

House Bill 1000 (COMMITTEE SUBSTITUTE) (AM)

By: Representative Allison of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so
2 as to define certain terms; to provide that persons under the age of 16 may hunt certain
3 wildlife at certain times; to change certain provisions relating to seasons and bag limits; to
4 regulate the exporting, farming, and selling of fresh-water turtles; to provide for rules and
5 regulations; to make certain findings and declarations; to regulate the use of fertility control
6 of wildlife; to establish a permit application for applying fertility control to wildlife; to
7 require a permit for applying fertility control to wildlife; to provide for rules and regulations;
8 to provide for penalties; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in
13 Code Section 27-1-2, relating to definitions, by adding a new paragraph to read as follows:

14 "(29.2) 'Fresh-water turtle' means any turtle or its eggs within the families Chelydridae,
15 Emydidae (excluding Malaclemys terrapin and Terrapene carolina), Kinosternidae, and
16 Trionychidae."

17 **SECTION 2.**

18 Said title is further amended by revising paragraph (2) of Code Section 27-3-4, relating to
19 legal weapons for hunting wildlife generally, as follows:

20 "(2) During primitive weapon hunts or primitive weapons seasons, ~~longbows;~~

21 (A) Longbows, recurve bows, crossbows, compound bows, muzzleloading firearms of
22 .44 caliber or larger, and muzzleloading shotguns of 20 gauge or larger loaded with
23 single shot may be used; and

24 (B) Youth under 16 years of age may hunt deer with any firearm legal for hunting
25 deer;"

26 **SECTION 3.**

27 Said title is further amended by revising paragraph (12) of subsection (b) of Code Section
28 27-3-15, relating to seasons and bag limits, as follows:

29 "(12) Bear Sept. 8 — Jan. 15 † 2 † 2"

30 **SECTION 4.**

31 Said title is further amended by adding a new Code section to read as follows:

32 "27-3-19.1.

33 (a) It shall be unlawful to export, farm, or sell any fresh-water turtle or part thereof except
34 in accordance with rules and regulations adopted by the board.

35 (b) As the board deems appropriate for purposes of this Code section, it may promulgate
36 such rules and regulations as are reasonable and necessary under sound wildlife
37 management practices."

38 **SECTION 5.**

39 Said title is further amended in Chapter 3, relating to wildlife generally, by adding a new
40 article to read as follows:

41 "ARTICLE 8

42 27-3-180.

43 The General Assembly recognizes that the hunting and taking of wildlife pursuant to this
44 title are a valued cultural heritage consistent with the sound scientific principles of wildlife
45 management and play an essential and effective role in the management of wildlife
46 populations. The General Assembly further recognizes that the State of Georgia and its
47 citizens derive substantial economic, recreational, and esthetic benefits from such activities.
48 Therefore, the General Assembly finds and declares that it is in the public interest to ensure
49 public health, safety, welfare, and conservation of the state's wildlife resources by strictly
50 regulating in this state the use of fertility control on any wildlife.

51 27-3-181.

52 (a) As used in this article, the term 'fertility control' means any action that results in
53 contraception, contragestation, or sterilization or produces a temporary or permanent state
54 of infertility.

55 (b) It shall be unlawful to apply any fertility control to any wildlife, except in accordance
56 with a wildlife fertility control permit issued under the provisions of this article and any
57 rules or regulations adopted by the board.

58 (c) Nothing in this article shall prohibit or apply to the medically necessary treatment of
59 sick or injured wildlife by properly licensed veterinarians. This article shall not limit
60 employees of the department in the performance of their official duties.

61 27-3-182.

62 (a) Application for a wildlife fertility control permit shall be made on forms obtained from
63 the department.

64 (b) The department may issue such a permit only if it has determined that the proposed
65 activity is in the best interest of the wildlife resources. In making such a determination, the
66 department may consider the following:

67 (1) Whether the proposed activity may preclude the use of hunting as the primary
68 management tool;

69 (2) Whether the drug has been approved by the federal Food and Drug Administration;

70 (3) Whether there is a need for the information and data or a need to manage the target
71 wildlife population to achieve the objectives sought by the applicant;

72 (4) Whether the proposed activity would duplicate sound scientific research previously
73 accomplished;

74 (5) Whether the proposed activity is of reasonably sound design;

75 (6) Whether the proposed activity poses health or safety risks to humans and wildlife,
76 including, but not limited to, wildlife species that may consume the target wildlife;

77 (7) Whether the proposed activity includes all necessary approvals, including, but not
78 limited to, any federal or state agency approvals for specific or extra label use and any
79 agency or institutional endorsement of the application; and

80 (8) Whether the applicant or the sponsor has documented that he or she has adequate
81 funds available to implement the proposed activity.

82 (c) In the event that a determination has been made to revoke, suspend, deny, or refuse to
83 renew any wildlife fertility control permit issued pursuant to this article, the applicant for
84 such permit may appeal the determination according to the provisions stated in Code
85 Section 27-2-25.

86 27-3-183.

87 The board is authorized to promulgate and adopt any rules and regulations, consistent with
88 sound wildlife management practices and not inconsistent with law, as it deems necessary
89 and appropriate to carry out the purposes of this article.

90 27-3-184.

91 (a) The department shall have the authority to prescribe the form, contents, and conditions
92 for a wildlife fertility control permit and application as it deems necessary to carry out the
93 purposes of this article.

94 (b) The department shall have the authority to issue, revoke, or deny any permit required
95 by this article and pursuant to any rules and regulations adopted pursuant to this article.

96 (c) The department may, prior to a hearing and in accordance with Code Section 27-1-37,
97 issue a cease and desist order or other appropriate order to any person who is violating any
98 provision of this article or any regulation, permit, or license issued pursuant to this article.

99 (d) The department shall have the authority in accordance with Code Sections 27-1-21 and
100 27-1-37 to take possession of and dispose of any wildlife if it has reason to believe that
101 fertility control has been administered to such wildlife in violation of this article.

102 27-3-185.

103 (a) Any person who violates any provision of this article shall be guilty of a misdemeanor
104 of a high and aggravated nature and upon conviction shall be punished by a fine of not less
105 than \$1,500.00 nor more than \$5,000.00, imprisonment for a period not exceeding 12
106 months, or both such fine and imprisonment.

107 (b) Any licenses or permits issued under this title to any person convicted of violating any
108 provision of this article shall by operation of law be revoked and shall not be reissued for
109 a period of three years. The department shall notify the person in writing of the revocation."

110

SECTION 6.

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