

**GEORGIA DEPARTMENT OF AGRICULTURE  
ANIMAL INDUSTRY DIVISION**

**HUMANE CARE FOR EQUINES ACT**

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**4-13-1. Short title.**

This chapter shall be known and may be cited as the “Humane Care for Equines Act” (Code 1981, § 4-13-1, enacted by Ga L. 1992, p. 2398, § 2 and Ga L. 1992, p. 3214, § 1.)

**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. (Code 1981, § 4-13-2, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

**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. (Code 1981, § 4-13-3, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

**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 4-1-3-3 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. (Code 1981, § 4-13-4, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

**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 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 which is competent to hear civil cases, including, but not limited to, magistrate courts. 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. (Code 1981, § 4-13-5, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

#### **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. (Code 1981, § 4-13-6, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

#### **4-13-7. Disposal of equine by state 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, and 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. (Code 1981, § 4-13-7, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

#### **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. (Code 1981, § 4-13-8, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

#### **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. (Code 1981, § 4-13-9, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, § 1.)

#### **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. (Code 1981, § 4-13-10, enacted by Ga. L. 1992, p. 2398, § 2 and Ga. L. 1992, p. 3214, and Ga. L. 2000, § 1.)