

**Official Code of Georgia Annotated**

**TITLE 4. ANIMALS**

**CHAPTER 11. ANIMAL PROTECTION**

**ARTICLE 1. GENERAL PROVISIONS**

O.C.G.A § 4-11-1. Short title

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

O.C.G.A § 4-11-2. Definitions

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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.

(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.

### O.C.G.A § 4-11-3. Licenses for pet dealers and kennel, stable, or animal shelter operators; requirement; issuance; application

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(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 shall fix fees for licenses so that the revenue derived from licenses shall approximate the total direct cost of administering this article. 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. Any fees collected pursuant to this Code section shall be retained pursuant to the provisions of Code Section 45-12-92.1.

(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.

#### O.C.G.A § 4-11-4. Display of licenses

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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.

#### O.C.G.A § 4-11-5. Licensing of bird dealers

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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.

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

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- (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.

#### O.C.G.A § 4-11-5.2. Microchip reader defined; contacting owner of microchipped pet

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**(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.

#### O.C.G.A § 4-11-6. Applicability of article to nonresidents; consent to jurisdiction; service

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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.

#### O.C.G.A § 4-11-7. Grounds for refusal to issue or renew or suspension or revocation of licenses

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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.

### O.C.G.A § 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."

### O.C.G.A § 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.

### O.C.G.A § 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.

### O.C.G.A § 4-11-9.2. Inspections; impoundment of animals; exceptions

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(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.

### O.C.G.A § 4-11-9.3. Caring for an impounded animal

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(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.

#### O.C.G.A § 4-11-9.4. Notification of owner; custody of animal

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- (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.

#### O.C.G.A § 4-11-9.5. Failure to respond; right to hearing; care; crime exception

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- (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, 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.

## O.C.G.A § 4-11-9.6. Disposal of impounded animal

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(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.

## O.C.G.A § 4-11-9.7. Notice and reporting required for certain animal diseases

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(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.

## O.C.G.A § 4-11-9.8. Recoupment of expenses of impoundment; process

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(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.

(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.

## O.C.G.A § 4-11-10. Unlawful acts by licensed persons

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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.

#### O.C.G.A § 4-11-11. Shipment or importation of equines, poultry, livestock, or birds into state without official certificate of veterinary inspection

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(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.

#### O.C.G.A § 4-11-12. Cooperation with federal government

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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.

#### O.C.G.A § 4-11-13. Animals raised, kept, or maintained for human consumption

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

## O.C.G.A § 4-11-14. Rules and regulations

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

## O.C.G.A § 4-11-15. Injunctions and restraining orders

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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.

### O.C.G.A § 4-11-15.1. Abandonment of domesticated animal

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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.

## O.C.G.A § 4-11-16. Penalties

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**(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.

#### O.C.G.A § 4-11-17. Filing a report regarding animal cruelty; immunity.

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(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.

#### O.C.G.A § 4-11-18. Article cumulative; does not prohibit enactment and enforcement of local ordinances by municipal or county governing authority

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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.