bond under this Code section if such livestock dealer's, broker's, or sales establishment's bond, in addition to meeting all requirements of Chapter 6 of this title, meets the requirements of paragraph (1) of Code Section 4-4-111.
- (e)** In calculating amounts of bonds under this Code section, the total amount of annual sales or annual purchases for the preceding calendar year shall be used; but, if an applicant for a license does not have an annual sales history, the Commissioner shall estimate the amount of annual sales or annual purchases which will occur.
- (f)**
- (1)** As used in this subsection, the term "special sale" means any sale of equines, except a regular sale at an establishment and any sale by a farmer of equines owned by the farmer, with payment made directly to the farmer.
- (2)** The Commissioner is authorized to prescribe rules and regulations for the operation of special sales. No person shall hold a special sale without obtaining a permit therefor from the Commissioner or his duly authorized representative, which shall be granted without charge upon submission of proof satisfactory to the Commissioner that the person applying for the permit is bonded in an amount equal to one-fourth of the anticipated proceeds of the sale; provided, however, such bond shall be not less than \$10,000.00 and not more than \$150,000.00 in amount.
- (3)** Associations holding sales of equines consigned by members of the association only shall not be required to procure a bond if the directors of the association accept full responsibility for financial obligations of sale and release the Commissioner, in writing, from any responsibility.

History

Ga. L. 1969, p. 1021, § 4; Ga. L. 1984, p. 389, § 1; Ga. L. 1985, p. 149, § 4.

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4-4-114. Suspension, cancellation, or revocation of licenses.

Every licensed dealer, broker, livestock market operator, or other person subject to this article who shall violate this article or rules and regulations established by the Commissioner pursuant to this article shall have his license revoked, canceled, or suspended, upon a notice and hearing.

History

Ga. L. 1969, p. 1021, § 15.

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4-4-115. Inspections; maintenance of equines by persons to whom article applies.

The Commissioner is authorized to have inspections conducted of the equines, of any premises where equines are kept or sold, or of any licensed dealer, broker, livestock market operator, or any other individual to whom this article is applicable. Any licensed dealer, broker, livestock market operator, or any other individual subject to this article shall maintain equines in good, healthy condition.

History

Ga. L. 1969, p. 1021, § 5.

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4-4-116. Sales of equines to be in compliance with article, rules, and regulations.

No dealer, broker, livestock market operator, or other individual to whom this article is applicable shall hold or conduct any sale of equines, whether a regular sale or a special sale, without complying with the terms of this article and all rules and regulations promulgated under this article.

History

Ga. L. 1969, p. 1021, § 7.

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4-4-117. Veterinary services at equine sales; fees.

All licensed dealers, brokers, livestock market operators, or other individuals to whom this article is applicable shall furnish at all sales, including special sales, the services of a licensed, accredited veterinarian, who shall provide veterinary services necessary and consistent for animal health. Such veterinarian shall be paid reasonable fees for services rendered by the person on whose behalf such services are rendered.

History

Ga. L. 1969, p. 1021, § 8; Ga. L. 1996, p. 351, § 1.

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4-4-118. Use of drugs, tranquilizers, and medications which result in misrepresentation in sale of equines.

The Commissioner may enact, promulgate, and enforce rules and regulations prohibiting or regulating the use of drugs, tranquilizers, or medications which he determines may conceal defects, falsely enhance the appearance of quality, or otherwise result in misrepresentation in the sale of equines. Such regulations may provide for tests to determine the presence of such drugs, tranquilizers, or medications in equines within a reasonable period prior to sale and may provide for the cost of such tests to be paid by the buyer.

History

Ga. L. 1972, p. 818, § 1.

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4-4-119. Certification of health of animals transported into state.

The Commissioner is authorized to require any person, firm, or corporation transporting an equine into this state from any other state to furnish him with a certificate from an accredited veterinarian from the state of origin of such equine, certifying that such equine has not recently been exposed to any contagious or infectious disease, that the animal's temperature is normal, and that the animal is free of any contagious or infectious disease.

History

Ga. L. 1969, p. 1021, § 12.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-120. Quarantines.

In the control, suppression, prevention, and eradication of equine diseases, the Commissioner or any duly authorized representative acting under his authority is authorized and required to quarantine an animal, premises, or any area when he shall determine that equines in such place or places are infected with a contagious or infectious disease, that the unsanitary condition of such place or places might cause the spread of such disease, that the animal has or has been exposed to any contagious or infectious disease, or that the owner or occupant of such place or places is not observing sanitary practices prescribed under the authority of this or any other equine law of this state.

History

Ga. L. 1969, p. 1021, § 6.

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Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-121. Eradication programs.

(a) Whenever it is determined by the Commissioner that a contagious or infectious disease should be eradicated, the Commissioner is authorized to take whatever steps are necessary to eradicate the disease. Owners, renters, or persons in possession of equines or premises infected with such a disease are required to disinfect the premises and to destroy the cause or causes of the contagious or infectious disease, including the destruction of those equines within the premises, under the supervision and direction of the Commissioner or his duly authorized representative.

(b) The cost of destroying the cause or causes or sources of infection of a contagious or infectious disease which is sought to be eradicated shall be borne by the owner, renter, or person in possession of the infected equines or premises; except that, when budget conditions permit, the Commissioner may participate in the cost of eradication and is authorized to expend such funds as are available.

History

Ga. L. 1969, p. 1021, § 9.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-122. Indemnification for equines eradicated.

The Commissioner is authorized, to the extent of funds available, in the eradication of any infectious or contagious disease, to indemnify the owner of equines destroyed in eradicating the disease, upon such basis and appraisal as the Commissioner may prescribe, provided that any person, firm, partnership, or corporation which shall violate any quarantine or rule or regulation under this article shall be ineligible for indemnity.

History

Ga. L. 1969, p. 1021, § 10.

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Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-123. Establishment of compounds and research programs to control or eradicate equine infectious anemia.

(a) Any person, firm, corporation, company, cooperative, association, or other entity is authorized to set up or establish compounds at various places in the state where animals may be taken in order to control, suppress, prevent, and eradicate the equine disease known as “equine infectious anemia” (also known as swamp fever, EIA, and slow fever). It shall be unlawful to establish or operate any such compound without a license issued by the Commissioner. The Commissioner is authorized to issue licenses and to establish, promulgate, and adopt rules, regulations, and standards governing the establishment, construction, design, maintenance, and operation of such compounds. The fee for such licenses shall be \$25.00 per annum, and such licenses shall be renewable annually.

(b) The Commissioner is authorized to establish research programs for the purpose of developing a vaccine or method for the control or eradication of such equine disease in this state.

History

Ga. L. 1975, p. 1138, § 1.

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Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 3 Equine Diseases (§§ 4-4-110 — 4-4-127)

4-4-124. Transfer of state funds for use in programs to eradicate contagious or infectious diseases; repayment of funds.

Whenever a program of eradication of a contagious or infectious disease requires funds in excess of funds available for the purpose of eradicating such disease, the Governor may transfer from any available funds in the state treasury such sum of money as may be necessary to meet such emergency; and such money so transferred shall be repaid to the fund from which transferred when money becomes available for that purpose by a legislative appropriation or otherwise.

History

Ga. L. 1969, p. 1021, § 11.

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4-4-125. Promulgation of rules and regulations.

The Commissioner is authorized to formulate, adopt, promulgate, and enforce rules and regulations for the purpose of implementing this article.

History

Ga. L. 1969, p. 1021, § 13.

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4-4-126. Injunctions.

The Commissioner is authorized to seek an injunction against any person, firm, or corporation to which this article is applicable for violation of any provision of this article or any rules or regulations promulgated thereunder. The superior court of the county in which venue is proper shall have jurisdiction upon hearing and for cause shown to grant a temporary or permanent injunction restraining any person from committing such violation, notwithstanding the existence of an adequate remedy at law.

History

Ga. L. 1969, p. 1021, § 16.

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4-4-127. Penalty for violations of article, rules, or regulations.

Any dealer, broker, livestock market operator, or other person subject to this article who violates any provision of this article, any quarantine provision, or any rule or regulation established by the Commissioner under the authority of this or other laws for the protection of the general public in the prevention of equine diseases shall be guilty of a misdemeanor.

History

Ga. L. 1969, p. 1021, § 14.

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O.C.G.A. Title 4, Ch. 4, Art. 4

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

Article 4 Swine Mycobacteriosis Indemnification

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O.C.G.A. § 4-4-140

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

4-4-140. Short title.

This article may be cited as the “Georgia Swine Mycobacteriosis Indemnification Act.”

History

Ga. L. 1979, p. 1032, § 1.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

4-4-141. Purpose of article.

Swine mycobacteriosis poses a serious potential health threat to the people of this state. The swine farmers of this state have experienced and are experiencing serious economic losses due to the condemnation of swine infected with mycobacteriosis under the laws of this state. It is in the best interest of this state to seek the speedy eradication of swine mycobacteriosis in this state, while ensuring a supply of swine meat products in this state, and to provide for indemnification to those persons having swine condemned because such swine are infected with swine mycobacteriosis.

History

Ga. L. 1979, p. 1032, § 2.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

4-4-142. Definitions.

As used in this article, all terms shall have the meanings ascribed to them in Code Section 26-2-62.

History

Ga. L. 1979, p. 1032, § 3.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

4-4-143. Indemnification for condemned swine — Generally.

- (a) The Commissioner is authorized to pay to any animal food manufacturer the actual cost paid by such animal food manufacturer for any swine condemned by reason of infection with swine mycobacteriosis.
- (b) In the event that swine infected with mycobacteriosis are passed after inspection under restriction of cooking, the payment authorized by this article may equal but shall not exceed 75 percent of the actual cost paid for such swine.

History

Ga. L. 1979, p. 1032, § 4.

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4-4-144. Indemnification for condemned swine — Proof of Georgia origin required.

No payment shall be made under this article unless the party receiving such payment shall first provide such proof as is satisfactory to the Commissioner that the swine for which payment is being made originated from a Georgia farm and that payment to the farmer for such swine has not and shall not be reduced by reason of the condemnation of such swine.

History

Ga. L. 1979, p. 1032, § 5.

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4-4-145. Indemnification for condemned swine — Cooperation of person receiving payment required.

No payment shall be made under this article unless the person receiving such payment shall first sign, in a form agreeable to the Commissioner, an agreement to comply with the recommendations of the Commissioner for the control and eradication of swine mycobacteriosis.

History

Ga. L. 1979, p. 1032, § 6.

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4-4-146. Indemnification for condemned swine — Release required.

No payment shall be made under this article unless the person receiving such payment shall first sign, in a form agreeable to the Commissioner, an agreement that the payment made under this article is accepted as payment in full for the swine for which such payment is made.

History

Ga. L. 1979, p. 1032, § 7.

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4-4-147. Elimination of disease at farm of origin.

The Animal Industry Division of the department shall take all steps necessary or appropriate to eliminate swine mycobacteriosis from the farm of origin of the swine for which compensation is paid under this article.

History

Ga. L. 1979, p. 1032, § 11.

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4-4-148. Promulgation of rules and regulations.

The Commissioner is authorized to promulgate, from time to time, such rules and regulations as are necessary to effectuate the purpose of this article.

History

Ga. L. 1979, p. 1032, § 8.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 4 Swine Mycobacteriosis Indemnification (§§ 4-4-140 — 4-4-151)

4-4-149. Cooperation among state and federal agencies.

The department is authorized and directed to cooperate with and seek the cooperation of all appropriate state and federal agencies in administering this article. The Commissioner is authorized and directed to take all steps reasonably necessary to ascertain whether any federal funds are or may become available to carry out the purposes of this article and, in the event that such funds are or become available, is authorized and directed to take all reasonable steps necessary to obtain and accept such funds.

History

Ga. L. 1979, p. 1032, § 9; Ga. L. 2013, p. 141, § 4/HB 79.

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4-4-150. Conduct of scientific research.

Scientific research necessary or appropriate to carry out the purposes of this article shall be carried out under the direction of the Advisory Board of the College of Veterinary Medicine of the University of Georgia.

History

Ga. L. 1979, p. 1032, § 10.

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4-4-151. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner under this article. An injunction issued under this Code section shall not require a bond.

History

Code 1981, § 4-4-151, enacted by Ga. L. 1991, p. 361, § 2.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-170. Purpose.

The purpose of this article is to provide for the production of farmed deer as an agricultural operation and to provide for the importation, production, and control and eradication of disease in farmed deer.

History

Code 1981, § 4-4-170, enacted by Ga. L. 1997, p. 1395, § 2.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-171. Definitions.

As used in this article, the term:

- (1) “Deer farming” means the agricultural operation of raising and production of farmed deer for the commercial production of food and fiber.
- (2) “Farmed deer” means fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer (*Cervus nippon*), red deer and elk (*Cervus elaphus*), reindeer and caribou (*Rangifer tarandus*), and hybrids between these farmed deer species raised for the commercial sale of meat and other parts or for the sale of live animals. Those cervids which are indigenous to this state, including white-tailed deer, and those members of the order Artiodactyla which are considered to be inherently dangerous to human beings and are described in subparagraph (a)(1)(F) of Code Section 27-5-5 shall be classified as unacceptable species and shall not be included within the definition of farmed deer. Deer that may be under the authority of Title 50, Part 23, Subpart c of the Code of Federal Regulations, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U. ST. 108, TIAS 8249, must meet the requirements set forth in the federal Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531 et seq.

History

Code 1981, § 4-4-171, enacted by Ga. L. 1997, p. 1395, § 2.

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4-4-172. Deer-farming license; records; facilities.

(a) No person shall possess, buy, import, or transport farmed deer or engage in or carry on the business of deer farming without first applying for and obtaining a deer-farming license from the Commissioner of Agriculture. A deer-farming license shall be valid from the date of issuance to March 31 of the following calendar year. A deer-farming license will not be issued by the Commissioner to any deer-farming operation which has not been inspected and approved by the Department of Natural Resources, provided that any facility expansion must be reapproved prior to renewal of a deer-farming license.

(b) The license of any deer farm operator violating this article or any rule or regulation adopted by the Commissioner pursuant to this article shall be subject to revocation, cancellation, or suspension following notice and hearing. A deer-farming license of any licensee whose facility does not meet the definition of an agricultural operation shall be revoked, and such license may be revoked if the licensee violates any provision of Title 27, relating to wild animals. Any farmed deer must be disposed of within 45 days of revocation of any deer-farming license.

(c) Deer farm operators shall maintain inventory records of their deer herds, including natural additions, purchased additions, sales, and deaths. Records shall be kept in accordance with specifications of the Commissioner and shall be subject to review by the Commissioner or a representative or employee of the department.

(d) Deer farm operators shall construct and maintain premises and facilities used in deer farming in accordance with rules established by the Commissioner and in accordance with subparagraph (A) of paragraph (1) of Code Section 27-5-6, provided that:

(1) The facility must be constructed of such material and of such strength as appropriate for the animals involved;

(2) Housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain the animals;

(3) The facilities shall be designed in such manner, including the inclusion of barriers of sufficient dimensions and conformation, to safeguard both the animals and the public against injury or the transmission of diseases by direct contact; and

(4) Any portion of such facility within which farmed deer are maintained shall be surrounded by a fence with a minimum height of eight feet with the bottom six feet made of woven mesh and constructed of a design, strength, gauge, and mesh approved by the department, after consultation with the Department of Natural Resources, and which is sufficient to prevent escape of farmed deer and to prevent white-tailed deer from entering. Supplemental wire to attain a height of eight feet may be smooth, barbed, or woven wire of a gauge and mesh approved by the department with strands no more than six inches apart. All trees and other structures which pose a threat to the integrity of the fencing shall be removed unless fencing is constructed so as to prevent the breach of the fence from the fall of a tree or structure.

(e) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities and to transmit a copy of any application for a deer-farming license to the Department of Natural Resources. The Department

O.C.G.A. § 4-4-172

of Natural Resources shall inspect the applicant's facilities and shall report to the Department of Agriculture within 30 days of receipt of the application. It also shall be the duty of the Department of Agriculture to transmit a copy of any license issued pursuant to this article to the Department of Natural Resources. It also shall be the duty of the Department of Agriculture to notify the Department of Natural Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued pursuant to this article. All such notifications shall be made in writing and shall be made as promptly as possible, but in no event shall such notification be given more than 72 hours after the event giving rise to the requirement of notice.

(f) For purposes other than agricultural operations, farmed deer species must be held under a wild animal license pursuant to Chapter 5 of Title 27. Anyone holding, possessing, importing, or transporting farmed deer without a deer-farming license or a wild animal license is in violation of Title 27.

History

Code 1981, § 4-4-172, enacted by Ga. L. 1997, p. 1395, § 2.

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4-4-173. Health and transportation requirements.

Health and transportation requirements for any Artiodactyla (even-toed ungulates) must meet the health requirements established by rule or regulation of the Georgia Department of Agriculture. Those animals specifically used for deer farming must meet the requirements of the Uniform Methods and Rules of the Code of Federal Regulations for Tuberculosis and Brucellosis in Cervidae.

History

Code 1981, § 4-4-173, enacted by Ga. L. 1997, p. 1395, § 2.

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4-4-174. Escaped deer or cervid.

Any farmed deer or cervid which escapes from a licensed deer farm shall be subject to the jurisdiction of the Department of Natural Resources and may be treated as an escaped wild animal which is subject to the provisions of Chapter 5 of Title 27, except that, while such animal is roaming freely outside the enclosure of any licensed deer farm, the owner of such farmed deer or cervid shall have 48 hours from the time the escape is detected to recapture such animal and return it to the licensed deer farm. As a condition for maintaining a deer-farming license, it shall be the duty of the owner or operator of a licensed deer farm to notify the Department of Natural Resources immediately upon discovery of the escape of a farmed deer. When such notice has been given, no legal hunter shall be held liable for killing or wounding an escaped deer.

History

Code 1981, § 4-4-174, enacted by Ga. L. 1997, p. 1395, § 2.

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4-4-175. Compliance with departments.

Deer farm operators shall allow the entry onto the deer farm of representatives of the Department of Agriculture, the Department of Natural Resources, or other departments or agencies having authority or duties involving farmed deer or wild animals to ensure compliance with applicable federal and state laws.

History

Code 1981, § 4-4-175, enacted by Ga. L. 1997, p. 1395, § 2.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-176. Application.

The provisions of this article shall not apply to any facility at which any animal which would otherwise qualify as a farmed deer is intentionally commingled with any species which is classified as and subject to regulation as a wild animal under the provisions of Chapter 5 of Title 27.

History

Code 1981, § 4-4-176, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. § 4-4-177

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-177. Rules and regulations.

The Commissioner of Agriculture is authorized to promulgate rules and regulations as may be necessary to effectuate the purpose of this article. Such rules and regulations shall be promulgated after consultation with the Department of Natural Resources and shall be designed to ensure the health and safety of wildlife and prevent the spread of animal diseases between wildlife, wild animals, domestic animals, farmed deer, and people. It shall be the duty of the Commissioner, the Department of Agriculture, the Board of Natural Resources, the commissioner of natural resources, and the Department of Natural Resources to communicate and consult on matters of mutual concern so as to ensure the health and safety of farmed deer, wildlife, wild animals, domestic animals, and people and to prevent, control, and eradicate animal diseases within this state.

History

Code 1981, § 4-4-177, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. § 4-4-178

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-178. Injunctions.

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner pursuant to this article. An injunction issued under this Code section shall not require a bond.

History

Code 1981, § 4-4-178, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. § 4-4-179

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-179. Administrative hearings; penalty.

(a) The Commissioner, in order to enforce this article or any orders, rules, or regulations promulgated pursuant to this article, may issue an administrative order imposing a penalty not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing, determines that any person has violated any provision of this article or any quarantines, orders, rules, or regulations promulgated pursuant to this article.

(b) The initial hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the Commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article shall be paid into the state treasury. The Commissioner may file in the superior court wherein the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the Commissioner unappealed from or of a final order of the department affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in an action duly heard and determined by said court. The penalty prescribed in this Code section shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with respect to any violation of this article and any quarantines, orders, rules, or regulations promulgated pursuant thereto.

History

Code 1981, § 4-4-179, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. § 4-4-180

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-180. Release.

It shall be unlawful for any person intentionally to release a farmed deer from captivity or to import, transport, sell, transfer, or possess a farmed deer in such a manner as to cause its release or escape from captivity. If a person imports, transports, sells, transfers, or possesses a farmed deer in such a manner as to pose a reasonable possibility that such farmed deer may be released accidentally or escape from captivity, the department may revoke the license of such person.

History

Code 1981, § 4-4-180, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. § 4-4-181

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 4 Prevention and Control of Disease in Livestock (Arts. 1 — 5) > Article 5 Deer Farming (§§ 4-4-170 — 4-4-181)

4-4-181. Penalty.

Any person violating the provisions of this article shall be guilty of a misdemeanor.

History

Code 1981, § 4-4-181, enacted by Ga. L. 1997, p. 1395, § 2.

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O.C.G.A. Title 4, Ch. 5

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals (§§ 4-5-1 — 4-5-11)

CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals

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O.C.G.A. § 4-5-1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals (§§ 4-5-1 — 4-5-11)

4-5-1. Short title.

This chapter shall be known and may be cited as the “Dead Animal Disposal Act.”

History

Ga. L. 1969, p. 1018, § 1.

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O.C.G.A. § 4-5-2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals (§§ 4-5-1 — 4-5-11)

4-5-2. “Dead animals” defined.

As used in this chapter, the term “dead animals” means the carcasses, parts of carcasses, fetuses, embryos, effluent, or blood of livestock, including, without limitation, cattle, swine, sheep, goats, poultry, ratites, equine, and alternative livestock; pet animals associated with pet dealers, kennels, animal shelters, or bird dealers licensed by the Georgia Department of Agriculture; animals processed by commercial facilities which process animals for human consumption; and animals associated with wildlife exhibitions.

History

Ga. L. 1969, p. 1018, § 2; Ga. L. 1973, p. 569, § 1; Ga. L. 1995, p. 244, § 7; Ga. L. 2002, p. 1397, § 1.

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O.C.G.A. § 4-5-3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals (§§ 4-5-1 — 4-5-11)

4-5-3. Abandonment of dead animals; requirements as to disposal generally; disposal in wells, open pits, or surface waters or on private or public property; disposal in city or county landfill.

- (a) It shall be unlawful for any person who owns or is caring for an animal which has died or has been killed to abandon the dead animal. Such person shall dispose of the dead animal as provided for in this chapter or in rules and regulations adopted pursuant to this chapter. Dead animals shall not be abandoned in wells, open pits, or surface waters of any kind on private or public land.
- (b) No person shall dispose of a dead animal on the land of another without the permission of the owner of the land.
- (c) Arrangements must be made with a city or county official in order to dispose of a dead animal in a city or county landfill.

History

Ga. L. 1969, p. 1018, § 3; Ga. L. 1973, p. 569, § 2; Ga. L. 2002, p. 1397, § 2.

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O.C.G.A. § 4-5-4

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 5 Disposal of Diseased, Disabled, or Dead Animals (§§ 4-5-1 — 4-5-11)

4-5-4. Removal and disposition of dead animals within highway rights of way generally.

(a) As used in this Code section, the term “dead animals” means the carcasses or parts of carcasses of all animals, regardless of whether they are considered to be farm livestock, poultry, equines, domesticated animals, pets, or any other type of animal and shall include all such animals regardless of the cause of death of such animals.

(b) Any other provision of this chapter to the contrary notwithstanding, it shall be the duty of the Department of Transportation to remove and dispose of the carcasses of all dead animals found within the rights of way of all highways within the state maintained either totally or in part from state funds. Such carcasses or parts of carcasses shall be disposed of in a manner consistent with this chapter.

History

Ga. L. 1974, p. 404, § 1.

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O.C.G.A. § 4-5-5

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4-5-5. Methods of disposal of dead animals.

Methods which can be used for disposal of dead animals are burning, incineration, burial, rendering, or any method using appropriate disposal technology which has been approved by the Commissioner of Agriculture. Disposal of dead animals by any of the approved methods must be completed within 24 hours after death or discovery. Dead animals that are buried must be buried at least three feet below the ground level, have not less than three feet of earth over the carcass, and must not contaminate ground water or surface water.

History

Ga. L. 1969, p. 1018, § 5; Ga. L. 2000, p. 1297, § 1; Ga. L. 2002, p. 1397, § 3.

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O.C.G.A. § 4-5-6

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4-5-6. Destruction of diseased and disabled animals which have been abandoned.

For the purpose of putting a speedy end to the suffering of hopelessly diseased and disabled animals, any person finding any abandoned domestic animal which is diseased or injured past recovery may apply to any magistrate of the county, who may summarily decide whether such animal should be destroyed, after giving notice to the owner, if known, whenever such notice can be given without defeating the object of this Code section. The order authorizing the destruction of such animal shall not defeat the owner's claim for damages against the person destroying or procuring the destruction of such animal.

History

Ga. L. 1878-79, p. 183, § 2; Code 1882, § 4612(b); Civil Code 1895, § 1755; Civil Code 1910, § 2014; Code 1933, § 62-211; Ga. L. 1983, p. 884, § 4-1.

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O.C.G.A. § 4-5-7

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4-5-7. Disposal of dead animals and waste material; approval by Commissioner.

(a) Public livestock sales markets, livestock slaughter establishments, poultry dealers, poultry sales establishments, pet dealers, kennels, bird dealers, animal shelters, and stables licensed by the Georgia Department of Agriculture shall have a written, approved method and place for the disposal of all dead animals and all accessory waste material involved in the handling of dead animals which die on or within the premises of such establishments.

(b) The Commissioner of Agriculture shall approve the methods and places for disposal of such dead animals and may establish procedures, methods, and permits for disposal of dead animals.

History

Ga. L. 1969, p. 1018, § 4; Ga. L. 2002, p. 1397, § 4.

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O.C.G.A. § 4-5-8

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4-5-8. Restriction upon transportation of dead animals or parts thereof into state.

Dead animals or parts thereof, raw or unrendered, except green salted hides, shall not be allowed to enter the State of Georgia except by written permit issued by the Georgia Department of Agriculture; provided, however, that licensed research institutes, accredited colleges or state colleges and universities, and departments of municipal governments may transport and receive dead animals for research or investigational purposes only.

History

Ga. L. 1969, p. 1018, § 7.

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O.C.G.A. § 4-5-9

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4-5-9. Prohibition or restriction on transport of dead animals; permit issuance.

The Commissioner of Agriculture may prohibit or restrict, at his or her discretion, and issue permits for the hauling or transportation of dead animals or types of dead animals and order the destruction thereof in accordance with this chapter.

History

Ga. L. 1969, p. 1018, § 6; Ga. L. 1973, p. 569, § 3; Ga. L. 2002, p. 1397, § 5.

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O.C.G.A. § 4-5-10

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4-5-10. Promulgation of rules and regulations.

The Commissioner of Agriculture is authorized to promulgate rules and regulations to implement and accomplish the purposes of this chapter.

History

Ga. L. 1969, p. 1018, § 8; Ga. L. 2002, p. 1397, § 6.

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O.C.G.A. § 4-5-11

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4-5-11. Penalty for violations of chapter or rules or regulations promulgated thereunder.

Any person, firm, partnership, or corporation which violates any provision of this chapter or any rule or regulation made pursuant thereto shall be guilty of a misdemeanor.

History

Ga. L. 1969, p. 1018, § 9.

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O.C.G.A. Title 4, Ch. 6

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3)

CHAPTER 6 Livestock Dealers and Auctions

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O.C.G.A. Title 4, Ch. 6, Art. 1

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)

Article 1 Livestock Dealers

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)

4-6-1. Definitions.

As used in this chapter, the term:

- (1) “Cash” includes only currency, cashier’s checks, and money orders.
- (2) “Dealer” means any person or agent of such person who engages in or facilitates, including by electronic means, the business of buying, selling, exchanging, or otherwise transferring ownership of livestock within this state for his or her own account or for that of another; provided, however, that the term “dealer” shall not include:
 - (A) Farmers acquiring livestock solely for the purpose of grazing and feeding as a part of their farm operations;
 - (B) Packers whose total annual purchases of livestock are less than \$50,000.00 who buy only from licensed dealers and licensed sales establishments;
 - (C) Persons selling only livestock of their own production or buying only for their own production; or
 - (D) Persons auctioning livestock on behalf of a third party.
- (3) “Livestock” means cattle, swine, equines, sheep, and goats of all kinds and species.
- (4) “Livestock market operator” means any person engaged in the business of operating a sales establishment, public auctions or sales of livestock, or barns and yards for the containment of livestock held for the purpose of auction or sale.
- (5) “Person” means any person, firm, corporation, association, cooperative, or combination thereof.
- (6) “Sales establishment” means any yard, barn, or other premises where livestock is sold at auction.
- (7) “Surety” means a letter of credit, certificate of deposit, or other written instrument issued or executed by a lending institution or bonding, surety, or insurance company licensed to do business in this state, guaranteeing the faithful performance of the terms of the contract of purchase, including the payment of the purchase price of all livestock purchased by the holder of such instrument, made payable to the Commissioner for the benefit of persons sustaining loss resulting from the nonpayment of the purchase price or the failure to fulfill the terms of the contract of purchase.

History

Ga. L. 1952, p. 184, § 1; Ga. L. 1983, p. 1161, § 1; Ga. L. 1995, p. 244, § 8; Ga. L. 1996, p. 351, § 1; Ga. L. 2008, p. 458, § 6/SB 364; Ga. L. 2017, p. 129, § 1/HB 49.

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O.C.G.A. § 4-6-2

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4-6-2. Sale, auction, transfer, or movement of infected livestock.

No dealer or livestock market operator shall sell, auction, transfer, or move any livestock which are infected with any disease or which have been placed under quarantine by the authority of the Commissioner. Until all such livestock have been inspected by a veterinarian approved by the Commissioner, no dealer or livestock market operator shall sell, auction, transfer, or move any livestock which have been infected, which are suspected of being infected, or which are likely to have been exposed to infection. No dealer or livestock market operator shall sell, auction, transfer, or move any livestock from any barn, yard, or premises unless all sanitary practices and precautions prescribed by the rules and regulations of the Commissioner have been observed in the premises, barn, or yard.

History

Ga. L. 1952, p. 184, § 2; Ga. L. 1983, p. 1161, § 1; Ga. L. 2017, p. 129, § 2/HB 49.

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4-6-3. Licenses — Required; fee; term; surety requirement.

- (a) No livestock market operator shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. The triennial fee for a livestock market operator license shall be proportionate to the surety acquired by such operator, but shall not exceed \$200.00.
- (b) No dealer who buys or sells through a livestock market operator or directly from producers shall engage in or carry on such business without first applying for and obtaining a license from the Commissioner. The triennial fee for a dealer license shall be no more than \$25.00.
- (c) No license shall be issued to any person pursuant to this Code section unless the applicant therefor furnishes to the Commissioner the surety required under this article and such surety is approved by the Commissioner. Any and all surety applications shall be accompanied by a certificate of “good standing” issued by the Commissioner of Insurance. If any company issuing a surety shall become unauthorized to do business in this state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner of Agriculture within 30 days. Such sureties shall be conditioned to secure the faithful performance of a person’s obligations as a livestock market operator or dealer under this article and the rules and regulations prescribed pursuant thereto. If the surety of a dealer or livestock market operator is canceled, then the license of such person shall immediately be revoked by operation of law without notice or hearing.

History

Ga. L. 1952, p. 184, § 3; Ga. L. 1958, p. 386, § 1; Ga. L. 1982, p. 3, § 4; Ga. L. 1982, p. 1804, § 1; Ga. L. 1983, p. 1161, § 1; Ga. L. 1999, p. 800, § 5; Ga. L. 2017, p. 129, § 3/HB 49.

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4-6-4. Licenses — Revocation, cancellation, or suspension.

Every licensed dealer and livestock market operator who shall violate this chapter or rules and regulations established by the Commissioner pursuant to this chapter shall have his or her license revoked, canceled, or suspended, upon a notice and hearing.

History

Ga. L. 1952, p. 184, § 5; Ga. L. 1983, p. 1161, § 1; Ga. L. 2017, p. 129, § 4/HB 49.

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4-6-5. Maintenance of records.

No dealer or livestock market operator shall buy, store, or otherwise receive any livestock without first recording the name and address of the person or persons bringing in the livestock and recording the license tag number of the vehicle used to transport the livestock.

History

Ga. L. 1963, p. 541, § 1; Ga. L. 1983, p. 1161, § 1; Ga. L. 2017, p. 129, § 5/HB 49.

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4-6-6. Quarantine of premises; promulgation of rules and regulations prescribing sanitary standards.

(a) In the control, suppression, prevention, and eradication of livestock diseases, the Commissioner or any duly authorized livestock inspector acting under the authority of this or any other livestock law of this state is authorized and required to quarantine any premises or any area when he shall determine that livestock in such place or places are infected with a contagious or infectious disease, that the unsanitary condition of such place or places might cause the spread of such disease, or that the owner or occupant of such place or places is not observing sanitary practices.

(b) The Commissioner is authorized and empowered to adopt and promulgate rules and regulations prescribing the sanitary standards and requirements for the prevention, control, suppression, and eradication of livestock diseases in this state, such regulations to be no less adequate for the protection of the livestock industry and public health than those of the secretary of agriculture of the United States Department of Agriculture.

History

Ga. L. 1952, p. 184, § 6; Ga. L. 1983, p. 1161, § 1.

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4-6-7. Rules and regulations — Promulgation and enforcement generally.

The Commissioner is authorized to formulate, adopt, promulgate, and enforce rules and regulations for the purpose of carrying this chapter into effect.

History

Ga. L. 1952, p. 184, § 4; Ga. L. 1983, p. 1161, § 1.

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O.C.G.A. § 4-6-8

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Official Code of Georgia Annotated > *TITLE 4 Animals (Chs. 1 — 15)* > *CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3)* > *Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)*

4-6-8. Rules and regulations — Administrative remedies of persons aggrieved by promulgation or enforcement.

Any person affected by any rule or regulation adopted and promulgated by the Commissioner pursuant to any statute conferring such authority upon him, who believes that the Commissioner, in the promulgation of such rules and regulations or in the enforcement thereof, has gone beyond the authority vested in him by law or who believes that the Commissioner has exceeded any power which the legislature of this state under the Constitution of the United States or the Constitution of Georgia conferred upon him, is given the right to protest or object in writing to such rule or regulation or any act done by the Commissioner pursuant to such rule or regulation, as he may believe violates the legal and constitutional authority of the Commissioner, by pointing out in what respect and for what reasons he contends the act, rules, or regulations to be improper or illegal. The Commissioner is required to consider every such objection and afford the aggrieved party opportunity to submit evidence and argument in support of his protest; and if, in his judgment, the protest is in whole or in part well founded, the Commissioner shall take such corrective measures as are necessary to give the aggrieved party relief in every respect from any illegal or unconstitutional requirement. This Code section is expressly made an administrative remedy and every person affected by any rule, regulation, or act of the Commissioner is required to exhaust this remedy before pursuing any other remedy, provided that nothing contained in this chapter shall be construed to deny any applicant for a license any existing right to a review by the court of the Commissioner's action as now provided by law.

History

Ga. L. 1952, p. 184, § 8; Ga. L. 1983, p. 1161, § 1.

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O.C.G.A. § 4-6-9

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)

4-6-9. Injunctions.

In addition to the remedies provided in this chapter and notwithstanding the existence of an adequate remedy at law, the Commissioner is authorized to apply to the superior courts of this state for injunctions. Such courts shall have the jurisdiction, for good cause shown, to grant temporary or permanent injunctions or temporary restraining orders restraining or enjoining any person, firm, corporation, or association from violating or continuing to violate this chapter or any rule or regulation promulgated pursuant to this chapter. Such injunction or order shall be issued without bond and may be granted notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

History

Ga. L. 1972, p. 745, § 2; Ga. L. 1983, p. 1161, § 1.

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4-6-10. Penalty for violations of chapter or rules or regulations.

- (a) Any dealer or livestock market operator who violates any of the provisions of this chapter, any quarantine provision, or any rule or regulation established by the Commissioner under the authority of this or any other law for the protection of the general public in the prevention of livestock diseases shall be guilty of a misdemeanor.
- (b) Any dealer or livestock market operator who violates Code Section 4-6-5, relating to maintenance of records, for a third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article.
- (c) Any dealer or livestock market operator who violates Code Section 4-6-2, relating to the sale, auction, or transfer of infected livestock, or Code Section 4-6-6, relating to quarantines, for the third or subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for not less than one nor more than three years, or both, and any person so convicted shall have any license issued under this article permanently revoked and shall be ineligible to apply for a subsequent license under this article.

History

Ga. L. 1952, p. 184, § 7; Ga. L. 1983, p. 1161, § 1; Ga. L. 1985, p. 704, § 2; Ga. L. 2017, p. 129, § 6/HB 49.

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O.C.G.A. § 4-6-11

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > *TITLE 4 Animals (Chs. 1 — 15)* > *CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3)* > *Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)*

4-6-11. Liability of purchaser or seller of leased livestock to owner or lessor of livestock.

A person who purchases leased livestock from or a commission merchant who sells leased livestock for the lessee of such livestock shall not be liable to the owner or lessor of such livestock unless the livestock are clearly marked or branded with a mark or brand registered by the owner or lessor with the department and, prior to the purchase or sale, the purchaser or commission merchant has received written notice of the owner's or lessor's ownership interest in such livestock and of the owner's or lessor's mark or brand.

History

Code 1981, § 4-6-11, enacted by Ga. L. 1991, p. 752, § 1; Ga. L. 1992, p. 1642, § 1.

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O.C.G.A. § 4-6-12

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 1 Livestock Dealers (§§ 4-6-1 — 4-6-12)

4-6-12. Publication of licensed dealers and livestock market operators.

The Commissioner shall publish in print or electronically the names and locations of duly licensed dealers and livestock market operators.

History

Code 1981, § 4-6-12, enacted by Ga. L. 2017, p. 129, § 7/HB 49.

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O.C.G.A. § 4-6-20

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 2 Custodial Accounts for Livestock Sellers (§§ 4-6-20 — 4-6-23)

4-6-20. Short title.

This article may be cited as the “Custodial Account for Livestock Sellers Act.”

History

Ga. L. 1966, p. 350, § 1; Ga. L. 1983, p. 1161, § 1.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 2 Custodial Accounts for Livestock Sellers (§§ 4-6-20 — 4-6-23)

4-6-21. Maintenance of custodial accounts; deposits; commingling of funds.

Every operator of a sales establishment for the sale of livestock at auction shall maintain a custodial account in a national or state-chartered bank located in this state and within 100 miles of the sales establishment. Every such operator shall deposit in such account the gross proceeds received from the sale of livestock handled on a commissioned or agency basis, which account shall be designated "Custodial Account for Shippers' Proceeds." Other funds of the depositor shall not be commingled in such account with funds required to be deposited in this account.

History

Ga. L. 1966, p. 350, § 2; Ga. L. 1983, p. 1161, § 1; Ga. L. 1984, p. 22, § 4.

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4-6-22. Payments from custodial accounts.

No check shall be drawn on the custodial account nor any funds withdrawn from the account, except for payment of proceeds due the livestock seller or for legally authorized fees or charges incurred by or owing to the sales establishment. No bank holding such an account shall pay a check on such account or honor a withdrawal from such account unless the sales establishment files a certificate that the check or withdrawal is for one of the purposes authorized in this Code section. The certificate may be printed on the face of the check above the signature.

History

Ga. L. 1966, p. 350, § 3; Ga. L. 1983, p. 1161, § 1.

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O.C.G.A. § 4-6-23

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 2 Custodial Accounts for Livestock Sellers (§§ 4-6-20 — 4-6-23)

4-6-23. Penalty for failure to deposit proceeds of sale in custodial account.

Failure to deposit the proceeds received from the sale of livestock in a custodial account as required by Code Section 4-6-21, misuse of such funds, or payment by a bank of funds held in a custodial account without the certificate required by Code Section 4-6-22 shall constitute a misdemeanor.

History

Ga. L. 1966, p. 350, § 4; Ga. L. 1983, p. 1161, § 1.

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O.C.G.A. Title 4, Ch. 6, Art. 3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 3 Livestock Auctions (§§ 4-6-40 — 4-6-55)

Article 3 Livestock Auctions

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O.C.G.A. § 4-6-40

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 3 Livestock Auctions (§§ 4-6-40 — 4-6-55)

4-6-40. [Reserved] Definitions.

History

Ga. L. 1956, p. 501, § 1; repealed by Ga. L. 1983, p. 1161, § 1, effective July 1, 1983.

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4-6-41. [Reserved] Administration of chapter; promulgation of rules and regulations.

History

Ga. L. 1956, p. 501, § 7; repealed by Ga. L. 1983, p. 1161, § 1, effective July 1, 1983.

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4-6-42. Surety bond — Generally.

No person shall operate a sales establishment for the sale of livestock at auction unless he or she has then in force a surety in an amount established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.

History

Ga. L. 1956, p. 501, § 2; Ga. L. 1958, p. 309, § 1; Ga. L. 1959, p. 296, § 1; Ga. L. 1982, p. 1804, § 2; Ga. L. 1983, p. 1161, § 1; Ga. L. 2017, p. 129, § 8/HB 49.

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4-6-43. Surety bond — Dealers generally.

(a) No dealer shall purchase livestock at any sales establishment or directly from producers unless he or she has then in force a surety in an amount established in a memorandum of agreement with the department sufficient to secure the performance of the obligations of the holder of such surety.

(b) This Code section shall not be applicable to nor shall a surety be required of a dealer who purchases livestock at sales establishments for cash only. No livestock market operator shall permit a dealer who is not properly licensed and holding surety to purchase livestock other than for cash.

History

Ga. L. 1956, p. 501, § 3; Ga. L. 1958, p. 309, § 2; Ga. L. 1959, p. 296, § 2; Ga. L. 1970, p. 530, § 1; Ga. L. 1982, p. 1804, § 3; Ga. L. 1983, p. 1161, § 1; Ga. L. 1984, p. 22, § 4; Ga. L. 2017, p. 129, § 9/HB 49.

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4-6-44. [Repealed] Surety bond — Annual sales and purchases.

History

Code 1981, § 4-6-44, enacted by Ga. L. 1983, p. 1161, § 1; repealed by Ga. L. 2017, p. 129, § 10/HB 49, effective July 1, 2017.

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4-6-45. [Reserved] Surety bond — Acceptance of insurance coverage as satisfaction of bonding requirements.

History

Ga. L. 1959, p. 296, § 5, and Ga. L. 1981, Ex. Sess., p. 8 (Code enactment act); repealed by Ga. L. 1983, p. 1161, § 1, effective July 1, 1983.

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4-6-46. Maintenance of records and accounts; inspections.

Sales establishments for the sale of livestock at auction shall maintain such accounts and records as will at all times disclose the names of the sellers or consignors, the amount due and payable to each from the custodial account for shippers' proceeds, and the legally authorized fees and charges due the establishment. Sales establishments shall make such records available for inspection by the Commissioner or his agents during any business hours.

History

Ga. L. 1966, p. 350, § 5; Ga. L. 1983, p. 1161, § 1.

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4-6-47. When payment for livestock purchased due; disposition of proceeds; methods of payment.

Payment for livestock purchased at auction shall be made on the same date of the purchase of the livestock, except that persons regulated by the provisions of the federal Packers and Stockyards Act may make payment by placing in the mail a check on the day following the date of purchase. The proceeds from the sale of livestock shall be deposited by the livestock sales establishment in the custodial account not later than the next banking day following the date of sale or receipt of payment by mail. Payment for livestock purchased at auction shall be made by cash, check, draft, or transfer of funds by wire. No loans shall be made from the custodial account of any livestock sales establishment to any purchaser of livestock at that sales establishment.

History

Ga. L. 1971, p. 71, § 1; Ga. L. 1978, p. 2061, § 1; Ga. L. 1983, p. 1161, § 1.

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4-6-48. Report of dishonor of a check or draft issued in payment for livestock.

It shall be the duty and responsibility of each livestock sales establishment to report to the Commissioner within 24 hours after having knowledge that a check or draft issued in payment for livestock has been dishonored; and it shall be the duty and responsibility of the Commissioner to notify all licensed sales establishments of the fact of such dishonor of any such check or draft issued in payment for livestock.

History

Ga. L. 1971, p. 71, § 2; Ga. L. 1983, p. 1161, § 1.

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4-6-49. [Reserved] Annual reports of sales and purchases; proof of compliance with bonding requirements.

History

Ga. L. 1959, p. 296, § 4; Ga. L. 1983, p. 1161, § 1; Ga. L. 1999, p. 800, § 6; repealed by Ga. L. 2017, p. 129, § 11/HB 49, effective July 1, 2017.

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O.C.G.A. § 4-6-49.1

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4-6-49.1. Denial of licenses; Commissioner’s right to require disclosures and examine records and accounts; dealers purchasing livestock for cash only; financial statement.

- (a) No license shall be issued to or allowed to be maintained by any sales establishment or dealer if:
- (1) Any beneficial interest in the business of the sales establishment or dealer is directly or indirectly owned by a defaulter; or
 - (2) Any defaulter is employed in a management position by the sales establishment or dealer.
- (b) As used in this Code section, the term “defaulter” means any person who has, within the past five years, been employed in a managerial position by or owned any beneficial interest in the business of a sales establishment or dealer and such business has ceased operations without satisfying all liabilities of the business either from assets of the business or from any surety.
- (c) The Commissioner shall have full authority to require disclosure from licensees and applicants of information sufficient to determine whether the licensee or applicant is qualified to be licensed under this Code section. The Commissioner shall have full authority to examine the records and accounts of all licensees in order to determine whether any proceeds of the business are being paid to any defaulter.
- (d) This Code section shall not prohibit the Commissioner from allowing a defaulter to operate as a dealer who purchases livestock for cash only.
- (e) All applicants for licensure shall submit to the Commissioner a current financial statement, and all licensees shall submit a current financial statement annually.

History

Code 1981, § 4-6-49.1, enacted by Ga. L. 1982, p. 1804, § 4; Ga. L. 1983, p. 1161, § 1; Ga. L. 2017, p. 129, § 12/HB 49.

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4-6-50. Livestock weighed at sales establishment; certified public weigher.

All livestock weighed at a sales establishment shall be weighed by a certified public weigher who has complied with Article 2 of Chapter 2 of Title 10. Each such weigher shall obtain a seal and upon request shall impress the seal upon the scale ticket of the livestock weighed.

History

Ga. L. 1956, p. 501, § 5; Ga. L. 1958, p. 309, § 3; Ga. L. 1983, p. 1161, § 1.

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4-6-51. Isolation of employees of sales establishments during conduct of sale.

Each sales establishment shall make adequate provision to isolate, insofar as practicable, the auctioneer, weigher, clerk, and any other employee who has any duty in regard to making any record of the sale. No person shall be permitted to converse with any such employee while the employee is performing any duty in connection with the sale.

History

Ga. L. 1956, p. 501, § 6; Ga. L. 1983, p. 1161, § 1.

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4-6-52. Special sales.

- (a) As used in this Code section, “special sale” means any livestock sale, except a regular sale at an establishment and any sale by a farmer of livestock owned by the farmer, with payment made directly to the farmer.
- (b) The Commissioner is authorized to prescribe rules and regulations for the operation of special sales. No person shall hold a special sale without obtaining a permit therefor from the Commissioner or his or her duly authorized representative, which shall be granted without charge upon submission of proof satisfactory to the Commissioner that the person applying for the permit has procured a surety in an amount equal to one-fourth of the anticipated proceeds of the sale; provided, however, that such surety shall be not less than \$10,000.00 and not more than \$150,000.00.
- (c) Associations holding sales of animals consigned by members of the association only shall not be required to procure a surety if the directors of the association accept full responsibility for financial obligations of sale and release the Commissioner, in writing, from any responsibility.
- (d) Georgia 4-H clubs and Georgia Future Farmers of America chapters shall not be required to procure a surety.

History

Ga. L. 1959, p. 296, § 6; Ga. L. 1978, p. 1467, § 1; Ga. L. 1982, p. 1804, § 5; Ga. L. 1983, p. 1161, § 1; Ga. L. 1998, p. 218, § 1; Ga. L. 2017, p. 129, § 13/HB 49.

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4-6-53. [Reserved] Injunctions.

History

Ga. L. 1959, p. 296, § 3; repealed by Ga. L. 1983, p. 1161, § 1, effective July 1, 1983.

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O.C.G.A. § 4-6-54

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 6 Livestock Dealers and Auctions (Arts. 1 — 3) > Article 3 Livestock Auctions (§§ 4-6-40 — 4-6-55)

4-6-54. Use of persuader in loading or handling of livestock.

It shall be unlawful for any person to use any persuader other than an electric prod or canvas flap in the loading or handling of livestock in a public sales establishment.

History

Ga. L. 1959, p. 172, § 1; Ga. L. 1983, p. 1161, § 1.

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4-6-55. [Repealed] Penalty for violation of chapter or rules or regulations promulgated thereunder.

History

Ga. L. 1956, p. 501, § 8; repealed by Ga. L. 1983, p. 1161, § 1, effective July 1, 1983.

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O.C.G.A. Title 4, Ch. 7

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

CHAPTER 7 Hatchery Operators and Dealers

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O.C.G.A. § 4-7-1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-1. Designation of official state agency for administration of national improvement plans; participation by hatcheries and the like in national plans; state plan; use of certain words in advertising or offering of hatching eggs, chicks, poults, or breeding stock.

(a) The Georgia Poultry Improvement Association, Inc., shall be recognized and designated as the official state agency for administration of the National Poultry Improvement Plan sponsored by the secretary of agriculture, United States Department of Agriculture. Participation in the National Poultry Improvement Plan by hatcheries, breeders, dealers, and supply flock owners shall be voluntary and administrated and governed by the rules and regulations of the official state agency in conjunction with rules and regulations promulgated by the secretary of agriculture, United States Department of Agriculture.

(b) Nothing in this chapter shall be construed to establish a state plan of identification of hatcheries, dealers, or supply flocks, except as specified in this chapter.

(c) The words “state approved,” “state tested,” or words or phrases of similar implication and meaning shall not be used in advertising or in the sale or offering for sale of hatching eggs, chicks, poults, or breeding stock.

History

Ga. L. 1946, p. 147, § 1.

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O.C.G.A. § 4-7-2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-2. Pullorum disease control.

- (a) Regulations for control and eradication of pullorum disease shall be made following a joint hearing between the Commissioner and the Georgia Poultry Improvement Association, Inc. Requirements for pullorum disease testing and other sanitary measures shall be set by the Commissioner. In the event that state regulations do not exist or apply, the minimum pullorum disease control regulations of the Georgia Poultry Improvement Association, Inc., shall be effective.
- (b) The Commissioner shall be authorized to quarantine and prohibit the sale or shipment of hatching eggs, chicks, poults, poultry breeding stock, or birds of any species to or from any hatchery, dealer, or flock or in any area within the state. The Commissioner shall be authorized to promulgate special regulations for prevention and spread of pullorum disease or other infectious or contagious diseases of poultry.
- (c) Appointment of qualified pullorum disease testing agents and supervision of their field work shall be made by the Commissioner. Only persons who have demonstrated that they are capable of doing satisfactory testing work shall be so authorized.

History

Ga. L. 1946, p. 147, § 2.

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O.C.G.A. § 4-7-3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-3. Licenses.

(a) Every person, firm, corporation, or dealer who operates a hatchery shall first register and secure a permanent license from the Commissioner. The fee for such permanent license shall be fixed by the Commissioner in an amount not to exceed \$10.00 for each hatchery, dealer, or branch. The license shall be conspicuously displayed in each place of business. The license shall not be transferable. When any condition is revealed to exist which is not in strict accord with this chapter, the license may be revoked or suspended by the Commissioner, in his discretion.

(b) Manufacturers of poultry remedies, before offering for sale each of such remedies in the state for treatment, eradication, or control of poultry diseases, shall first secure a license from and be approved by the Commissioner, at his discretion. The fee for such license shall be \$1.00 for each remedy.

History

Ga. L. 1946, p. 147, § 3; Ga. L. 1969, p. 856, § 1.

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O.C.G.A. § 4-7-4

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-4. Reports of contagious diseases; inspection of premises.

- (a) Hatcheries, dealers, and flock owners shall promptly report to the Commissioner the outbreak of any contagious or infectious disease affecting chicks, poults, or breeding stock in their possession or in any flock producing hatching eggs.
- (b) The premises and equipment of hatcheries and dealers shall be subject to inspection by the Commissioner; and access to any supply flock shall be granted to the inspectors of the department at any reasonable time during the business day to see that minimum requirements of sanitary and disease control regulations are maintained and enforced.

History

Ga. L. 1946, p. 147, § 4.

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O.C.G.A. § 4-7-5

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-5. Use of sulfaguanidine and sulfathiazole.

(a) It shall be lawful in this state for any recognized poultry flock owners to buy and use sulfaguanidine and sulfathiazole in original packages in powdered form only for their own requirements in the treatment of poultry diseases. Dealers in poultry supplies may buy and sell sulfaguanidine and sulfathiazole.

(b) No person, firm, or corporation in this state shall sell or offer for sale sulfaguanidine or sulfathiazole unless each is plainly labeled with the words "For Poultry Only."

History

Ga. L. 1946, p. 135, §§ 1, 2.

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O.C.G.A. § 4-7-6

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-6. Shipments of hatching eggs, chicks, poults, poultry breeding stock, or birds of any species into state.

(a) Hatching eggs, chicks, poults, poultry breeding stock, or birds of any species shall not be shipped into the State of Georgia without first obtaining the approval of the Commissioner. Shippers shall be subject to investigation by the Commissioner or other authorized person to determine that hatching eggs, chicks, poults, or poultry breeding stock have been produced and handled under conditions no less adequate for control of pullorum disease and other contagious or infectious diseases of poultry than those required under Georgia regulations.

(b) Hatching eggs, chicks, poults, or poultry breeding stock shipped into the State of Georgia shall be:

(1) Reported by the shipper to the Commissioner on official health certificates signed by the livestock sanitary official in the state of origin, certifying that such shipment has met requirements equivalent to Georgia regulations for control of pullorum disease and other contagious or infectious diseases of poultry; a duplicate copy of the health certificate shall be attached to the waybill on each shipment; or

(2) Reported to the Commissioner on official National Poultry Improvement Plan forms, if produced under a pullorum disease control phase of the National Poultry Improvement Plan.

History

Ga. L. 1946, p. 147, § 5.

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O.C.G.A. § 4-7-7

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 7 Hatchery Operators and Dealers (§§ 4-7-1 — 4-7-8)

4-7-7. Effect of chapter on Commissioner's authority to control and eradicate livestock and poultry diseases.

Nothing in this chapter shall be construed so as to limit in any manner the authority of the Commissioner to carry out, administer, and enforce all laws, rules, and regulations for the control and eradication of livestock and poultry diseases in this state.

History

Ga. L. 1946, p. 147, § 6.

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O.C.G.A. § 4-7-8

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4-7-8. Penalty for violations of chapter; disposal of hatching eggs or birds not in compliance with chapter.

Any person, firm, or corporation found to be in violation of this chapter is guilty of a misdemeanor. The Commissioner may, at his discretion, confiscate, destroy, or otherwise dispose of all hatching eggs, chicks, poults, poultry breeding stock, or birds of any species that are produced in the state or enter the state but are not in compliance with this chapter.

History

Ga. L. 1946, p. 147, § 7.

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O.C.G.A. Title 4, Ch. 9

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)

CHAPTER 9 Biologicals Permits

Official Code of Georgia Annotated

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O.C.G.A. § 4-9-1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)

4-9-1. Short title.

This chapter may be cited as the “Georgia Biologicals Permit Act of 1966.”

History

Ga. L. 1966, p. 334, § 1.

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O.C.G.A. § 4-9-2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)

4-9-2. Definitions.

As used in this chapter, the term:

- (1) “Adulterant” means a substance used as an addition to another substance for falsification or adulteration.
- (2) “Adulteration” means an addition of an impure, cheap, or unnecessary ingredient to cheat, cheapen, or falsify a preparation.
- (3) “Biologicals” means medicinal preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins which are for use on poultry and animals, excluding humans.
- (4) “Contaminant” means something that causes contamination, such as a foreign organism developing accidentally in a pure culture.
- (5) “Contamination” means the soiling or making inferior by contact or mixing.

History

Ga. L. 1966, p. 334, § 3.

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O.C.G.A. § 4-9-3

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)

4-9-3. Permits — Application; issuance; exemptions; posting.

- (a) Every producer, manufacturer, distributor, or sales outlet selling, offering for sale, exposing for sale, distributing, or storing biologicals shall register with and obtain a permit from the department prior to engaging in such activities. No person, firm, or partnership shall engage in any such activities without a permit or while its permit is suspended or revoked. The registration and application for a permit shall be made on a form prescribed by the Commissioner. Upon compliance with this chapter, the applicant shall be issued a permit by the Commissioner for all biological products manufactured, distributed, or sold by the applicant. A previous violation of the law or any regulation of the department by the applicant shall constitute just cause for refusal of a permit.
- (b) This chapter shall not apply to any department of the federal or state government, any county board of health, any joint city-county board of health, any licensed graduate veterinarian whose primary use of biologicals is in his practice, or any retail establishment which purchases prepackaged biologicals not under its private label from a producer, manufacturer, distributor, or sales outlet registered under this chapter for sale to the general public only. Retail establishments which sell biologicals received from producers, manufacturers, and distributors, none of which are registered under this chapter, must obtain a separate permit for the biologicals obtained from each nonregistered source.
- (c) Permits issued under this Code section shall be posted in a conspicuous place in the business.
- (d) Any violation of this Code section shall constitute a misdemeanor.

History

Ga. L. 1965, p. 177, §§ 2-4; Ga. L. 1966, p. 334, §§ 4-6.

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O.C.G.A. § 4-9-4

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4-9-4. Permits — Transferability; effect of death of permittee.

Permits issued under this chapter shall not be transferable. Upon the death of a person to whom such a permit has been issued, the permit issued to such deceased person shall continue in full force and effect for a period of 90 days from the date of the death of such person, provided the Commissioner is notified of such death within 30 days from the date thereof. During the 90 day period, renewal shall not be required and the permit shall in all respects be subject to this chapter. The permit shall terminate upon the expiration of the 90 day period.

History

Ga. L. 1965, p. 177, § 11; Ga. L. 1966, p. 334, § 10.

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Official Code of Georgia Annotated > *TITLE 4 Animals (Chs. 1 — 15)* > *CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)*

4-9-5. Promulgation of rules and regulations; revocation or suspension of permits, licenses, and certificates.

(a) The Commissioner shall promulgate such rules and regulations as he deems necessary to carry out the provisions and intention of this chapter.

(b) The Commissioner is authorized to revoke or suspend any permit issued under this chapter at any time when examination or inspection shall disclose violation of this chapter or any rule or regulation promulgated by the Commissioner, provided that unless revocation or termination is made automatic by this chapter, no license, permit, certificate, or other similar right shall be revoked or suspended without opportunity for hearing in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

History

Ga. L. 1965, p. 177, § 7; Ga. L. 1966, p. 334, § 7.

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O.C.G.A. § 4-9-6

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4-9-6. Employment of field agents, clerical help, and other personnel.

The Commissioner shall have the power and authority to employ field agents, clerical help, and other qualified personnel as may be necessary to carry out the purposes of and enforce this chapter.

History

Ga. L. 1965, p. 177, § 8; Ga. L. 1966, p. 334, § 8.

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O.C.G.A. § 4-9-7

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 9 Biologicals Permits (§§ 4-9-1 — 4-9-9)

4-9-7. Prohibited acts.

The following acts and the procurement, causing, aiding, or abetting of such acts within this state are prohibited:

- (1) The manufacture, sale, delivery, holding or offering for sale, or storage of any biologicals that are adulterated, mislabeled, or contaminated;
- (2) The receipt in commerce of biologicals known to be adulterated, mislabeled, or contaminated and the delivery or proffered delivery thereof with like knowledge, whether for pay or otherwise;
- (3) The willful dissemination of false advertisements concerning any biologicals;
- (4) The refusal to permit entry or inspection of any premises wherein biologicals are sold, held for sale, or stored and the refusal to permit the taking of a sample of any such biologicals;
- (5) The giving of a guaranty or undertaking which is false except when such guaranty or undertaking is given by a person who relied on a guaranty or undertaking to the same effect signed by and containing the name and address of a manufacturer, producer, distributor, or sales outlet holding a permit from the department and from whom he received the biologicals in good faith;
- (6) The removal or disposal of detained or embargoed biologicals, except by the Commissioner or his duly authorized agents;
- (7) The adulteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of any biologicals or the doing of any other act with respect to biologicals, if such act is done while such biologicals are held for sale and results in such biologicals being misbranded; and
- (8) The use on the labels of any biologicals or in any advertisement of any biologicals of any representation or suggestion that such biologicals have been approved by the department.

History

Ga. L. 1965, p. 177, § 12; Ga. L. 1966, p. 334, § 11.

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O.C.G.A. § 4-9-8

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4-9-8. Seizure, destruction, and withholding from sale of adulterated, misbranded, or contaminated biologicals.

The Commissioner shall have the right to seize, destroy, or withhold from sale any adulterated, misbranded, or contaminated biologicals. The Commissioner shall also have the right to withhold from sale any biological which he deems to be hazardous when administered by any persons other than an accredited licensed veterinarian, persons licensed under Chapter 50 of Title 43, or persons approved by him.

History

Ga. L. 1966, p. 334, § 13; Ga. L. 1976, p. 334, § 1.

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O.C.G.A. § 4-9-9

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4-9-9. Injunctions.

The Commissioner or any person, corporation, firm, or association, in addition to the remedies set forth in this chapter, may obtain from a court of competent jurisdiction an injunction to restrain continued violations of this chapter. The granting of an injunction is authorized, notwithstanding the fact that such violation also constitutes a misdemeanor and notwithstanding the availability of adequate remedies at law.

History

Ga. L. 1965, p. 177, § 10; Ga. L. 1966, p. 334, § 9.

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O.C.G.A. § 4-10-1

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-1. Short title.

This chapter may be cited as the “Bird Dealers Licensing Act.”

History

Ga. L. 1981, p. 510, § 1.

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O.C.G.A. § 4-10-2

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-2. Legislative findings.

The General Assembly finds that the sale of exotic and pet birds presents a serious potential hazard to the health of livestock and humans due to the potential of transmission of disease by birds. The General Assembly further finds that regulation of bird dealers is a necessary means of minimizing this hazard.

History

Ga. L. 1981, p. 510, § 2.

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-3. Definitions.

As used in this chapter, the term:

- (1) “Bird dealer” means any person engaged in the business of dealing in, purchasing, breeding, or offering for sale, whether at wholesale or retail, any exotic birds, pet birds, or birds customarily kept as pets.
- (2) “Person” means any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.

History

Ga. L. 1981, p. 510, § 3.

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O.C.G.A. § 4-10-4

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-4. License — Requirement.

It shall be unlawful for any person to act as a bird dealer unless such person has a valid bird dealer's license.

History

Ga. L. 1981, p. 510, § 4.

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O.C.G.A. § 4-10-5

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4-10-5. License — Issuance; duration; renewal; fees.

- (a) The department shall license bird dealers under the applicable provisions of Chapter 5 of Title 2, the “Department of Agriculture Registration, License, and Permit Act.”
- (b) Bird dealers’ licenses shall be issued for a period of one year and shall be annually renewable. The department may establish separate classes of licenses, including wholesale and retail licenses. The department shall fix fees for licenses so that the revenue derived from licenses shall approximate the total direct and indirect costs of administering this chapter; but the annual fee for any such license shall be at least \$50.00 but shall not exceed \$400.00. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.

History

Ga. L. 1981, p. 510, § 4; Ga. L. 1992, p. 993, § 1; Ga. L. 2010, p. 9, § 1-16/HB 1055.

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O.C.G.A. § 4-10-6

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4-10-6. Dealer's duty to maintain records; contents; periodic reports; failure to keep records as grounds for revocation of license; term of preservation.

- (a) Every bird dealer shall keep records sufficient to identify:
- (1) Each exotic or pet bird in his possession or sold by him, by species and physical description;
 - (2) The name, address, and telephone number of the person from whom each such bird was acquired and, if that person is a licensed bird dealer, then his license number or, if that person is not a licensed dealer, then his driver's license number, social security number, federal tax identification number, or such other identification as may be available;
 - (3) The name, address, and telephone number of the person to whom each such bird is transferred and, if that person is a licensed bird dealer, then his license number or, if that person is not a licensed bird dealer, then his driver's license number, social security number, or such other identification as may be available; and
 - (4) Any such bird which the dealer knows to be or have been sick or diseased or to have died.
- (b) The department may require periodic reports of any or all of the records required by subsection (a) of this Code section. The department may require the keeping of additional records; and all required records shall be made available for inspection by the department.
- (c) Failure to keep or make available any required records shall be grounds for revocation of a license.
- (d) Every bird dealer shall keep all of such records for at least one year.

History

Ga. L. 1981, p. 510, § 5.

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O.C.G.A. § 4-10-7

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4-10-7. Seizure, quarantine, and destruction of birds.

The department may quarantine, seize, and destroy any birds which present a hazard of carrying exotic or untreatable disease, as determined by rules and regulations promulgated by the Commissioner. The department shall pay an indemnity to the owner of any seized or destroyed birds from any federal funds made available for that purpose or any state funds appropriated for that purpose.

History

Ga. L. 1981, p. 510, § 6.

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O.C.G.A. § 4-10-7.1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-7.1. Importing birds detrimental to agriculture; list of birds; restrictions; permits; quarantine; violations.

(a) The Commissioner of Agriculture shall by rule determine and establish a listing of all types of birds not native to this state which if introduced into this state would be capable of breeding in the wild and would, if established in the wild, present a threat of being detrimental to the agricultural industry of this state.

(b) Except as provided in subsection (c) of this Code section, it shall be unlawful to bring into this state any bird identified in the listing of birds established pursuant to subsection (a) of this Code section.

(c) The department may issue a permit to bring into this state a bird identified in the listing of birds established pursuant to subsection (a) of this Code section if the person applying for such a permit establishes to the satisfaction of the department that adequate precautions will be taken to ensure that neither the bird for which the permit is issued nor any offspring of such bird will be allowed to escape captivity.

(d) The department may quarantine, seize, and destroy any bird brought into this state in violation of this Code section.

(e) Any person convicted of violating the provisions of subsection (b) of this Code section shall be guilty of a misdemeanor.

History

Code 1981, § 4-10-7.1, enacted by Ga. L. 1984, p. 1216, § 1.

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O.C.G.A. § 4-10-7.2

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-7.2. Importing psittacine or exotic birds deemed potential carriers of disease; list of birds; restrictions; quarantine; violations.

- (a) As used in this Code section, the term “psittacine birds” includes birds commonly known as parrots, Amazons, African grays, cockatoos, macaws, parrotlets, beebees, parakeets, lovebirds, lories, lorikeets, and all other birds of the order Psittaciformes.
- (b) It shall be unlawful to bring into this state any psittacine bird or other exotic bird designated by rule by the Commissioner of Agriculture as a potential carrier of disease coming directly or indirectly from outside the United States unless the bird was brought into the United States in conformity with the quarantine regulations of the United States Department of Agriculture.
- (c) The department may quarantine, seize, and destroy any bird brought into this state in violation of this Code section and any bird exposed to a bird brought into the state in violation of this Code section.
- (d) Any person convicted of violating the provisions of subsection (b) of this Code section shall be guilty of a misdemeanor.

History

Code 1981, § 4-10-7.2, enacted by Ga. L. 1984, p. 1216, § 1; Ga. L. 1985, p. 149, § 4.

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O.C.G.A. § 4-10-7.3

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-7.3. Notice and reporting of certain animal diseases.

(a) The Commissioner is authorized to declare certain animal diseases and syndromes to be diseases requiring notice and to require the reporting thereof to the department in a manner and at such times as may be prescribed by the Commissioner. The department shall require that such data be supplied as is deemed necessary and appropriate for the prevention and control of certain diseases and syndromes as are determined by the Commissioner. All such reports and data shall be deemed confidential and shall not be open to inspection by the public; provided, however, that the Commissioner may release such reports and data in statistical form, for valid research purposes, and for other purposes as deemed appropriate by the Commissioner.

(b) Any person, including, but not limited to, any veterinarian or veterinary diagnostic laboratory and practice personnel and any person associated with any bird dealer regulated by this chapter, submitting reports or data in good faith to the department in compliance with this Code section shall not be liable for any civil damages therefor.

History

Code 1981, § 4-10-7.3, enacted by Ga. L. 2002, p. 1386, § 2.

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O.C.G.A. § 4-10-8

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-8. Rules and regulations.

The Commissioner may make any rules and regulations, not inconsistent with this chapter, governing dealing in or transportation of exotic or pet birds.

History

Ga. L. 1981, p. 510, § 8.

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O.C.G.A. § 4-10-9

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 10 Dealers in Exotic Birds and Pet Birds (§§ 4-10-1 — 4-10-12)

4-10-9. Enforcement procedure.

(a) Notwithstanding any other provision of law, whenever it may appear to the Commissioner or his agent, either upon investigation or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act, practice, or transaction which is prohibited by any law or regulation governing activities for which a license is required by this chapter, whether or not the person has so registered or obtained such a license or permit, the Commissioner may issue an order, if he deems it to be in the public interest or necessary for the protection of the citizens of this state, prohibiting such person from continuing such act, practice, or transaction or suspending or revoking any such registration, license, or permit held by such person.

(b) In situations where persons would otherwise be entitled to a hearing prior to an order entered pursuant to subsection (a) of this Code section, the Commissioner may issue such an order to be effective upon a later date without a hearing unless a person subject to the order requests a hearing within ten days after receipt of the order. Failure to make the request shall constitute a waiver of any provision of law for a hearing. The order shall contain or shall be accompanied by a notice of opportunity for hearing, stating that a hearing must be requested within ten days of receipt of the notice and order. The order and notice shall be served in person by the Commissioner or his agent or by certified mail or statutory overnight delivery, return receipt requested. In the case of an individual registered with or issued a license or permit by the department, receipt of the order and notice will be conclusively presumed five days after the mailing of the order by certified mail or statutory overnight delivery, return receipt requested, to the address provided by such person in his most recent registration or license or permit application.

(c) In situations where persons would otherwise be entitled to a hearing prior to an order, the Commissioner may issue an order to be effective immediately if the Commissioner or his agent has reasonable cause to believe that an act, practice, or transaction is occurring or is about to occur, that the situation constitutes a situation of imminent peril to the public safety or welfare, and that the situation therefore requires emergency action. The emergency order shall contain findings to this effect and reasons for the determination. The order shall contain or be accompanied by a notice of opportunity for hearing, which notice may provide that a hearing will be held if and only if a person subject to the order requests a hearing within ten days of the receipt of the order and notice. The order and notice shall be served by the Commissioner or his agent or by certified mail or statutory overnight delivery, return receipt requested. In the case of an individual registered with or issued a license or permit by the department, receipt of the order and notice will be conclusively presumed five days after the mailing of the order by certified mail or statutory overnight delivery, return receipt requested, to the address provided by such person in his most recent registration or license or permit application.

(d) Any request for hearing made pursuant to subsections (b) and (c) of this Code section shall specify (1) in what respects such person is aggrieved, (2) any and all defenses such person intends to assert at the hearing, (3) affirmation or denial of all the facts and findings alleged in the order, and (4) an address to which any further correspondence or notices in the proceeding may be mailed. Upon such a request for hearing, the Commissioner shall schedule and hold the hearing, unless postponed by mutual consent, within 30 days after receipt by the Commissioner of the request therefor. The Commissioner shall give the person requesting the hearing notice of the time and place of the hearing by certified mail or statutory

overnight delivery to the address specified in the request for hearing at least 15 days prior to the time of the hearing.

(e) Except where in conflict with the express provisions of this Code section and the reasonable implication of such provisions, the provisions of Chapter 13 of Title 50, the “Georgia Administrative Procedure Act,” relating to contested cases shall be applicable to the actions of the Commissioner taken pursuant to this Code section and to the conduct and judicial review of any hearings held as a result thereof.

(f) The Commissioner may institute actions or other legal proceedings in any superior court of proper venue as may be required for the enforcement of any law or regulation governing activities for which registration with or a license or permit from the department is required.

(g) The Commissioner may prosecute an action in any superior court of proper venue to enforce any order made by him pursuant to this Code section.

(h) In cases in which the Commissioner institutes an action or other legal proceeding or prosecutes an action to enforce his order, the superior court may, among other appropriate relief, issue a temporary restraining order or a preliminary, interlocutory, or permanent injunction restraining or enjoining persons from engaging in, or acting in concert with anyone engaging in, any acts, practices, or transactions prohibited by orders of the Commissioner or any law or regulation governing activities for which registration with or a license or permit from the department is required.

History

Ga. L. 1981, p. 510, § 10; Ga. L. 1984, p. 22, § 4; Ga. L. 2000, p. 1589, § 3.

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O.C.G.A. § 4-10-10

Current through the 2022 Regular Session of the General Assembly.

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4-10-10. Joint regulation by the Department of Agriculture and the Department of Public Health.

If the Department of Public Health elects to regulate the sale or transportation of exotic or pet birds under the authority of Code Section 31-12-9, then the Department of Public Health shall cooperate with the Department of Agriculture in developing and implementing such regulation.

History

Ga. L. 1981, p. 510, § 7; Ga. L. 2009, p. 453, § 1-4/HB 228; Ga. L. 2011, p. 705, § 6-3/HB 214.

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O.C.G.A. § 4-10-11

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4-10-11. Construction of chapter.

Nothing in this chapter shall be construed to repeal or preempt any laws or parts of laws administered by the Department of Natural Resources. However, insofar as any authority created by this chapter duplicates any other current or future authorities of the Department of Natural Resources with respect to Class Aves, the Department of Agriculture and the Department of Natural Resources shall cooperate in the administration of those duplicated authorities.

History

Ga. L. 1981, p. 510, § 11; Ga. L. 1986, p. 10, § 4.

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O.C.G.A. § 4-10-12

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4-10-12. Penalty.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor.

History

Ga. L. 1981, p. 510, § 4; Ga. L. 2002, p. 1386, § 3.

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O.C.G.A. Title 4, Ch. 11

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2)

CHAPTER 11 Animal Protection

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O.C.G.A. Title 4, Ch. 11, Art. 1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

Article 1 General Provisions

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O.C.G.A. § 4-11-1

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-1. Short title.

This article shall be known and may be cited as the “Georgia Animal Protection Act.”

History

Code 1981, § 4-11-1, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 1993, p. 91, § 4.

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O.C.G.A. § 4-11-2

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4-11-2. Definitions.

As used in this article, the term:

- (1) “Adequate food and water” means food and water which is sufficient in an amount and appropriate for the particular type of animal to prevent starvation, dehydration, or a significant risk to the animal’s health from a lack of food or water.
- (1.1) “Animal control officer” means an individual authorized by local law or by the governing authority of a county or municipality to carry out the duties imposed by this article or imposed by local ordinance.
- (2) “Animal shelter” means any facility operated by or under contract for the state, a county, a municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.
- (3) “Equine” means any member of the Equidae species, including horses, mules, and asses.
- (4) “Humane care” of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal’s size, species, and breed.
- (5) “Kennel” means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation.
- (5.1) “Owner” means a person who intentionally exercises custody, control, possession, or ownership of an animal.
- (6) “Person” means any person, firm, corporation, partnership, association, or other legal entity, any public or private institution, the State of Georgia, or any county, municipal corporation, or political subdivision of the state.
- (7) “Pet dealer” or “pet dealership” means any person who sells, offers to sell, exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals customarily obtained as pets in this state. However, a person who sells only animals that he or she has produced and raised, not to exceed 30 animals a year, shall not be considered a pet dealer under this article unless such person is licensed for a business by a local government or has a Georgia sales tax number. The Commissioner may with respect to any breed of animals decrease the 30 animal per year exception in the foregoing sentence to a lesser number of any animals for any species that is commonly bred and sold for commercial purposes in lesser quantities. Operation of a veterinary hospital or clinic by a licensed veterinarian shall not constitute the veterinarian as a pet dealer, kennel, or stable under this article.
- (8) “Secretary of agriculture” means the secretary of the United States Department of Agriculture.

O.C.G.A. § 4-11-2

(9) "Stable" means any building, structure, pasture, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.

History

Code 1981, § 4-11-2, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 1990, p. 1650, § 1; Ga. L. 2000, p. 754, § 4; Ga. L. 2013, p. 141, § 4/HB 79; Ga. L. 2016, p. 178, § 1/SB 356.

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O.C.G.A. § 4-11-3

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-3. Licenses for pet dealers and kennel, stable, or animal shelter operators; requirement; issuance; application.

(a) It shall be unlawful for any person to act as a pet dealer or operate a kennel, stable, or animal shelter unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.

(b) The Commissioner shall license pet dealers and kennel, stable, and animal shelter operators under the applicable provisions of Chapter 5 of Title 2, the “Department of Agriculture Registration, License, and Permit Act.”

(c) Licenses shall be issued for a period of one year and shall be annually renewable. The Commissioner may establish separate classes of licenses, including wholesale and retail licenses. The Commissioner may establish different fees for the different classes of licenses established, but the annual fee for any such license shall be at least \$50.00 but shall not exceed \$400.00.

(c.1)

(1)

(A) For the period beginning on July 1, 2021, and ending on June 30, 2031, fees identified in subsection (c) of this Code section shall be renewed and, under the authority granted and subject to the conditions imposed by Article III, Section IX, Paragraph VI(r) of the Constitution of Georgia, no more than \$50,000.00 of such collected fees shall be dedicated to the Local Government Companion Animal Trust Fund as provided for in subparagraph (B) of this paragraph, provided that the total amount of funds in such fund at any time shall not exceed \$200,000.00, and such amounts shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c) of the Constitution of Georgia.

(B) There is established the Local Government Companion Animal Trust Fund as a separate fund of the department. The department shall accept applications from qualified local governments as defined in paragraph (18) of subsection (a) of Code Section 50-8-2 for reimbursement of expenses incurred by such local governments impounding more than 29 dogs or cats or more than nine equines as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for more than 29 dogs or cats or more than nine equines impounded pursuant to this article or local ordinance. The department shall provide reimbursement to such local governments of such expenses as it deems reasonably and appropriately incurred.

(2)

(A) The Commissioner shall administer the provisions of this subsection and shall prepare, by February 1 of each year, an accounting of the funds received and expended pursuant to this subsection. The report shall be made available to the House Committee on Agriculture and Consumer Affairs and the Senate Agriculture and Consumer Affairs Committee.

(B) The Commissioner shall retain annually up to \$10,000.00 of the funds collected pursuant to this subsection to offset the costs to the state of implementing and administering this subsection.

O.C.G.A. § 4-11-3

- (3)** The department shall promulgate rules and regulations as necessary to implement the provisions of this subsection.
- (4)** This subsection shall stand repealed and reserved on July 1, 2031.
- (d)** Applications for licenses shall be on a form furnished by the Commissioner and, together with such other information as the Commissioner shall require, shall state:
- (1)** The name of the applicant;
 - (2)** The business address of the applicant;
 - (3)** The complete telephone number of the applicant;
 - (4)** The location of the pet dealership, kennel, stable, or animal shelter;
 - (5)** The type of ownership of the pet dealership, kennel, stable, or animal shelter; and
 - (6)** The name of the owner or, if a partnership, firm, corporation, or other entity, the name of the partners or stockholders.
- (e)** Notwithstanding the provisions of subsection (c) of this Code section, the license fees fixed pursuant to subsection (c) of this Code section shall be increased by 100 percent for the renewal of any license which is not renewed within ten days following the expiration date of the license or for the issuance of a new license to any person who has failed to apply for a license within ten days following the date on which written notice of the need for such license has been given to such person by the Commissioner or his authorized representative.

History

Code 1981, § 4-11-3, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 1990, p. 1650, § 2; Ga. L. 1992, p. 1122, § 1; Ga. L. 2010, p. 9, § 1-17/HB 1055; Ga. L. 2021, p. 682, § 1/HB 574; Ga. L. 2022, p. 352, § 4/HB 1428.

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O.C.G.A. § 4-11-4

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4-11-4. Display of licenses.

A license must be prominently displayed at each place of business of a pet dealer and at each kennel, stable, and animal shelter in this state.

History

Code 1981, § 4-11-4, enacted by Ga. L. 1986, p. 628, § 1.

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O.C.G.A. § 4-11-5

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4-11-5. Licensing of bird dealers.

Any person licensed by the department as a bird dealer shall not be required to obtain a license under this article if such person does not deal in animals other than birds. If, however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption dogs, cats, fish, reptiles, or other animals (other than birds) customarily obtained as pets, then such dealer shall be required to obtain a license under this article in addition to his bird dealer's license.

History

Code 1981, § 4-11-5, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-5.1

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4-11-5.1. Euthanasia of dogs and cats by animal shelters or facilities operated for collection of stray, neglected, abandoned, or unwanted animals.

(a) Except as provided in subsection (b) of this Code section, the use of sodium pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs and cats by animal shelters or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:

- (1) Intravenous injection by hypodermic needle;
- (2) Intraperitoneal injection by hypodermic needle; or
- (3) If the dog or cat is unconscious, intracardial injection by hypodermic needle.

(b) Notwithstanding subsection (a) of this Code section, any substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curare, curariform mixtures, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

(c) In addition to the exception provided for in subsection (b) of this Code section, in cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog or cat.

(d) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.

(e) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.

(f) Euthanasia shall be performed by a licensed veterinarian or physician or a lay person who is properly trained in the proper and humane use of a method of euthanasia. Such lay person shall perform euthanasia under supervision of a licensed veterinarian or physician. This shall not be construed so as to require that a veterinarian or physician be present at the time euthanasia is performed.

(g) No dog or cat may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

(h) The supervising veterinarian or physician shall be subject to all record-keeping requirements and inspection requirements of the State Board of Pharmacy pertaining to sodium pentobarbital and other drugs authorized under subsection (b) of this Code section and may limit the quantity of possession of sodium pentobarbital and other drugs authorized to ensure compliance with the provisions of this Code section.

History

Code 1981, § 4-11-5.1, enacted by Ga. L. 1990, p. 1686, § 1; Ga. L. 2010, p. 164, § 1/ HB 788.

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O.C.G.A. § 4-11-5.2

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4-11-5.2. Microchip reader defined; contacting owner of microchipped pet.

(a) As used in this Code section, the term “microchip reader” means a device designed to read microchips at 125 kHz, both encrypted and nonencrypted, 128 kHz, and 134.2 kHz, and which is ISO 11784 and 11785 compliant.

(b) When any dog, cat, or other large animal traditionally kept as a household pet is brought to an animal shelter or other facility operated for the collection and care of stray, neglected, or abandoned animals, the operator of the facility shall, if the owner of the animal is not known, within 24 hours or as soon as possible scan for the presence of an identifying microchip through the use of a microchip reader. If a microchip is found, the operator shall make a reasonable effort to contact the owner of the animal. Prior to euthanizing a dog, cat, or other large animal traditionally kept as a household pet, any facility referred to in this subsection shall again scan for the presence of an identifying microchip through the use of a microchip reader.

(c) Shelters and facilities and their employees and the Department of Agriculture shall not be liable for failing to detect a microchip or failing to contact the owner of the animal. Shelter personnel shall not be required to scan any animal they deem to be too vicious or dangerous to permit safe handling.

History

Code 1981, § 4-11-5.2, enacted by Ga. L. 2010, p. 806, § 1/ HB 1106.

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O.C.G.A. § 4-11-6

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4-11-6. Applicability of article to nonresidents; consent to jurisdiction; service.

Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this article shall be subject to this article as to such activities. Each nonresident applicant for a license required by this article shall be required as a condition of licensure to execute a consent to the jurisdiction of the courts of this state for any action filed under this article; and service of process in any such action shall be by certified mail or statutory overnight delivery by the Commissioner.

History

Code 1981, § 4-11-6, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 2000, p. 1589, § 3.

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O.C.G.A. § 4-11-7

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-7. Grounds for refusal to issue or renew or suspension or revocation of licenses.

The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

- (1) Material misstatement in the application for the original license or in the application for any renewal license under this article;
- (2) Willful disregard or violation of this article or of any rules or regulations issued pursuant to this article;
- (3) Willfully aiding or abetting another in the violation of this article or of any regulation or rule issued pursuant to this article;
- (4) Allowing a license issued under this article to be used by an unlicensed person;
- (5) A violation of any law of this state or rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equines, and other animals;
- (6) Making substantial misrepresentations or false promises in connection with the business of a licensee under this article;
- (7) Pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business of a licensee under this article;
- (8) Failure to possess the necessary qualifications or meet the requirements of this article for the issuance or holding of a license; or
- (9) Failure to provide proper facilities.

History

Code 1981, § 4-11-7, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-8

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-8. Denial, suspension, or revocation of license for violation of article; applicability of “Georgia Administrative Procedure Act.”

The Commissioner is authorized to deny, suspend, or revoke any license required by this article, subject to notice and a hearing, in any case in which he finds that there has been a violation of this article or any rule or regulation adopted pursuant to this article. All proceedings for denial, suspension, or revocation of a license shall be conducted in conformance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act.”

History

Code 1981, § 4-11-8, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-9

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-9. Inspections.

The Commissioner or his designated agents are authorized to enter upon any public or private property at any time for the purpose of inspecting the business premises of any pet dealer or any animal shelter, kennel, or stable and the dogs, cats, equines, or other animals housed at such facility to determine if such facility is licensed and for the purpose of enforcing this article and the rules and regulations adopted by the Commissioner pursuant to this article.

History

Code 1981, § 4-11-9, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-9.1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-9.1. Quarantine of animal, premises, or any area by Commissioner.

(a) In the control, suppression, prevention, and eradication of animal diseases, the Commissioner or any duly authorized representative acting under his authority is authorized and required to quarantine an animal, premises, or any area when he shall determine that animals in such place or places are infected with a contagious or infectious disease, that the unsanitary condition of such place or places might cause the spread of such disease, that the animal has or has been exposed to any contagious or infectious disease, or that the owner or occupant of such place or places is not observing sanitary practices prescribed under the authority of this article or any other law of this state.

(b) The Commissioner or his duly authorized representative is authorized to issue and enforce written or printed stop sale, stop use, or stop movement orders to the owners or custodians of any animals, ordering them to hold such animals at a designated place, when the Commissioner or his duly authorized representative finds such animals:

- (1)** To be infected with or to have been exposed to any contagious or infectious disease;
- (2)** To be held by a person who is required to be licensed under this article and whose license has expired;
- (3)** To be held by a person who is required to be licensed under this article and who has failed to obtain a license within ten days of the date on which written notice of need to obtain a license was given to such person by the Commissioner or his authorized representative; or
- (4)** To have been held in violation of this article,

until the law has been complied with and such animals have been released, in writing, by the Commissioner or the violations have been otherwise legally disposed of by written authority.

(c) It shall be unlawful for any person to sell, use, or move any animal in violation of any quarantine or stop sale, stop use, or stop removal order issued under this Code section.

History

Code 1981, § 4-11-9.1, enacted by Ga. L. 1990, p. 1650, § 3.

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O.C.G.A. § 4-11-9.2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-9.2. Inspections; impoundment of animals; exceptions.

- (a) At any time there is probable cause to believe that a violation of this article or any rule or regulation adopted pursuant to this article has occurred, the Commissioner, his or her designated agent, or an animal control officer who is an employee of state or local government may apply to the appropriate court in the county in which the animal is located for an inspection warrant under the provisions of Code Section 2-2-11.
- (b) Any sheriff, deputy sheriff, or other peace officer shall have the authority to enforce the provisions of this article and Code Sections 16-12-4 and 16-12-37.
- (c) The Commissioner, his or her designated agent, an animal control officer who is an employee of state or local government, or any sheriff, deputy sheriff, or other peace officer is authorized to impound any animal:
- (1) That has not received humane care;
 - (2) That has been subjected to cruelty in violation of Code Section 16-12-4;
 - (3) That is used or intended for use in any violation of Code Section 16-12-37; or
 - (4) If it is determined that any violation of this article has occurred.
- (d) Prior to an animal being impounded pursuant to paragraph (1), (2), or (3) of subsection (c) of this Code section, a licensed accredited veterinarian approved by the Commissioner or a veterinarian employed by a state or federal government and approved by the Commissioner, shall, at the request of the Commissioner, his or her designee, an animal control officer, a sheriff, a deputy sheriff, or other peace officer, examine and determine the condition or treatment of the animal.
- (e) The provisions of this Code section and Code Sections 4-11-9.3 through 4-11-9.6 shall not apply to scientific experiments or investigations conducted by or at an accredited college or university in this state or research facility registered with the Commissioner or the United States Department of Agriculture.

History

Code 1981, § 4-11-9.2, enacted by Ga. L. 2000, p. 754, § 5; Ga. L. 2016, p. 178, § 2/SB 356.

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O.C.G.A. § 4-11-9.3

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-9.3. Caring for an impounded animal.

(a) It shall be the duty of any person impounding an animal under Code Section 4-11-9.2, 16-12-4, or 16-12-37 to make reasonable and proper arrangements to provide the impounded animal with humane care and adequate and necessary veterinary services. Such arrangements may include, but shall not be limited to, providing shelter and care for the animal at any state, federal, county, municipal, or governmental facility or shelter; contracting with a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services for a reasonable fee; or allowing a private individual, partnership, corporation, association, or other entity to provide humane care and adequate and necessary veterinary services as a volunteer and at no cost.

(b) Any person impounding an animal under this article or Code Section 16-12-4 or 16-12-37 or providing care for an impounded animal shall have a lien on such animal for the reasonable costs of caring for such animal. Such lien may be foreclosed in any court of competent jurisdiction to hear civil cases. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.

(c) Any person impounding an animal under this article shall be authorized to return such animal to its owner, upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order, unless such owner has been convicted of, pled guilty to, or pled nolo contendere to animal cruelty or dog fighting under any local, state, or federal law, regulation, or ordinance, or in a prior administrative or legal action in this state or any other state, was found to have failed to provide humane care to an animal, committed cruelty to animals, or committed an act prohibited under Code Section 16-12-37 in violation of the laws of this state or of the United States or any of the several states. Such consent order shall provide conditions relating to the care and treatment of such animal, including, but not limited to, the following, that:

- (1) Such animal shall be given humane care and adequate and necessary veterinary services;
- (2) Such animal shall not be subjected to cruelty; and
- (3) The owner shall comply with this article.

(d)

(1) The provisions of subsection (c) of this Code section shall not apply to an animal that was an object or instrumentality of a crime. Any agency impounding an animal as a result of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37 shall not return such animal to its owner.

(2) Any agency having custody of an animal that was seized as an object or instrumentality of a crime may, with the consent of the prosecuting attorney, apply to the court having jurisdiction over the offense for an order authorizing such agency to dispose of the animal prior to trial of the criminal case as provided by law.

History

O.C.G.A. § 4-11-9.3

Code 1981, § 4-11-9.3, enacted by Ga. L. 2000, p. 754, § 5; Ga. L. 2008, p. 114, § 2-2/HB 301; Ga. L. 2016, p. 178, § 3/SB 356.

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O.C.G.A. § 4-11-9.4

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4-11-9.4. Notification of owner; custody of animal.

(a) It shall be the duty of any person impounding an animal under this article to notify the owner of such animal immediately upon impoundment. Such notice shall state the name and business address of the person impounding the animal, the name and address of the state or local government agency having custody of the animal, a description of the animal, the reason why the animal was impounded, and a statement of the time limits for the owner to respond and request a hearing as provided in Code Section 4-11-9.5. The notice shall be provided by personal service or by registered mail, certified mail, or statutory overnight delivery sent to the last known address of the owner. Service of the notice which complies with subsection (b) of Code Section 9-11-5 shall in all cases be sufficient. If the owner of such animal is unknown or cannot be found, service of the notice on the owner shall be made by posting the notice in a conspicuous place at the location where the animal was impounded and by publishing a notice once in a newspaper of general circulation in the county where the animal was impounded.

(b) An animal impounded pursuant to this article is deemed to be in the custody of the state or local government agency responsible for enforcement of this article within said county or municipality.

History

Code 1981, § 4-11-9.4, enacted by Ga. L. 2000, p. 754, § 5; Ga. L. 2001, p. 1212, § 1.

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4-11-9.5. Failure to respond; right to hearing; care; crime exception.

(a) If the owner of an animal impounded pursuant to this article fails to respond in writing within five business days of the date the notice of impoundment was served, or, if the owner is unknown or could not be found within 30 days of publication of the notice of impoundment, the impounded animal may be disposed of pursuant to Code Section 4-11-9.6.

(b)

(1) If the owner of an animal impounded pursuant to this article refuses to enter into a consent agreement with the government agency having custody of the animal that such animal will be given humane care and adequate and necessary veterinary care, the owner may request, in writing, a hearing within five business days of the date the notice of impoundment was served on such owner, or, if the owner is unknown or could not be found, within 30 days of the date of publication of the notice of impoundment. Such request for hearing shall be served upon the government agency having custody of the animal. If no hearing is requested within the time limits specified in this paragraph and the failure to request such hearing is due in whole or in part to the reasonably avoidable fault of the owner, the right to a hearing shall have been waived.

(2) Within 30 days after receiving a written request for a hearing, the government agency having custody of the animal shall hold a hearing as is provided in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." If the animal is in the custody of an agency of local government which has, by local law or ordinance, established a procedure for hearing such matters, the body designated in such local law or ordinance shall conduct the hearing required by this Code section. If the local government does not have a hearing procedure, the government agency having custody of the animal may refer the matter to the Office of State Administrative Hearings. If the animal is in the custody of the Department of Agriculture, the Commissioner or his or her designee shall conduct the hearing. The hearing shall be public and all testimony shall be received under oath. A record of the proceedings at such hearing shall be made and maintained by the hearing officer as provided in Code Section 50-13-13.

(3) The scope of the hearing shall be limited to whether the impounding of the animal was authorized by subsection (c) of Code Section 4-11-9.2.

(4) The hearing officer shall, within five business days after such hearing, forward a decision to the person who impounded the animal and the government agency having custody of the animal.

(5) If the hearing officer finds that the animal was improperly impounded, the animal shall be returned to the owner and the cost incurred in providing reasonable care and treatment for the animal from the date of impoundment to the date of the order shall be paid by the impounding agency.

(6) If the hearing officer finds that the animal was lawfully impounded, the hearing officer may:

(A) Recommend that the government agency having custody of the animal dispose of the animal as provided in Code Section 4-11-9.6; or

(B) Unless, in a prior administrative or legal action in this state or any other state, the owner has been found to have failed to provide humane care to an animal, committed cruelty to animals,

O.C.G.A. § 4-11-9.5

engaged in dog fighting, committed an act prohibited under Code Section 16-12-4, committed an act prohibited under Code Section 16-12-37, or committed an act in violation of any similar local ordinance or regulation, the laws of this state, or of the United States, or any of the several states, recommend conditions under which the animal may, upon payment by the owner of all costs of impoundment and care, be returned to the owner. Such conditions shall be reduced to writing and served upon the owner and the government agency having custody of the animal. Such conditions may include, but are not limited to, the following, that:

- (i) Such animal shall be given humane care and adequate and necessary veterinary services;
- (ii) Such animal shall not be subjected to mistreatment; and
- (iii) The owner shall comply with this article.

(c) The provisions of this Code section shall not apply to an animal that was an object or instrumentality of a crime nor shall any such animal be returned to the owner or disposed of without the approval of the prosecuting attorney.

History

Code 1981, § 4-11-9.5, enacted by Ga. L. 2000, p. 754, § 5; Ga. L. 2008, p. 114, § 2-3/HB 301; Ga. L. 2016, p. 178, § 4/SB 356.

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4-11-9.6. Disposal of impounded animal.

(a) The government agency having custody of an animal impounded pursuant to this article which is not returned to the owner as provided in Code Sections 4-11-9.3 and 4-11-9.5, or when ownership of the animal is relinquished by the owner, may dispose of the animal through sale by any commercially feasible means, at a public auction or by sealed bids, adoption, or, if in the opinion of a licensed accredited veterinarian or a veterinarian employed by a state or federal government and approved by the Commissioner such animal has a temperament or condition such that euthanasia is the only reasonable course of action, by humanely disposing of the animal.

(b) Any proceeds from the sale of such animal shall be used first to pay the costs associated with the impoundment, including, but not limited to, removal of the animal from the premises, shelter and care of the animal, notice, hearing, and disposition of the animal. Any funds remaining shall:

(1) If the owner is unknown or cannot be found, be paid into the state treasury if the animal was impounded by the Commissioner or his or her designated agent or into the treasury of the local government if the animal was impounded by the sheriff, a deputy sheriff, another law enforcement officer, or an animal control officer; or

(2) If the owner is known, be paid to the owner.

(c) The government agency responsible for conducting the sale shall keep a record of all sales, disbursements, and distributions made under this article.

History

Code 1981, § 4-11-9.6, enacted by Ga. L. 2000, p. 754, § 5; Ga. L. 2016, p. 178, § 5/SB 356.

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O.C.G.A. § 4-11-9.7

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4-11-9.7. Notice and reporting required for certain animal diseases.

(a) The Commissioner is authorized to declare certain animal diseases and syndromes to be diseases requiring notice and to require the reporting thereof to the department in a manner and at such times as may be prescribed by the Commissioner. The department shall require that such data be supplied as is deemed necessary and appropriate for the prevention and control of certain diseases and syndromes as are determined by the Commissioner. All such reports and data shall be deemed confidential and shall not be open to inspection by the public; provided, however, that the Commissioner may release such reports and data in statistical form, for valid research purposes, and for other purposes as deemed appropriate by the Commissioner.

(b) Any person, including, but not limited to, any veterinarian or veterinary diagnostic laboratory and practice personnel and any person associated with any pet dealer, kennel, animal shelter, or stable, submitting reports or data in good faith to the department in compliance with this Code section shall not be liable for any civil damages therefor.

History

Code 1981, § 4-11-9.7, enacted by Ga. L. 2002, p. 1386, § 4.

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4-11-9.8. Recoupment of expenses of impoundment; process.

- (a) Any agency impounding one or more animals as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for one or more animals impounded pursuant to this article, may file a petition in a court of competent jurisdiction to hear civil cases requesting the court to require the owner of the animal or animals to pay into the registry of such court funds in an amount sufficient to secure payment of all anticipated costs of impoundment and care.
- (b) Every such petition shall contain a description of the time, place, and circumstances of the impoundment, the legal authority for same, and the name and address of the owner of the animal or animals impounded.
- (c) Any sheriff, deputy sheriff, or other sworn peace officer shall personally serve written process of the petition on the owner of the animal or animals. If the officer is unable to personally serve written process of the petition on the owner of the animal or animals within 30 days of the date of filing of the petition, the officer shall within ten days thereafter post a copy of the petition on the door of the residence of the owner or in another conspicuous place at the location where the animal or animals were impounded.
- (d)
- (1) Upon the court's receipt of return of service of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal or animals pending the final disposition of the animal or animals. The hearing shall be conducted no less than ten and no more than 15 business days after the court's receipt of return of service of process of the petition on the owner. Any sheriff, deputy sheriff, or other sworn peace officer shall be authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were impounded.
- (2) The scope of the hearing shall be limited to whether the impounding of the animal or animals was authorized. Upon such a showing, the court shall require payment into the registry of the court of an amount sufficient to cover all costs of impoundment and care, as determined by the court, for a period beginning as of the date of impoundment and ending 30 days after the date of the order. Neither the result of a hearing provided for under this subsection nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the impoundment of the animal or animals.
- (3) The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first 30 days after the date of the initial order every 30 days thereafter until the owner relinquishes the animal or animals or until final disposition of the animal or animals. If the required funds are not deposited within five days of the original order setting the amount of the funds, or within five days after the expiration of each applicable subsequent 30 day period, then the animal or animals shall be forfeited to the petitioning agency by operation of law and may, with the consent of any prosecutor prosecuting charges against the owner regarding the owner's animal or animals, be disposed of pursuant to Code Section 4-11-9.6.

O.C.G.A. § 4-11-9.8

- (4)** At any time before the final disposition of the animal or animals, the owner may relinquish ownership of the animal or animals. All costs of impoundment and care for the animal or animals from the date of impoundment to the date of the relinquishment shall be paid by the owner unless the owner meets the requirements set forth in paragraph (5) of this subsection.
- (5)** In circumstances where only one animal was impounded, and the owner of the animal is, at the initial hearing or at an adjustment hearing, able to prove indigency as described in Chapter 12 of Title 17, the court, in its discretion, may reduce or waive the requirement for the owner to pay costs of impoundment and care pursuant to this Code section.
- (6)** The court may correct, alter, or otherwise adjust the owner's 30 day obligation of payment upon a motion made by the owner or petitioning agency at least five days before the expiration date of the then current 30 day payment period. The hearing shall be held within ten days of service of the motion on the opposite party, and any adjustment to the 30 day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.
- (7)** Upon the payment of funds into the court registry in accordance with this Code section, the petitioning agency may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal or animals from the date of impoundment to the date of the final disposition of the underlying criminal action regarding the owner and the animal or animals.
- (8)** Upon final disposition of the animal or animals, remaining funds deposited with the clerk of the court shall be refunded to the owner.
- (9)** In the event that an owner is adjudicated not guilty of all charges specified in a petition filed pursuant to this Code section, such owner may request from the agency that filed the petition a refund of all costs paid by the owner pursuant to such petition. In making any such claim for refund, the procedures provided in Code Section 48-5-380 shall apply.

History

Code 1981, § 4-11-9.8, enacted by Ga. L. 2016, p. 178, § 6/SB 356.

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4-11-10. Unlawful acts by licensed persons.

It shall be unlawful for any person licensed under this article or any person employed by a person licensed under this article or under such person's supervision or control to:

- (1) Commit a violation of Code Section 16-12-4, relating to cruelty to animals;
- (2) Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed;
- (3) Fail to provide humane care for any animal; or
- (4) Fail to take reasonable care to release for sale, trade, or adoption only those animals that appear to be free of disease, injuries, or abnormalities.

History

Code 1981, § 4-11-10, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 2000, p. 754, § 6.

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O.C.G.A. § 4-11-11

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4-11-11. Shipment or importation of equines, poultry, livestock, or birds into state without official certificate of veterinary inspection.

- (a) It shall be unlawful for any person to ship or import any equines, poultry, livestock, or birds into this state unless accompanied by an official interstate or international certificate of veterinary inspection.
- (b) In addition to the provisions of subsection (a) of this Code section, it shall be unlawful to ship or import into this state any other type of animal which the commissioner has determined poses a significant risk of disease to domestic animals or humans within this state unless such animal is accompanied by such certificate. The commissioner shall maintain on the department website a listing of all other types of animals determined to pose a significant risk of disease in accordance with this subsection.
- (c) No such certificate shall be required for poultry originating from flocks participating in the National Poultry Improvement Plan administered by the United States Department of Agriculture.

History

Code 1981, § 4-11-11, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 2015, p. 1455, § 1/SB 175.

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O.C.G.A. § 4-11-12

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4-11-12. Cooperation with federal government.

The Commissioner may cooperate with the secretary of agriculture in carrying out Public Law 89-544, commonly known as the Animal Welfare Act, as amended by Public Laws 91-579 and 94-279, and the rules and regulations issued by the secretary of agriculture under that act. The Commissioner may promulgate regulations to facilitate cooperation and avoid any unnecessary duplication or conflict of activities by the department and the secretary of agriculture in regulating the activities or areas covered by this article and Public Law 89-544. The regulations may be in addition to other regulations authorized by this article.

History

Code 1981, § 4-11-12, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 2013, p. 141, § 4/HB 79.

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4-11-13. Animals raised, kept, or maintained for human consumption.

The provisions of this article shall not apply to any person who raises, keeps, or maintains animals solely for the purposes of human consumption.

History

Code 1981, § 4-11-13, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-14

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4-11-14. Rules and regulations.

The Commissioner is authorized to promulgate and adopt rules and regulations necessary or appropriate to carry out this article.

History

Code 1981, § 4-11-14, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-11-15

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-15. Injunctions and restraining orders.

In addition to the remedies provided in this article or elsewhere in the laws of this state and notwithstanding the existence of an adequate remedy at law, the Commissioner or, where authorized by the local governing authority, the city or county attorney is authorized to apply to the superior court for an injunction or restraining order. The court shall for good cause shown grant a temporary or permanent injunction or an ex parte or restraining order, restraining or enjoining any person, partnership, firm, corporation, or other entity from violating and continuing to violate this article, any rules and regulations promulgated under this article, Code Section 16-12-4, or Code Section 16-12-37. Such injunction or restraining order shall be issued without bond and may be granted notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

History

Code 1981, § 4-11-15, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 2000, p. 754, § 7.

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O.C.G.A. § 4-11-15.1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-15.1. Abandonment of domesticated animal.

Notwithstanding the provisions of Code Section 4-11-13, it shall be unlawful for any person knowingly and intentionally to abandon any domesticated animal upon any public or private property or public right of way. This Code section shall not be construed as amending or otherwise affecting the provisions of Chapter 3 of this title, relating to livestock running at large or straying.

History

Code 1981, § 4-11-15.1, enacted by Ga. L. 2000, p. 754, § 8.

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O.C.G.A. § 4-11-16

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-16. Penalties.

(a) Except as otherwise provided in Code Section 16-12-4 or 16-12-37, any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punished as provided in Code Section 17-10-3; provided, however, that if such offense is committed by a corporation, such corporation shall be punished by a fine not to exceed \$1,000.00 for each such violation, community service of not less than 200 hours nor more than 500 hours, or both.

(b) Each violation of this article shall constitute a separate offense.

History

Code 1981, § 4-11-16, enacted by Ga. L. 1986, p. 628, § 1; Ga. L. 1990, p. 328, § 1; Ga. L. 2000, p. 754, § 9.

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O.C.G.A. § 4-11-17

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-17. Filing a report regarding animal cruelty; immunity.

(a) Notwithstanding Code Section 24-12-31 or any other provision of law to the contrary, any licensed veterinarian or veterinary technician having reasonable cause to believe that an animal has been subjected to animal cruelty in violation of Code Section 16-12-4 or an act prohibited under Code Section 16-12-37 may make or cause to be made a report of such violation to the Commissioner, his or her designee, an animal control officer, a law enforcement agency, or a prosecuting attorney and may appear and testify in any judicial or administrative proceeding concerning the care of an animal.

(b) Any person participating in the making of a report pursuant to this Code section or participating in any administrative or judicial proceeding pursuant to this article or Title 16 shall, in so doing, be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such participation pursuant to this Code section or any other law is made in good faith.

History

Code 1981, § 4-11-17, enacted by Ga. L. 2000, p. 754, § 10; Ga. L. 2008, p. 114, § 2-4/HB 301; Ga. L. 2011, p. 99, § 3/HB 24.

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O.C.G.A. § 4-11-18

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 1 General Provisions (§§ 4-11-1 — 4-11-18)

4-11-18. Article cumulative; does not prohibit enactment and enforcement of local ordinances by municipal or county governing authority.

This article shall be cumulative and shall not prohibit the enactment and enforcement of local ordinances by a municipal or county governing authority on this subject which are not in conflict with this article; provided, however, that a municipal or county governing authority shall be required to provide timely written notice to the department of any enforcement action taken pursuant to such an ordinance against an operator licensed under this article who is alleged to be in violation of such local ordinance. The department shall be notified of the initiation of any such local enforcement action and of the final conclusions or ultimate outcome of any such action.

History

Code 1981, § 4-11-18, enacted by Ga. L. 2002, p. 1419, § 1.

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O.C.G.A. Title 4, Ch. 11, Art. 2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act (§§ 4-11-30 — 4-11-35)

Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act

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O.C.G.A. § 4-11-30

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act (§§ 4-11-30 — 4-11-35)

4-11-30. Short title.

This article shall be known and may be cited as the “Georgia Farm Animal, Crop, and Research Facilities Protection Act.”

History

Code 1981, § 4-11-30, enacted by Ga. L. 1990, p. 328, § 1; Ga. L. 2001, p. 888, § 1.

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O.C.G.A. § 4-11-31

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act (§§ 4-11-30 — 4-11-35)

4-11-31. Definitions.

As used in this article, the term:

- (1) “Actor” means a person accused of any of the offenses defined in Code Section 4-11-32.
- (2) “Animal” means any warm or cold-blooded animal or insect which is being used in food or fiber production, agriculture, research, testing, or education, including, but not limited to, hogs, equines, mules, cattle, sheep, ratites, goats, dogs, rabbits, poultry, fish, and bees. The term “animal” shall not include any animal held primarily as a pet.
- (3) “Animal facility” includes any vehicle, building, structure, pasture, paddock, pond, impoundment, or premises where an animal is kept, handled, housed, exhibited, bred, or offered for sale and any office, building, or structure where records or documents relating to an animal or to animal research, testing, production, or education are maintained.
- (4) “Commissioner” means the Commissioner of Agriculture.
- (5) “Consent” means assent in fact, whether express or implied, by the owner or by a person legally authorized to act for the owner which is not:
 - (A) Induced by force, threat, false pretenses, or fraud;
 - (B) Given by a person the actor knows, or should have known, is not legally authorized to act for the owner;
 - (C) Given by a person who by reason of youth, mental disease or defect, or intoxication is known, or should have been known, by the actor to be unable to make reasonable decisions; or
 - (D) Given solely to detect the commission of an offense.
- (5.1) “Crop” shall mean any crops as defined in Code Section 1-3-3.
- (5.2) “Crop facility” means any field, building, greenhouse, structure, or premises where crops are grown or offered for sale and any office, building, or structure where records, documents, or electronic data relating to crops or crop research, testing, production, or education are maintained.
- (6) “Deprive” means unlawfully to withhold from the owner, interfere with the possession of, free, or dispose of an animal or other property.
- (7) “Owner” means a person who has title to the property, lawful possession of the property, or a greater right to possession of the property than the actor.
- (8) “Person” means any individual, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, two or more persons having a joint or common interest, or other legal entity.
- (9) “Possession” means actual care, custody, control, or management.
- (10) “Property” means any real or personal property and shall include any document, record, research data, paper, or computer storage medium.

(11) "State" means the State of Georgia.

History

Code 1981, § 4-11-31, enacted by Ga. L. 1990, p. 328, § 1; Ga. L. 1995, p. 244, § 9; Ga. L. 2001, p. 888, § 2.

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O.C.G.A. § 4-11-32

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act (§§ 4-11-30 — 4-11-35)

4-11-32. Prohibited acts; applicability.

(a)

(1) A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over an animal facility, an animal from an animal facility, or other property from an animal facility with the intent to deprive the owner of such facility, animal, or property and to disrupt or damage the enterprise conducted at the animal facility.

(2) A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over a crop facility, a crop from a crop facility, or other property from a crop facility with the intent to deprive the owner of such facility, crop, or property and to disrupt or damage the enterprise conducted at the crop facility.

(b)

(1) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility and the damage or loss thereto exceeds \$500.00.

(2) A person commits an offense if, without the consent of the owner, the person damages or destroys a crop facility or damages or destroys any crop or property in or on a crop facility with the intent to disrupt or damage the enterprise conducted at the crop facility and the damage or loss thereto exceeds \$500.00.

(c)

(1) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility and the damage or loss thereto is \$500.00 or less or enters or remains on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:

(A) Had notice that the entry was forbidden;

(B) Knew or should have known that the animal facility was or had closed to the public; or

(C) Received notice to depart but failed to do so.

(2) For purposes of this subsection “notice” means:

(A) Oral or written communication by the owner or someone with actual or apparent authority to act for the owner;

(B) The presence of fencing or other type of enclosure or barrier designed to exclude intruders or to contain animals; or

(C) A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

O.C.G.A. § 4-11-32

(c.1)

(1) A person commits an offense if, without the consent of the owner, the person damages or destroys a crop facility or damages or destroys any crop or property in or on a crop facility and the damage or loss thereto is \$500.00 or less or enters or remains on a crop facility with the intent to disrupt or damage the enterprise conducted at the crop facility, and the person:

- (A)** Had notice that the entry was forbidden;
- (B)** Knew or should have known that the crop facility was or had closed to the public; or
- (C)** Received notice to depart but failed to do so.

(2) For purposes of this subsection “notice” means:

- (A)** Oral or written communication by the owner or someone with actual or apparent authority to act for the owner; or
- (B)** A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(d) This Code section shall not apply to, affect, or otherwise prohibit actions taken by the Department of Agriculture, any other federal, state, or local department or agency, or any official, employee, or agent thereof while in the exercise or performance of any power or duty imposed by law or by rule and regulation.

History

Code 1981, § 4-11-32, enacted by Ga. L. 1990, p. 328, § 1; Ga. L. 2001, p. 888, § 3.

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O.C.G.A. § 4-11-33

Current through the 2022 Regular Session of the General Assembly.

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4-11-33. Penalty for violation.

(a) A person convicted of any of the offenses defined in subsections (a) and (b) of Code Section 4-11-32 shall be guilty of a felony and, upon conviction, shall be punished by a fine not to exceed \$10,000.00 or by imprisonment for a term not to exceed three years, or both.

(b) Any person violating subsection (c) or (c.1) of Code Section 4-11-32 shall be guilty of a misdemeanor.

History

Code 1981, § 4-11-33, enacted by Ga. L. 1990, p. 328, § 1; Ga. L. 2001, p. 888, § 4.

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O.C.G.A. § 4-11-34

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 11 Animal Protection (Arts. 1 — 2) > Article 2 Georgia Farm Animal, Crop, and Research Facilities Protection Act (§§ 4-11-30 — 4-11-35)

4-11-34. Powers and duties of Commissioner.

For purposes of enforcing the provisions of this article, the Commissioner:

- (1) May investigate any offense under this article;
- (2) May seek the assistance of any law enforcement agency of the United States, the state, or any local government in the conduct of such investigations; and
- (3) Shall coordinate such investigation, to the maximum extent practicable, with the investigations of any law enforcement agency of the United States, the state, or any local government.

History

Code 1981, § 4-11-34, enacted by Ga. L. 1990, p. 328, § 1.

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4-11-35. Attorneys' fees; injunctions; other rights arising out of or relating to violation of article.

(a) Any person who has been damaged by reason of a violation of this article may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

(b) In addition to the remedies provided in this article or elsewhere in the laws of this state and notwithstanding the existence of an adequate remedy at law, any person who has been damaged by reason of a violation of this article is authorized to apply to the superior courts for an injunction or restraining order. Such courts shall have jurisdiction and for good cause shown shall grant a temporary or permanent injunction or a temporary restraining order restraining or enjoining any person from violating or continuing to violate this article. Such injunction or restraining order shall be issued without bond and may be granted notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

(c) Nothing in this article shall be construed to limit the exercise of any other rights arising out of or relating to a violation of this article.

History

Code 1981, § 4-11-35, enacted by Ga. L. 1990, p. 328, § 1.

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O.C.G.A. § 4-13-1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-1. Short title.

This chapter shall be known and may be cited as the “Humane Care for Equines Act.”

History

Code 1981, § 4-13-1, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-2

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-2. Definitions.

As used in this chapter, the term:

- (1) “Adequate food and water” means food and water which is sufficient in amount and appropriate for the particular type of equine to prevent starvation, dehydration, or a significant risk to the equine’s health from a lack of food or water.
- (2) “Equine” means any member of the Equidae species, including horses, mules, and asses.
- (3) “Humane care” means, but is not limited to, the provision of adequate food and water consistent with the normal requirements and feeding habits of the equine’s size, species, and breed.
- (4) “Owner” means any person owning, having possession or custody of, or in charge of an equine.
- (5) “Person” means any person, firm, corporation, partnership, association, or other legal entity; any public or private institution; the State of Georgia; or any county, municipal corporation, or political subdivision of the state.

History

Code 1981, § 4-13-2, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-3

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-3. Prohibited acts.

It shall be unlawful for the owner of any equine:

- (1) To commit a violation of Code Section 16-12-4, relating to cruelty to animals, which involves an equine owned by, possessed by, or in the custody or control of such person;
- (2) To fail to provide adequate food and water to such equine;
- (3) To fail to provide humane care for such equine;
- (4) To unnecessarily overload, overdrive, torment, or beat any equine or to cause the death of any equine in a cruel or inhumane manner; or
- (5) To interfere with or hinder the Commissioner or his designated agent or any sheriff, deputy sheriff, or other law enforcement officer in carrying out his duties under this chapter.

History

Code 1981, § 4-13-3, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-4

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-4. Inspection warrants; impoundment authorized; examination.

(a) At any time there is cause to believe that a violation of Code Section 4-13-3 has occurred, the Commissioner of Agriculture or his designated agent may apply to the appropriate court in the county in which the equine is located for an inspection warrant under the provisions of Code Section 2-2-11 or any sheriff, deputy sheriff, or other law enforcement officer may apply for a search warrant for the purpose of inspecting any equine found on such property to determine if a violation of Code Section 4-13-3 has occurred.

(b) The Commissioner or his designated agent or any sheriff, deputy sheriff, or other law enforcement officer is authorized to impound any equine which has not been furnished with adequate food and water, which has not received humane care, or which has been subjected to cruelty in violation of Code Section 4-13-3. Such determination as to the condition or treatment of the equine shall be made by a licensed veterinarian employed by the state or federal government following an examination conducted at the request of the Commissioner or his designated agent or any sheriff, deputy sheriff, or other law enforcement officer.

History

Code 1981, § 4-13-4, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-5

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-5. Duty to care for impounded equines; lien; return to owner.

(a) It shall be the duty of any person designated for impounding an equine under Code Section 4-13-4 to make reasonable and proper arrangements to provide the impounded equine with adequate and necessary shelter, food, water, veterinary services, and humane care and to take such actions as to ensure the survival of the equine or the humane euthanasia of the equine and disposal thereof if such actions are necessary. Such arrangements may include, but shall not be limited to, providing shelter and care for the equine at any state, federal, county, municipal, or governmental facility or shelter, contracting with a private individual, partnership, corporation, association, or other entity to provide shelter, food, water, veterinary services, and humane care for a reasonable fee, or allowing a private individual, partnership, corporation, association, or other entity to provide shelter, food, water, veterinary services, and humane care as a volunteer and at no cost. Any person impounding an equine under this chapter or providing care for an impounded equine shall have a lien on such equine for the reasonable costs of caring for such equine.

(b) The lien acquired under subsection (a) of this Code section may be foreclosed in any court of competent jurisdiction to hear civil cases. Liens shall be foreclosed in magistrate courts only when the amount of the lien does not exceed the jurisdictional limits established by law for such courts.

(c) Any person impounding an equine under this chapter is authorized to return the equine to its owner upon payment by the owner of all costs of impoundment and care and upon the entry of a consent order or receiving written assurances:

- (1) That such equine will be given humane care, adequate food and water, adequate shelter, and veterinary services;
- (2) That such equine will not be subjected to cruelty; and
- (3) That the owner will comply with this chapter.

History

Code 1981, § 4-13-5, enacted by Ga. L. 1992, p. 2398, § 2; Ga. L. 2016, p. 178, § 7/SB 356.

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O.C.G.A. § 4-13-6

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Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-6. Notice of impoundment.

It shall be the duty of any person impounding an equine under this chapter to notify the owner of such equine immediately upon impoundment. Such notice shall state the name and address of the person impounding the equine, the location where the equine is being held, and a description of the equine. If the owner of such equine is unknown or cannot be found, service of the notice on the owner shall be obtained by publishing a notice once in a newspaper of general circulation where the equine is impounded.

History

Code 1981, § 4-13-6, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-7

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-7. Disposal of equine by sale or euthanasia.

If the owner of the equine cannot be found, if the owner refuses to enter into a consent order or to provide a written assurance that such equine will be given humane care and adequate food, water, shelter, and veterinary care, or if the owner fails to comply with this chapter after having entered into a consent order or having given a written assurance on a previous occasion, the Commissioner or his designated agent, the sheriff, any deputy sheriff, or any other law enforcement officer may dispose of the equine through sale at a public auction or by sealed bids or, if such equine is in a physical condition such that euthanasia is the only reasonable course of action, by humanely disposing of the equine. Prior to disposing of an equine through sale or euthanasia, the Commissioner or his designated agent, the sheriff, any deputy sheriff, or any other law enforcement officer shall make a reasonable effort to locate the owner and, if the owner cannot be located after reasonable effort, the sale or euthanasia may proceed. Any proceeds from the sale of such equine shall be used first to pay the costs of care given the equine and any funds remaining shall be paid into the state treasury if the equine was impounded by the Commissioner or his designated agent or into the county treasury if the equine was impounded by the sheriff, a deputy sheriff, or other law enforcement officer.

History

Code 1981, § 4-13-7, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-8

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-8. Injunctive relief.

In addition to the remedies provided in this chapter or elsewhere in the laws of this state and notwithstanding the existence of an adequate remedy at law, the Commissioner is authorized to apply to the superior courts for an injunction or restraining order. Such courts shall have jurisdiction and for good cause shown shall grant a temporary or permanent injunction or an ex parte or restraining order restraining or enjoining any person, partnership, firm, corporation, or other entity from violating and continuing to violate this chapter or any rules and regulations promulgated under this chapter. Such injunction or restraining order shall be issued without bond and may be granted notwithstanding the fact that the violation constitutes a criminal act and notwithstanding the pendency of any criminal prosecution for the same violation.

History

Code 1981, § 4-13-8, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-9

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-9. Rules and regulations.

The Commissioner is authorized to promulgate and adopt rules and regulations necessary or appropriate to carry out this chapter.

History

Code 1981, § 4-13-9, enacted by Ga. L. 1992, p. 2398, § 2.

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O.C.G.A. § 4-13-10

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 13 Humane Care for Equines (§§ 4-13-1 — 4-13-10)

4-13-10. Penalty for violation of chapter.

Except as otherwise provided in Code Section 16-12-4 or 16-12-37, any person, partnership, firm, corporation, or other entity violating any of the provisions of this chapter shall be guilty of a misdemeanor.

History

Code 1981, § 4-13-10, enacted by Ga. L. 1992, p. 2398, § 2; Ga. L. 2000, p. 754, § 11.

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O.C.G.A. § 4-14-1

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 14
Sterilization of Dogs and Cats in Shelters (§§ 4-14-1 — 4-14-5)***

4-14-1. Legislative findings and policy.

The General Assembly finds that the breeding of dogs and cats acquired from public or private animal shelters, animal control agencies operated by political subdivisions of this state, humane societies, or public or private animal refuges in the State of Georgia results in the birth of thousands of animals who become strays, suffer privation and death, constitute a public nuisance and health hazard, and, ultimately, are impounded and destroyed at great public expense. It is therefore declared to be the public policy of this state that preventing the breeding of dogs and cats acquired from such shelters, animal control agencies, humane societies, or public or private animal refuges be encouraged.

History

Code 1981, § 4-14-1, enacted by Ga. L. 1994, p. 999, § 1.

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O.C.G.A. § 4-14-2

Current through the 2022 Regular Session of the General Assembly.

**Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 14
Sterilization of Dogs and Cats in Shelters (§§ 4-14-1 — 4-14-5)**

4-14-2. Definitions.

As used in this chapter, the term:

- (1) “Animal shelter” means any facility operated by or under contract for the state or any county, municipal corporation, or other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.
- (2) “Humane society” means any unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.
- (3) “Public or private animal refuge” means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.
- (4) “Sexually mature animal” means any dog or cat that has reached the age of 180 days or six months or more.
- (5) “Sterilization” means rendering a dog or cat unable to reproduce by the surgical removal of its reproductive organs or by rendering a dog unable to reproduce by intratesticular injection approved by the federal government pursuant to 21 U.S.C. Section 360 as of March 7, 2014.

History

Code 1981, § 4-14-2, enacted by Ga. L. 1994, p. 999, § 1; Ga. L. 2014, p. 371, § 4/SB 290.

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O.C.G.A. § 4-14-3

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 14 Sterilization of Dogs and Cats in Shelters (§§ 4-14-1 — 4-14-5)

4-14-3. Sterilization of dogs and cats required; exceptions; costs.

(a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

- (1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
- (2) Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of such animal in the case of an adult animal or within 30 days of the sexual maturity of the animal in the case of an immature animal;

provided, however, that the requirements of this Code section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

(b) All costs of sterilization pursuant to this Code section shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.

(c) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by paragraph (2) of subsection (a) of this Code section within seven days after such sterilization attesting that such sterilization has been performed.

(d) Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from such shelter, agency, society, or refuge a current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

History

Code 1981, § 4-14-3, enacted by Ga. L. 1994, p. 999, § 1.

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O.C.G.A. § 4-14-4

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 14
Sterilization of Dogs and Cats in Shelters (§§ 4-14-1 — 4-14-5)***

4-14-4. Penalty for noncompliance.

It shall be a misdemeanor to fail or refuse to comply with the requirements of Code Section 4-14-3 and any person convicted of said misdemeanor shall be subject to a fine not to exceed \$200.00.

History

Code 1981, § 4-14-4, enacted by Ga. L. 1994, p. 999, § 1.

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O.C.G.A. § 4-14-5

Current through the 2022 Regular Session of the General Assembly.

***Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 14
Sterilization of Dogs and Cats in Shelters (§§ 4-14-1 — 4-14-5)***

4-14-5. Adoption of stricter shelter policies.

This chapter shall not prohibit the adoption by any political subdivision of this state of shelter policies which are more stringent than the requirements of this chapter.

History

Code 1981, § 4-14-5, enacted by Ga. L. 1994, p. 999, § 1.

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O.C.G.A. Title 4, Ch. 15

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 15 Dog and Cat Reproductive Sterilization Support (§ 4-15-1)

CHAPTER 15 Dog and Cat Reproductive Sterilization Support

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O.C.G.A. § 4-15-1

Current through the 2022 Regular Session of the General Assembly.

Official Code of Georgia Annotated > TITLE 4 Animals (Chs. 1 — 15) > CHAPTER 15 Dog and Cat Reproductive Sterilization Support (§ 4-15-1)

4-15-1. Support program established; annual report; contributions on tax returns.

(a) The Commissioner shall establish a dog and cat reproductive sterilization support program and educational activities in support thereof. The department shall utilize moneys placed in a special fund for such program as derived from special license plate sales, any funds appropriated to the department for such purposes, and any voluntary contributions or other funds made available to the department for such purposes for the implementation, operation, and support of such reproductive sterilization program. The Commissioner is authorized to promulgate rules to direct and administer the dog and cat reproductive sterilization support program and to carry out this Code section.

(b) The Commissioner shall submit a report to the Senate Agriculture and Consumer Affairs Committee and the House Committee on Agriculture and Consumer Affairs detailing the receipts of and expenditures from the dog and cat reproductive sterilization support program fund. Such report shall be made not later than the last day of August each year.

(c)

(1) Unless an earlier date is deemed feasible and established by the Governor, each Georgia income tax return form for taxable years beginning on or after January 1, 2006, shall contain appropriate language, to be determined by the state revenue commissioner, offering the taxpayer the opportunity to contribute to the Dog and Cat Sterilization Fund established in subsection (a) of this Code section by either donating all or any part of any tax refund due, by authorizing a reduction in the refund check otherwise payable, or by contributing any amount over and above any amount of tax owed by adding that amount to the taxpayer's payment. The instructions accompanying the income tax return form shall contain a description of the purposes for which this fund was established and the intended use of moneys received from the contributions. Each taxpayer required to file a state income tax return who desires to contribute to the Dog and Cat Sterilization Fund may designate such contribution as provided in this Code section on the appropriate income tax return form.

(2) The Department of Revenue shall determine annually the total amount so contributed, shall withhold therefrom a reasonable amount for administering this voluntary contribution program, and shall transmit the balance to the Department of Agriculture for deposit in the Dog and Cat Sterilization Fund established in subsection (a) of this Code section; provided, however, the amount retained for administrative costs shall not exceed \$50,000.00 per year. If, in any tax year, the administrative costs of the Department of Revenue for collecting contributions pursuant to this subsection exceed the sum of such contributions, the administrative costs which the Department of Revenue is authorized to withhold from such contributions shall not exceed the sum of such contributions.

History

Code 1981, § 4-15-1, enacted by Ga. L. 2002, p. 1215, § 1; Ga. L. 2005, p. 1131, § 1/ HB 452; Ga. L. 2009, p. 303, § 1/ HB 117.

O.C.G.A. § 4-15-1

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