

The House Committee on Game, Fish and Parks offers the following substitute to HB 416:

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 drugs to wildlife; to require a permit for administering drugs to wildlife; to
5 provide for rules and regulations; to provide for penalties; to repeal conflicting laws; and for
6 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 article, 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, except in accordance with
28 a wildlife drug administration permit issued under the provisions of this article and any
29 rules or regulations adopted by the board. This prohibition shall include, but not be limited
30 to, drugs used for fertility control, disease prevention or treatment, immobilization, or
31 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, properly permitted wildlife
34 exhibitors, or properly permitted wildlife rehabilitators. This article shall not limit
35 employees of departments or agencies of the State of Georgia or the United States or local
36 animal control officers in the performance of their official duties related to public health,
37 safety, and welfare, wildlife management, or wildlife removal.

38 27-3-182.

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

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

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

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

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

49 (4) Whether the proposed activities would duplicate sound scientific research previously
50 accomplished;

51 (5) Whether the proposed activity is of reasonable sound design;

52 (6) Whether the proposed activities pose health or safety risks to humans and wildlife,
53 including, but not limited to, wildlife species that may consume the target wildlife;

54 (7) Whether the proposed activities include all necessary approvals, including, but not
55 limited to, any federal or state agency approvals for specific or extra label use and any
56 agency or institutional endorsement of the application; and

57 (8) Whether the applicant or the sponsor has documented that they have adequate funds
58 available to implement the proposed activities.

59 (c) In the event that a determination has been made to revoke, suspend, deny, or refuse to
60 renew any wildlife drug administration permit issued pursuant to this article, the applicant
61 for the wildlife drug administration permit may appeal the determination according to the
62 provisions stated in Code Section 27-2-25.

63 27-3-183.

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

67 27-3-184.

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

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

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

76 (d) The department shall have the authority in accordance with Code Sections 27-1-21 and
77 27-1-37 to take possession of and dispose of any wildlife if it has reason to believe that
78 drugs have been administered to such wildlife in violation of this article.

79 27-3-185.

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

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

87 **SECTION 2.**

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