

Senate Bill 188

By: Senators Goggans of the 7th, Williams of the 19th, Bulloch of the 11th, Tolleson of the 20th, Sims of the 12th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
2 revise certain provisions relating to deer farming; to provide for regulation of alternative
3 livestock farming; to authorize and regulate private harvest-hunt preserves; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by
8 revising Article 5 of Chapter 4, relating to deer farming, as follows:

9 CHAPTER 4A
10 ARTICLE 5 1

11 ~~4-4-170.~~ 4-4A-1.

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

15 ~~4-4-171.~~ 4-4A-2.

16 As used in this article, the term:

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

19 (2)(1) ~~'Farmed deer' means fallow deer (Dama dama), axis deer (Axis axis), sika deer~~
20 ~~(Cervus nippon), red deer and elk (Cervus elaphus), reindeer and caribou (Rangifer~~
21 ~~tarandus), and hybrids between these farmed deer species~~ 'Alternative livestock' means
22 elk, red deer, sika deer, axis deer, fallow deer, blackbuck antelope, horned oryx antelope,
23 lechwe antelope, waterbuck antelope, mouflon sheep, Barbary (aoudad) sheep, Jacob

24 four-horn sheep, Dall sheep, red sheep, Corsican sheep, Barbados sheep, American black
 25 belly sheep, ibex sheep, and bison raised for the commercial sale of meat and other parts
 26 or for the sale of live animals. Those cervids which are indigenous to this state, including
 27 white-tailed deer, ~~and those members of the order Artiodactyla which are considered to~~
 28 ~~be inherently dangerous to human beings and are described in subparagraph (a)(1)(F) of~~
 29 ~~Code Section 27-5-5 shall be classified as unacceptable species and shall not be included~~
 30 ~~within the definition of farmed deer. Deer that may be under the authority of Title 50,~~
 31 ~~Part 23, Subpart c of the Code of Federal Regulations, the Convention on International~~
 32 ~~Trade in Endangered Species of Wild Fauna and Flora, 27 U. ST. 108, TIAS 8249, must~~
 33 ~~meet the requirements set forth in the federal Endangered Species Act of 1973, as~~
 34 ~~amended, 16 U.S.C. Section 1531 et seq. alternative livestock.~~

35 ~~(1)(2)~~ 'Deer 'Alternative livestock farming' means the agricultural operation of raising
 36 and production of ~~farmed deer~~ alternative livestock for the commercial production of
 37 food and fiber.

38 ~~4-4-172: 4-4A-3.~~

39 (a) No person shall possess, buy, import, or transport farmed ~~deer~~ alternative livestock or
 40 engage in or carry on the business of ~~deer~~ alternative livestock farming without first
 41 applying for and obtaining a ~~deer-farming~~ an alternative livestock farming license from the
 42 Commissioner of Agriculture. ~~A deer-farming~~ An alternative livestock farming license
 43 shall be valid from the date of issuance to March 31 of the following calendar year. ~~A~~
 44 ~~deer-farming~~ An alternative livestock farming license ~~will~~ shall not be issued by the
 45 Commissioner to any ~~deer-farming~~ alternative livestock farming operation which has not
 46 been inspected and approved by the ~~Department of Natural Resources~~ department,
 47 provided that any facility expansion must be reapproved prior to renewal of a ~~deer-farming~~
 48 an alternative livestock farming license.

49 (b) The license of any ~~deer~~ alternative livestock farm operator violating this article or any
 50 rule or regulation adopted by the Commissioner pursuant to this article shall be subject to
 51 revocation, cancellation, or suspension following notice and hearing. ~~A deer-farming~~ An
 52 alternative livestock farming license of any licensee whose facility does not meet the
 53 definition of an agricultural operation shall be revoked, and such license may be revoked
 54 if the licensee violates any provision of Title 27, relating to wild animals. Any farmed ~~deer~~
 55 alternative livestock must be disposed of within 45 days of revocation of any ~~deer-farming~~
 56 alternative livestock farming license.

57 (c) ~~Deer~~ Alternative livestock farm operators shall maintain inventory records of their ~~deer~~
 58 alternative livestock herds, including natural additions, purchased additions, sales, and
 59 deaths. Records shall be kept in accordance with specifications of the Commissioner and

60 shall be subject to review by the Commissioner or a representative or employee of the
61 department.

62 (d) ~~Deer~~ Alternative livestock farm operators shall construct and maintain premises and
63 facilities used in ~~deer~~ alternative livestock farming in accordance with rules established by
64 the Commissioner and in accordance with subparagraph (A) of paragraph (1) of Code
65 Section 27-5-6, provided that:

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

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

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

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

83 (e) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities
84 ~~and to transmit a copy of any application for a deer-farming license to the Department of~~
85 ~~Natural Resources. The Department of Natural Resources shall inspect the applicant's~~
86 ~~facilities and shall report to the Department of Agriculture within 30 days of receipt of the~~
87 ~~application. It also shall be the duty of the Department of Agriculture to transmit a copy~~
88 ~~of any license issued pursuant to this article to the Department of Natural Resources. It also~~
89 ~~shall be the duty of the Department of Agriculture to notify the Department of Natural~~
90 ~~Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued~~
91 ~~pursuant to this article. All such notifications shall be made in writing and shall be made~~
92 ~~as promptly as possible, but in no event shall such notification be given more than 72 hours~~
93 ~~after the event giving rise to the requirement of notice.~~

94 (f) For purposes other than agricultural operations, farmed ~~deer~~ alternative livestock
95 species must be held under a wild animal license pursuant to Chapter 5 of Title 27.
96 Anyone holding, possessing, importing, or transporting farmed ~~deer~~ alternative livestock

97 without a ~~deer-farming~~ an alternative livestock license or a wild animal license is in
98 violation of Title 27.

99 ~~4-4-173:~~ 4-4A-4.

100 Health and transportation requirements for any ~~Artiodactyla (even-toed ungulates)~~
101 alternative livestock must meet ~~the~~ health requirements established by rule or regulation
102 of the Georgia Department of Agriculture. Those animals specifically used for ~~deer~~
103 alternative livestock farming must meet the requirements of the Uniform Methods and
104 Rules of the Code of Federal Regulations for Tuberculosis and Brucellosis in Cervidae.

105 ~~4-4-174:~~ 4-4A-5.

106 Any farmed ~~deer or cervid~~ alternative livestock which escapes from a licensed ~~deer~~
107 alternative livestock farm shall be subject to the ~~jurisdiction of the Department of Natural~~
108 ~~Resources and may be treated as an escaped wild animal which is subject to the provisions~~
109 ~~of Chapter 5 of Title 27, except that, while such animal is roaming freely outside the~~
110 ~~enclosure of any licensed deer farm, the owner of such farmed deer or cervid shall have 48~~
111 ~~hours from the time the escape is detected to recapture such animal and return it to the~~
112 ~~licensed deer farm~~ same provisions for other livestock running at large or straying under
113 Chapter 3 of this title. As a condition for maintaining a ~~deer-farming~~ an alternative
114 livestock farming license, it shall be the duty of the owner or operator of a licensed ~~deer~~
115 alternative livestock farm to notify the ~~Department of Natural Resources~~ department
116 immediately upon discovery of the escape of a farmed ~~deer~~ alternative livestock. When
117 such notice has been given, no legal hunter shall be held liable for killing or wounding an
118 escaped ~~deer~~ alternative livestock.

119 ~~4-4-175:~~ 4-4A-6.

120 ~~Deer~~ Alternative livestock farm operators shall allow the entry onto the ~~deer~~ alternative
121 livestock farm of representatives of the Department of Agriculture, ~~the Department of~~
122 ~~Natural Resources~~, or other departments or agencies having authority or duties involving
123 farmed ~~deer~~ alternative livestock or wild animals to ensure compliance with applicable
124 federal and state laws.

125 ~~4-4-176:~~ 4-4A-7.

126 ~~The provisions~~ Commissioner is authorized to promulgate rules and regulations as may be
127 necessary to effectuate the purpose of this article ~~shall not apply to any facility at which~~
128 ~~any animal which would otherwise qualify as a farmed deer is intentionally commingled~~

129 ~~with any species which is classified as and subject to regulation as a wild animal under the~~
 130 ~~provisions of Chapter 5 of Title 27. Such rules and regulations shall be designed to ensure~~
 131 ~~the health and safety of wildlife and prevent the spread of animal diseases between wildlife,~~
 132 ~~wild animals, domestic animals, farmed alternative livestock, and people. It shall be the~~
 133 ~~duty of the Commissioner and the department to ensure the health and safety of farmed~~
 134 ~~alternative livestock, wildlife, wild animals, domestic animals, and people and to prevent,~~
 135 ~~control, and eradicate animal diseases within this state.~~

136 ~~4-4-177: 4-4A-8.~~

137 ~~The Commissioner of Agriculture is authorized to promulgate rules and regulations as may~~
 138 ~~be necessary to effectuate the purpose of this article. Such rules and regulations shall be~~
 139 ~~promulgated after consultation with the Department of Natural Resources and shall be~~
 140 ~~designed to ensure the health and safety of wildlife and prevent the spread of animal~~
 141 ~~diseases between wildlife, wild animals, domestic animals, farmed deer, and people. It shall~~
 142 ~~be the duty of the Commissioner, the Department of Agriculture, the Board of Natural~~
 143 ~~Resources, the commissioner of natural resources, and the Department of Natural~~
 144 ~~Resources to communicate and consult on matters of mutual concern so as to ensure the~~
 145 ~~health and safety of farmed deer, wildlife, wild animals, domestic animals, and people and~~
 146 ~~to prevent, control, and eradicate animal diseases within this state. In addition to the~~
 147 ~~remedies provided in this article and notwithstanding the existence of any adequate remedy~~
 148 ~~at law, the Commissioner is authorized to apply to the superior court having jurisdiction~~
 149 ~~for an injunction. Such court may, upon hearing and for good cause shown, grant a~~
 150 ~~temporary or permanent injunction, or both, restraining any person from violating or~~
 151 ~~continuing to violate any of the provisions of this article or for failing or refusing to comply~~
 152 ~~with the requirements of this article or any rule or regulation adopted by the Commissioner~~
 153 ~~pursuant to this article. An injunction issued under this Code section shall not require a~~
 154 ~~bond.~~

155 ~~4-4-178.~~

156 ~~In addition to the remedies provided in this article and notwithstanding the existence of any~~
 157 ~~adequate remedy at law, the Commissioner is authorized to apply to the superior court for~~
 158 ~~an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to~~
 159 ~~grant a temporary or permanent injunction, or both, restraining any person from violating~~
 160 ~~or continuing to violate any of the provisions of this article or for failing or refusing to~~
 161 ~~comply with the requirements of this article or any rule or regulation adopted by the~~
 162 ~~Commissioner pursuant to this article. An injunction issued under this Code section shall~~
 163 ~~not require a bond.~~

164 ~~4-4-179:~~ 4-4A-9.

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

170 (b) The initial hearing and any administrative review thereof shall be conducted in
 171 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia
 172 Administrative Procedure Act.' Any person who has exhausted all administrative remedies
 173 available and who is aggrieved or adversely affected by any final order or action of the
 174 Commissioner shall have the right of judicial review thereof in accordance with Chapter
 175 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article
 176 shall be paid into the state treasury. The Commissioner may file in the superior court of
 177 the county wherein the person under order resides or, if said person is a corporation, in the
 178 county wherein the corporation maintains its principal place of business or in the county
 179 wherein the violation occurred a certified copy of a final order of the Commissioner
 180 unappealed from or of a final order of the department affirmed upon appeal, whereupon
 181 said court shall render judgment in accordance therewith and notify the parties. Such
 182 judgment shall have the same effect, and all proceedings in relation thereto shall thereafter
 183 be the same, as though said judgment had been rendered in an action duly heard and
 184 determined by said court. The penalty prescribed in this Code section shall be concurrent,
 185 alternative, or cumulative with any and all other civil, criminal, or alternative rights,
 186 remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with
 187 respect to any violation of this article and any quarantines, orders, rules, or regulations
 188 promulgated pursuant thereto.

189 ~~4-4-180:~~ 4-4A-10.

190 It shall be unlawful for any person intentionally to release ~~a farmed deer~~ farmed alternative
 191 livestock from captivity or to import, transport, sell, transfer, or possess ~~a farmed deer~~
 192 farmed alternative livestock in such a manner as to cause its release or escape from
 193 captivity. If a person imports, transports, sells, transfers, or possesses ~~a farmed deer~~ farmed
 194 alternative livestock in such a manner as to pose a reasonable possibility that such farmed
 195 ~~deer~~ alternative livestock may be released accidentally or escape from captivity, the
 196 department may revoke the license of such person.

197 ~~4-4-181.~~ 4-4A-11.

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

199 "ARTICLE 2

200 4-4A-20.

201 The purpose of this article is to regulate the establishment and operation of harvest-hunt
 202 preserves.

203 4-4A-21.

204 As used in this article, the term:

205 (1) 'Alternative livestock' means the following species: elk, red deer, sika deer, axis deer,
 206 fallow deer, blackbuck antelope, nyala antelope, horned oryx antelope, lechwe antelope,
 207 waterbuck antelope, mouflon sheep, Barbary (aoudad) sheep, Jacob four-horn sheep, Dall
 208 sheep, red sheep, Corsican sheep, Barbados sheep, American black belly sheep, ibex
 209 sheep, and bison.

210 (2) 'Harvest-hunt preserve' means an animal preserve designed and operated to allow the
 211 release and taking of captive raised native and nonnative game animals as specified in
 212 this article.

213 (3) 'Taking' has the meaning provided by Code Section 27-1-2.

214 4-4A-22.

215 (a) The Commissioner may issue a license for the establishment and operation of a
 216 harvest-hunt preserve. No harvest-hunt preserve license shall be issued until the premises
 217 of such preserve have been inspected by a representative of the Commissioner and the
 218 requirements of this article have been met.

219 (b) No person shall engage in or carry on the business of operating a harvest-hunt preserve
 220 without first applying for and obtaining a harvest-hunt preserve license. The provisions of
 221 Article 1 of this chapter shall not apply to a harvest-hunt preserve authorized under this
 222 article or the operator thereof.

223 (c) A harvest-hunt preserve shall consist of not more than 10,000 acres, including water
 224 area, and shall be owned or leased by the applicant. For the harvesting of alternative
 225 livestock, the land shall be located wholly within a legally fenced tract. The boundaries
 226 of all preserves shall be posted with signs bearing the words 'Licensed Harvest-Hunt
 227 Preserve,' which shall be placed at intervals of not more than 500 feet and easily visible
 228 from any point of ingress or egress.

229 (d) In the event the property is under lease to the applicant, such lease shall be for a term
230 of not less than one year from date of application and subject to review and approval by the
231 Commissioner as a condition to the granting of a license.

232 (e) The following shall apply on all harvest-hunt preserves:

233 (1) The taking of carnivorous animals is prohibited on such preserves. Only alternative
234 livestock and native game species shall be taken on harvest-hunt preserves;

235 (2) Alternative livestock shall not be taken on harvest-hunt preserves while boxed or
236 caged and shall be taken only in accordance with the following conditions and methods:

237 (A) Cervidae (deer family) shall be free roaming on not less than 250 acres, with a
238 minimum of 200 acres covered with woody vegetation. The harvesting of Cervidae
239 with dogs is prohibited; provided, however, that a leashed dog shall be allowed for
240 trailing. The preserve shall be completely enclosed with an eight-foot game fence;

241 (B) Bovidae (such as antelope) shall be free roaming on not less than 250 acres, with
242 a minimum of 200 acres covered with grassy vegetation. The harvesting of Bovidae
243 with dogs is prohibited; provided, however, that a leashed dog shall be allowed for
244 trailing. The preserve shall be completely enclosed with an eight-foot game fence; and

245 (C) Suidae (hog) shall be free roaming on not less than 100 acres, with a minimum of
246 75 acres covered with woody vegetation; and

247 (3) The open season for taking native game species shall coincide with the established
248 open seasons, while alternative livestock may be taken year round.

249 (f) Alternative livestock may be kept in small enclosures only for veterinary, breeding,
250 transportation, or other management purposes and shall not be harvested on the same day
251 of release or transport into the minimum acreage required for taking the species.

252 (g) The harvesting of alternative livestock produced, raised, or held at a zoological
253 attraction or that are tame alternative livestock is prohibited. For the purpose of this
254 subsection, 'tame alternative livestock' means alternative livestock that do not exhibit the
255 flight characteristics normal for the species when found in the wild. When tame alternative
256 livestock are maintained in harvesting areas on a preserve for breeding or other purposes,
257 they shall be readily identifiable with a fluorescent collar or other marking device.

258 (h) Motorized vehicles shall not be used to drive alternative livestock nor shall alternative
259 livestock be taken from moving motorized vehicles.

260 (i) Harvest-hunt preserves shall be equipped and operated in such manner as to provide
261 sufficient food and humane treatment for the alternative livestock thereupon. The
262 premises, pens, and facilities of all harvesting preserves shall be maintained in a sanitary
263 condition. All alternative livestock harvested shall be taken by humane method as
264 specified by rules or regulations of the Commissioner for the species. Injured or wounded

265 animals shall be immediately euthanized, transported to a veterinarian for treatment, or
266 treated by the owner.

267 (j) Prior to being transported from a harvest-hunt preserve, all carcasses, parts, and meat
268 of alternative livestock taken on such preserve shall be properly identified with a tag or
269 label with the name of the person harvesting, the name of the preserve, and the date such
270 game is being transported from the preserve.

271 (k) A hunting license as required by law shall be required of all persons taking game on
272 any harvest-hunt preserve.

273 (l) There shall be a registration record for each harvest-hunt preserve in which the name,
274 address, and quantity of alternative livestock taken by each person hunting on the preserve
275 shall be recorded. All records and the physical facilities and installations of any
276 harvest-hunt preserve shall be open to inspection upon request by personnel of the
277 department or the Department of Agriculture.

278 (m) A complete record of all alternative livestock released and harvested on any
279 harvest-hunt preserve shall be maintained and available to the Commissioner upon request.

280 (n) The license of any harvest-hunt preserve operator violating this article or any rule or
281 regulation adopted by the Commissioner pursuant to this article shall be subject to
282 revocation, cancellation, or suspension following notice and hearing. A harvest-hunt
283 preserve license of any licensee whose facility does not meet the definition of an
284 agricultural operation shall be revoked, and such license may be revoked if the licensee
285 violates any provision of Title 27, relating to wild animals. Any alternative livestock must
286 be disposed of within 45 days of revocation of any harvest-hunt preserve license.

287 (o) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities
288 and to transmit a copy of any application for a harvest-hunt preserve license to the
289 Department of Natural Resources. The Department of Natural Resources shall inspect the
290 applicant's fencing and shall report to the Department of Agriculture within 30 days of
291 receipt of the application. It also shall be the duty of the Department of Agriculture to
292 transmit a copy of any license issued pursuant to this article to the Department of Natural
293 Resources. It also shall be the duty of the Department of Agriculture to notify the
294 Department of Natural Resources of the revocation, nonrenewal, cancellation, or lapse of
295 any license issued pursuant to this article. All such notifications shall be made in writing
296 and shall be made as promptly as possible, but in no event shall such notification be given
297 more than 72 hours after the event giving rise to the requirement of notice.

298 (p) For purposes other than harvest-hunt preserve operations or alternative livestock
299 farming, alternative livestock species must be held under a wild animal license pursuant
300 to Chapter 5 of Title 27. Anyone holding, possessing, importing, or transporting alternative

301 livestock without a harvest-hunt preserve license, alternative livestock farming license, or
302 a wild animal license shall be in violation of Title 27.

303 4-4A-23.

304 Health and transportation requirements for any Artiodactyla (even-toed ungulates) shall
305 meet the health requirements established by rule or regulation of the Department of
306 Agriculture. Those animals specifically used for harvest-hunt preserves shall meet the
307 requirements of the Uniform Methods and Rules of the Code of Federal Regulations for
308 Tuberculosis and Brucellosis in Cervidae.

309 4-4A-24.

310 Any alternative livestock which escapes from a licensed harvest-hunt preserve shall be
311 subject to the jurisdiction of the Department of Natural Resources and may be treated as
312 an escaped wild animal subject to the provisions of Chapter 5 of Title 27, except that, while
313 such animal is roaming freely outside the enclosure of any licensed harvest-hunt preserve,
314 the owner of such alternative livestock shall have 48 hours from the time the escape is
315 detected to recapture such animal and return it to the licensed preserve. As a condition for
316 maintaining a harvest-hunt preserve license, it shall be the duty of the owner or operator
317 of a licensed harvest-hunt preserve to notify the Department of Natural Resources
318 immediately upon discovery of the escape of alternative livestock. When such notice has
319 been given, no legal hunter shall be held liable for killing or wounding such escaped
320 alternative livestock.

321 4-4A-25.

322 Harvest-hunt preserve operators shall allow the entry onto the preserve of representatives
323 of the Department of Agriculture, the Department of Natural Resources, or other
324 departments or agencies having authority or duties involving captive alternative livestock
325 or wild animals to ensure compliance with applicable federal and state laws.

326 4-4A-26.

327 The Commissioner of Agriculture is authorized to promulgate rules and regulations as may
328 be necessary to effectuate the purpose of this article. Such rules and regulations shall be
329 promulgated after consultation with the Department of Natural Resources and shall be
330 designed to ensure the health and safety of wildlife and prevent the spread of animal
331 diseases between wildlife, wild animals, domestic animals, captive alternative livestock,
332 and people. It shall be the duty of the Commissioner, the Department of Agriculture, the
333 Board of Natural Resources, the commissioner of natural resources, and the Department

334 of Natural Resources to communicate and consult on matters of mutual concern so as to
335 ensure the health and safety of captive alternative livestock, wildlife, wild animals,
336 domestic animals, and people and to prevent, control, and eradicate animal diseases with
337 this state.

338 4-4A-27.

339 In addition to the remedies provided in this article and notwithstanding the existence of any
340 adequate remedy at law, the Commissioner is authorized to apply to the superior court
341 having jurisdiction for an injunction. Such court may, upon hearing and for good cause
342 shown, grant a temporary or permanent injunction, or both, restraining any person from
343 violating or continuing to violate any of the provisions of this article or for failing or
344 refusing to comply with the requirements of this article or any rule or regulation adopted
345 by the Commissioner pursuant to this article. An injunction issued under this Code section
346 shall not require a bond.

347 4-4A-28.

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

353 (b) The initial hearing and any administrative review thereof shall be conducted in
354 accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia
355 Administrative Procedure Act.' Any person who has exhausted all administrative remedies
356 available and who is aggrieved or adversely affected by any final order or action of the
357 Commissioner shall have the right of judicial review thereof in accordance with Chapter
358 13 of Title 50. All penalties recovered by the Commissioner as provided for in this chapter
359 shall be paid into the state treasury. The Commissioner may file in the superior court of
360 the county wherein the person under order resides or, if said person is a corporation, in the
361 county wherein the corporation maintains its principal place of business or in the county
362 wherein the violation occurred a certified copy of a final order of the Commissioner
363 unappealed from or of a final order of the department affirmed upon appeal, whereupon
364 said court shall render judgment in accordance therewith and notify the parties. Such
365 judgment shall have the same effect, and all proceedings in relation thereto shall thereafter
366 be the same, as though said judgment had been rendered in an action duly heard and
367 determined by said court. The penalty prescribed in subsection (a) of this Code section
368 shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or

369 alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the
370 Commissioner with respect to any violation of this article and any quarantines, orders,
371 rules, or regulations promulgated pursuant thereto.

372 4-4A-29.

373 It shall be unlawful for any person intentionally to release alternative livestock from
374 captivity or to import, transport, sell, transfer, or possess alternative livestock in such a
375 manner as to cause its release or escape from captivity. If a person imports, transports,
376 sells, transfers, or possesses alternative livestock in such a manner as to pose a reasonable
377 possibility that such alternative livestock may be released accidentally or escape from
378 captivity, the department may revoke the license of such person.

379 4-4A-30.

380 Any person violating the provisions of this article shall be guilty of a misdemeanor.”

381 **SECTION 2.**

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