

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-13-12
BIRD DEALERS LICENSING**

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40-13-12-.01 Definitions. Amended.

- (1) "Act" means the "Bird Dealers Licensing Act" (Ga. Laws 1981, p. 510).
- (2) "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 or pet birds customarily kept as pets.
- (3) "Commissioner" means the Commissioner of Agriculture.
- (4) "Department" means the Department of Agriculture.
- (5) "Person" means any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.
- (6) "Exotic disease" means a disease not native to the United States.
- (7) "Untreatable disease" means a disease that does not respond to accepted medical chemotherapy or one whose treatment is uneconomical.
- (8) "Pet Bird" means a bird kept or intended for sale as a companion animal.
- (9) "Premise" means the land and all buildings thereon.
- (10) "Exotic Bird" means bird not native or indigenous to the United States.

Authority Ga. Laws 1981, . 510, et seq., O.C.G.A. Sec. 4-10-3. Administrative History, Original Rule entitled "Definitions: was filed on December 21,1982; effective January 10, 1983. Amended: Filed October 3, 1985; effective October 23, 1985.

40-13-12-.02 Licenses. Amended.

- (1) Any person desiring to operate as a bird dealer must first apply for and obtain a license. License application forms may be obtained from the Department.
- (2) All licenses shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The annual license fee shall be based on the gross volume or a set fee as follows:
 - (a) For \$1.00 to \$100.00 in gross pet sales - \$50.00 fee
 - (b) For \$101.00 to \$5,000.00 in gross pet sales - \$100.00 fee
 - (c) For \$5,001.00 to 10,000.00 in gross pet sales - \$200.00 fee
 - (d) For \$10,001.00 to \$15,000.00 in gross pet sales - \$300.00 fee
 - (e) For \$15,001.00 and up in gross pet sales - \$400.00 fee
 - (f) Bird dealer not having a permanent fixed facility in Georgia - \$400.00 fee
- (3) The license shall be issued in the name used for all business transactions involving exotic and pet birds. Any change in the name of the license shall be promptly reported to the Department in writing. Only one license shall be issued to a premise.
- (4) A separate license is required for each business location and must be displayed in a conspicuous location.
- (5) Any corporation, partnership, or estate must declare this at the time of license application and list such officers or owners on the application.
- (6) Whenever a license is revoked the operator will be allowed to dispense of birds on hand only by a special permit from the Commissioner of Agriculture. The Department will have the authority to enter the premise and inventory birds as long as birds remain on the premise.

Authority Ga. Laws 1981, p. 510, et seq., O.C.G.A. Sec. 4-10-4, Administrative History, Original Rule entitles "Licenses" was filed on December 21, 1982; effective January 10, 1983. Amended: Filed October 3, 1985; effective October 23, 1985.

40-13-12-.03 Records. Amended.

- (1) Each bird dealer is required to keep records which adequately:
 - (a) Identify each exotic or pet bird in his possession or sold by him by species, description, or by leg band number.
 - (b) Verify the name, address, and telephone number of the person from whom each is acquired. If that person is a licensed bird dealer, then the dealer's number shall also be recorded. If that person is not a licensed bird dealer, then their driver's license number, social security number or federal tax identification number shall be recorded.
 - (c) Verify the name, address, and telephone number of the person to whom each bird is transferred. If that person is a licensed bird dealer, then the dealer's license number shall also be recorded. If that person is not a licensed bird dealer, then their driver's license number, social security number, or federal tax identification number shall be recorded.
 - (d) Identify any bird which the bird dealer knows to be or to have been sick, diseased, or to have died.

- (2) Periodic reports may be required of any or all of the required records. All required records shall be made available for inspection by Department employees during business operating hours. Additional records may be required if deemed necessary by the Department.
- (3) All records required to be kept by the Act or these regulations shall be kept for at least one year from the time of receipt or sale of exotic and pet birds.
- (4) Failure to keep required records or to make such records available to Department employees shall be grounds for quarantining and/or revocation of license.
- (5) Birds unaccounted for by records will result in quarantine of all birds on premise until proper records are presented or birds are swabbed for VVDN twice at 10-day intervals and declared negative. Swabbing is to be done at owner's expense under the supervision of a Department of Agriculture employee.

Authority GA. Laws 1981, p. 510. Et., O.C.G.A. Sec. 4-10-6. Administrative History, Original Rule entitled "Records" was filed on December 21, 1982; effective January 10, 1983. Amended: Filed October 3, 1985; effective October 23, 1985.

40-13-12-.04 Quarantine, Seizure and Destruction of Birds. Amended.

- (1) The Commissioner or his designees may issue quarantine and may seize and destroy any birds which, in the opinion of the Commissioner, present a hazard of carrying exotic or untreatable disease.
- (2) Birds quarantined by the Department will be maintained at the bird dealer's or the owner's expense.
- (3) An indemnity may be paid to the owner of a destroyed bird if federal or state funds are available for that purpose. Indemnity may be paid under such terms and conditions attached to indemnity funds. Indemnity may not be paid if the dealer or owner has failed to comply with the Act, these Regulations, or any quarantine or order issued by the Commissioner.
- (4) The quarantine shall include, but is not limited to, all birds on the premise.

Authority GA. Laws 1981, p. 510. Et., O.C.G.A. Sec. 4-10-8. Administrative History, Original Rule entitled "Quarantine, Seizure and Destruction of Birds" was filed on December 21, 1982; effective January 10, 1983. Amended: Filed October 3, 1985; effective October 23, 1985.

40-13-12-.05 Interstate Shipment of Birds. Amended.

- (1) Each shipment of exotic and pet birds shipped into Georgia requires a prior permit number obtained from the State Veterinarian's Office.
- (2) All pet or exotic birds entering Georgia for exhibition purposes must meet the requirements for interstate shipment.
- (3) All exotic or pet bird shows and/or sales should obtain a special permit in writing from the State Veterinarian's Office.
- (4) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Authority GA. Laws 1981, p. 510. Et., O.C.G.A. Sec. 4-7-1. Administrative History, Original Rule entitled "Enforcement Procedures" was filed on December 21, 1982; effective January 10, 1983. Amended: Rule repealed and a new Rule entitled "Interstate Shipment of Birds" was filed October 3, 1985; effective October 23, 1985.

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40-13-12-.06 Prohibited Birds.

- (1) The following listed birds are prohibited from entry into the State of Georgia due to being capable of breeding in the wild and, if established in the wild, presenting a threat of being detrimental to the agriculture industry of this State:
 - (a) Java Rice Bird;
 - (b) Quaker or Monk Parakeet;
- (2) Importation into Georgia of the above-listed birds will be a violation of Georgia law, except by special permit from the State Veterinarian's Office.
- (3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Authority GA. Laws 1981, p. 510. Et., O.C.G.A. Sec. 4-10-7.1. Administrative History. Rule 40-13-12-0.22.06 entitled "Assembly or Movement of Birds" was filed on July 5, 1984; effective July 5, 1984; the date of adoption, to remain in effect for a period of 120 days or until the effective date of a permanent rule covering the same subject matter superseding this Emergency Rule as specified by the agency. Amended: Filed October 3, 1985; effective October 23, 1985.

October 23, 1985 (Revised)

40-13-12-.07 Illegal Importation.

- (1) Any psittacine or exotic bird imported into Georgia coming directly or indirectly from outside the United States shall be imported illegally unless the bird was brought into the United States in conformity with the quarantine regulations of the United States Department of Agriculture.
- (2) The Department may quarantine, seize, and destroy any birds imported illegally into this State and any bird exposed to the illegal bird.
- (3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

Authority O.C.G.A. Sec. 4-10-7.2 Administrative History. Original Rule entitled "Illegal Importation" was filed on October 3, 1985; effective October 23, 1985.

40-13-12.08 Enforcement Procedures. Amended.

- (1) When a license, registration, or permit is suspended or revoked by the Department, all licenses, registrations or permits held by that person shall be suspended or revoked.
- (2) Any person found guilty of violations of these regulations shall be guilty of a misdemeanor in addition to having this license revoked.

Authority O.C.G.A. Sec. 4-10-9. Administrative History. Original Rule entitled "Enforcement Procedures" was filed on October 3, 1985; effective October 23, 1985.

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