

House Bill 416

By: Representatives Cox of the 102nd, Jerguson of the 22nd, Williams of the 178th, Burns of the 157th, and Knight of the 126th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to
2 wildlife generally, so as to make certain findings and declarations; to define certain terms;
3 to regulate the use of certain drugs on wildlife; to establish a permit application for
4 administering fertility control drugs to wildlife; to require a permit for administering fertility
5 control drugs to wildlife; to provide for rules and regulations; to provide for penalties; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to wildlife
10 generally, is amended by adding a new article, to read as follows:

11 "ARTICLE 8

12 27-3-180.

13 The General Assembly recognizes that the hunting and taking of wildlife pursuant to this
14 title are a valued cultural heritage consistent with the sound scientific principles of wildlife
15 management and play an essential and effective role in the management of wildlife
16 populations. The General Assembly further recognizes that the State of Georgia and its
17 citizens derive substantial economic, recreational, and aesthetic benefits from such
18 activities. Therefore, the General Assembly finds and declares that it is in the public
19 interest to ensure public health, safety, welfare, and conservation of the state's wildlife
20 resources by strictly regulating in this state the use of drugs on any wildlife.

21 27-3-181.

22 (a) As used in this Code section, the term:

23 (1) 'Drug' means any biological or chemical substance, other than food, that affects the
24 structure, physiology, or biological function of any wildlife.

25 (2) 'Fertility control' means any action that results in contraception, contragestation, or
26 sterilization or produces a temporary or permanent state of infertility.

27 (b) It shall be unlawful to administer any drug to any wildlife for the purpose of fertility
28 control or any other purpose, except in accordance with a drug administration permit issued
29 under the provisions of this article and any rules or regulations adopted by the board. This
30 prohibition shall include, but not be limited to, drugs used for fertility control, disease
31 prevention or treatment, immobilization, or growth stimulation.

32 (c) Nothing in this article shall prohibit or apply to the medically necessary treatment of
33 sick or injured wildlife by properly licensed veterinarians or properly permitted wildlife
34 rehabilitators. This Code section shall not limit employees of departments or agencies of
35 the State of Georgia or the United States or local animal control officers in the performance
36 of their official duties related to public health, safety, and welfare, wildlife management,
37 or wildlife removal.

38 27-3-182.

39 (a) Application for a wildlife drug administration permit for fertility control or other
40 purposes shall be made on forms obtained from the department.

41 (b) The department may issue such a permit only if it has determined that the proposed
42 fertility control activities are in the best interest of the wildlife resources. In making such
43 a determination the department may consider the following:

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

46 (2) Whether the proposed fertility control activities would duplicate sound scientific
47 research previously accomplished;

48 (3) Whether the activity is of reasonable sound design;

49 (4) Whether the fertility control activities pose health or safety risks to humans and
50 wildlife, including, but not limited to, wildlife species that may consume the target
51 wildlife;

52 (5) Whether the fertility control activities include all necessary approvals, including, but
53 not limited to, any federal or state agency approvals for specific or extra label use and any
54 agency or institutional endorsement of the application; and

55 (6) Whether the applicant or the sponsor has documented that they have adequate funds
56 available to implement the fertility control activities.

57 (c) In the event that a determination has been made to revoke, suspend, deny, or refuse to
58 renew any fertility control permit issued pursuant to this article, the applicant for the

59 fertility control permit may appeal the determination according to the provisions stated in
60 Code Section 27-2-25.

61 27-3-183.

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

65 27-3-184.

66 (a) The department shall have the authority to prescribe the form, contents, and conditions
67 for the permits and applications as it deems necessary to carry out the purposes of this
68 article.

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

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

74 (d) The department shall have the authority in accordance with Code Sections 27-1-21 and
75 27-1-37 to take possession of and dispose of any wildlife if it has reason to believe that
76 drugs have been administered to such wildlife in violation of this article.

77 27-3-185.

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

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

85 **SECTION 2.**

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