

House Bill 824

By: Representatives Sims of the 169th and Maddox of the 172nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control
2 of disease in livestock, so as to change certain provisions relating to deer farming; to repeal
3 conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align: center;">**SECTION 1.**

6 Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to control of disease
7 in livestock, is amended by striking Article 5, relating to deer farming, and inserting in lieu
8 thereof the following:

9 style="text-align: center;">"ARTICLE 5

10 4-4-170.

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

14 4-4-171.

15 As used in this article, the term:

16 (1) 'Deer farming' means the agricultural operation of raising and production of farmed
17 deer for the commercial production of food and fiber.

18 (2) 'Farmed deer' means fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer
19 (*Cervus nippon*), red deer and elk (*Cervus elaphus*), reindeer and caribou (*Rangifer*
20 *tarandus*), and hybrids between these farmed deer species raised for the commercial sale
21 of meat and other parts or for the sale of live animals. Those cervids which are
22 indigenous to this state, including white-tailed deer, and those members of the order
23 Artiodactyla which are considered to be inherently dangerous to human beings and are

1 described in subparagraph (a)(1)(F) of Code Section 27-5-5 shall be classified as
2 unacceptable species and shall not be included within the definition of farmed deer. Deer
3 that may be under the authority of Title 50, Part 23, Subpart c of the Code of Federal
4 Regulations, the Convention on International Trade in Endangered Species of Wild Fauna
5 and Flora, 27 U. ST. 108, TIAS 8249, must meet the requirements set forth in the federal
6 Endangered Species Act of 1973, as amended, 16 U.S.C. Section 1531 et seq.

7 4-4-172.

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

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

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

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

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

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

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

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

11 (e) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities
12 ~~and to transmit a copy of any application for a deer-farming license to the Department of~~
13 ~~Natural Resources. The Department of Natural Resources shall inspect the applicant's~~
14 ~~facilities and shall report to the Department of Agriculture within 30 days of receipt of the~~
15 ~~application. It also shall be the duty of the Department of Agriculture to transmit a copy~~
16 ~~of any license issued pursuant to this article to the Department of Natural Resources. It also~~
17 ~~shall be the duty of the Department of Agriculture to notify the Department of Natural~~
18 ~~Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued~~
19 ~~pursuant to this article. All such notifications shall be made in writing and shall be made~~
20 ~~as promptly as possible, but in no event shall such notification be given more than 72 hours~~
21 ~~after the event giving rise to the requirement of notice.~~

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

26 4-4-173.

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

32 4-4-174.

33 Any farmed deer or cervid which escapes from a licensed deer farm shall be ~~subject to the~~
34 ~~jurisdiction of the Department of Natural Resources and may be treated as an escaped wild~~
35 ~~animal which is subject to the same provisions of Chapter 5 of Title 27, except that, while~~

1 ~~such animal is roaming freely outside the enclosure of any licensed deer farm, the owner~~
 2 ~~of such farmed deer or cervid shall have 48 hours from the time the escape is detected to~~
 3 ~~recapture such animal and return it to the licensed deer farm~~ for other livestock running at
 4 large or straying under Chapter 3 of this title. As a condition for maintaining a
 5 deer-farming license, it shall be the duty of the owner or operator of a licensed deer farm
 6 to notify the ~~Department of Natural Resources~~ department immediately upon discovery of
 7 the escape of a farmed deer. When such notice has been given, no legal hunter shall be held
 8 liable for killing or wounding an escaped deer.

9 4-4-175.

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

14 4-4-176.

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

19 4-4-177.

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

30 4-4-178.

31 In addition to the remedies provided in this article and notwithstanding the existence of any
 32 adequate remedy at law, the Commissioner is authorized to apply to the superior court for
 33 an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to

1 grant a temporary or permanent injunction, or both, restraining any person from violating
2 or continuing to violate any of the provisions of this article or for failing or refusing to
3 comply with the requirements of this article or any rule or regulation adopted by the
4 Commissioner pursuant to this article. An injunction issued under this Code section shall
5 not require a bond.

6 4-4-179.

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

12 (b) The initial hearing and any administrative review thereof shall be conducted in
13 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia
14 Administrative Procedure Act.' Any person who has exhausted all administrative remedies
15 available and who is aggrieved or adversely affected by any final order or action of the
16 Commissioner shall have the right of judicial review thereof in accordance with Chapter
17 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article
18 shall be paid into the state treasury. The Commissioner may file in the superior court
19 wherein the person under order resides or, if said person is a corporation, in the county
20 wherein the corporation maintains its principal place of business or in the county wherein
21 the violation occurred a certified copy of a final order of the Commissioner unappealed
22 from or of a final order of the department affirmed upon appeal, whereupon said court shall
23 render judgment in accordance therewith and notify the parties. Such judgment shall have
24 the same effect, and all proceedings in relation thereto shall thereafter be the same, as
25 though said judgment had been rendered in an action duly heard and determined by said
26 court. The penalty prescribed in this Code section shall be concurrent, alternative, or
27 cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures,
28 or penalties provided, allowed, or available to the Commissioner with respect to any
29 violation of this article and any quarantines, orders, rules, or regulations promulgated
30 pursuant thereto.

31 4-4-180.

32 It shall be unlawful for any person intentionally to release a farmed deer from captivity or
33 to import, transport, sell, transfer, or possess a farmed deer in such a manner as to cause
34 its release or escape from captivity. If a person imports, transports, sells, transfers, or
35 possesses a farmed deer in such a manner as to pose a reasonable possibility that such

1 farmed deer may be released accidentally or escape from captivity, the department may
2 revoke the license of such person.

3 4-4-181.

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

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.