

## **Persons Authorized to Obtain Animals on behalf of Licensed Animal Shelters/Rescues**

**Anyone or any group that obtains Animals from a licensed Animal Shelter/Rescue with the intent of re-homing the animal is required to apply for and obtain an "Animal Shelter License" from the Georgia Department of Agriculture.**

**Georgia Animal Protection Act Rule 40-13-13-.02 (9)** States that The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:

(d) allowing a license issued under this chapter to be used by an unlicensed person

**In Georgia, Animal Rescue Organizations are required to operate as a non-profit organization. To obtain the non-profit status they must be incorporated with the Georgia Secretary of State <https://ecorp.sos.ga.gov/> .**

**Georgia Department of Agriculture rule: 40-13-13-.01(5) defines what is considered to be an "Animal Shelter in Georgia and rule: 40-13-13-.01(30) defines what is considered to be an "Animal Rescue" in Georgia.**

40-13-13-.01 (5) "Animal shelter" means any facility operated by or under contract for the state, county, 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.

Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals.

40-13-13-.01 (30) "Rescue Group" means any association or corporation operated as a non-profit organization and for the purpose of providing care and shelter to animals. Except rescue groups for equine, a rescue group that takes possession of animals and provides care and shelter must be licensed as an animal shelter or under written contract with a licensed animal shelter, in which case it will be considered an agent for the animal shelter and not an animal shelter itself. An equine rescue group operating for that purpose and maintaining any facility (including, without limitation, providing temporary care at a person's private property) must meet all the requirements of a licensed stable. Rescue groups are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide Animal Control Services.

In order for a person to obtain animals from a County or municipal Animal shelter with the intent of re-homing that animals, they must be the corporate president, one of the corporate officers of the Licensed Rescue organization or a person that is **authorized** by the Rescue to obtain animals on their behalf.

To obtain animals on behalf of a licensed Animal Rescue organization the Rescue president or one of the corporate officers must certify the authorized person by presenting the Animal Shelter with an authorization letter approved by the Georgia Department of Agriculture. A template for this letter can be found at <http://agr.georgia.gov/animalprotection.aspx> .

The Authorization letter shall state:

**The name of the person that is obtaining the animal**

**The persons address and phone number – email if available**

**A form of personal identification**

The letter must be signed and dated by the authorized person and the Animal Shelter and will be kept on file at the Animal Shelter. This agreement may be terminated by either party at any time for any reason.

If at any time the Authorized person becomes "Unauthorized" to obtain animals on behalf of the licensed rescue, the President or corporate officers of the rescue must notify the Animal Shelter in writing within 7 days. A copy of the termination correspondence must be kept on file at the Animal Shelter. This correspondence may be by email; however, it must be signed by the President or Corporate officer of the licensed rescue.

Out of State Rescue organizations that are obtaining animals with the intent of rehoming them must apply for a non-resident license with the Georgia Department of Agriculture Companion Animal Section. The contact number is 404-656-4914. The annual fee for a non-resident license is \$400 annually. Out of State rescues must adhere to the same policy concerning the authorization of individuals that may obtain animals on their behalf. An additional requirement for non-resident Animal Rescue Organizations is to execute consent to the jurisdiction of the Courts in this State as outlined in **O.C.G.A. § 4-11-6**

**§ 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.

A consent form template and application can be obtained on our website at:

<http://agr.georgia.gov/animalprotection.aspx>

This consent may be also be emailed with the license application to [gdalicensing@agr.georgia.gov](mailto:gdalicensing@agr.georgia.gov) .

An Animal rescue organization or transport may also be subject U.S.D.A. regulations (Animal Welfare Act). See regulations on our website.