

House Bill 144

By: Representatives Ehrhart of the 36th, McCall of the 33rd, Kirby of the 114th, Holmes of the 129th, Jasperse of the 11th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to animal protection, so as to regulate the retail sale of
3 dogs and cats in this state; to provide for definitions; to provide that dogs and cats transported
4 into this state for sale or offered for sale in this state shall be protected against certain
5 diseases and parasites; to provide for examinations and certifications by veterinarians; to
6 provide for certain rights of purchasers of dogs and cats; to provide for notices and
7 representations to purchasers; to provide for the quarantine of dogs and cats suspected of
8 carrying disease; to restrict certain local regulation; to require regulatory consistency; to
9 provide for a short title; to provide for related matters; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 This Act shall be known and may be cited as the "Georgia Retail Pet Store Purchase
14 Protection Act."

15 style="text-align:center">**SECTION 2.**

16 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
17 general provisions relative to animal protection, is amended by revising Code Section 4-11-2,
18 relating to definitions, as follows:

19 "4-11-2.

20 As used in this article, the term:

21 (1) 'Adequate food and water' means food and water which is sufficient in an amount and
22 appropriate for the particular type of animal to prevent starvation, dehydration, or a
23 significant risk to the animal's health from a lack of food or water.

24 (1.1) 'Animal control officer' means an individual authorized by local law or by the
 25 governing authority of a county or municipality to carry out the duties imposed by this
 26 article or imposed by local ordinance.

27 (2) 'Animal shelter' means any facility operated by or under contract for the state, a
 28 county, a municipal corporation, or any other political subdivision of the state for the
 29 purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted
 30 dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian
 31 or veterinarians which operates for such purpose in addition to its customary purposes;
 32 and any facility operated, owned, or maintained by a duly incorporated humane society,
 33 animal welfare society, or other nonprofit organization for the purpose of providing for
 34 and promoting the welfare, protection, and humane treatment of animals.

35 (3) 'Equine' means any member of the Equidae species, including horses, mules, and
 36 asses.

37 (4) 'Humane care' of animals means, but is not limited to, the provision of adequate heat,
 38 ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with
 39 the normal requirements and feeding habits of the animal's size, species, and breed.

40 (5) 'Kennel' means any establishment, other than an animal shelter, where dogs or cats
 41 are maintained for boarding, holding, training, or similar purposes for a fee or
 42 compensation.

43 (5.1) 'Owner' means a person ~~who~~ that intentionally exercises custody, control,
 44 possession, or ownership of an animal.

45 (6) 'Person' means any person, firm, corporation, partnership, association, or other legal
 46 entity; any public or private institution; the State of Georgia; or any county, municipal
 47 corporation, or political subdivision of the state.

48 (7) 'Pet dealer' or 'pet dealership' means any person ~~who~~ that sells, offers to sell,
 49 exchanges, or offers for adoption dogs, cats, birds, fish, reptiles, or other animals
 50 customarily obtained as pets in this state. However, a person ~~who~~ that sells only animals
 51 ~~that he or she~~ such person has produced ~~and~~ or raised, not to exceed 30 animals a year,
 52 shall not be considered a pet dealer under this article unless such person is licensed for
 53 a business by a local government or has a Georgia sales tax number. The Commissioner
 54 may with respect to any breed of animals decrease the 30 animal per year exception in
 55 the foregoing sentence to a lesser number of any animals for any species that is
 56 commonly bred and sold for commercial purposes in lesser quantities. Operation of a
 57 veterinary hospital or clinic by a licensed veterinarian shall not constitute the veterinarian
 58 as a pet dealer, kennel, or stable under this article.

59 (8) 'Retail pet store owner' means a pet dealer that operates a commercial establishment
 60 engaging in a for profit business of selling at retail rates dogs or cats to be kept as

61 household pets; provided, however, that natural persons shall not be considered retail pet
 62 store owners.

63 ~~(8)~~(9) 'Secretary of agriculture' means the secretary of the United States Department of
 64 Agriculture.

65 ~~(9)~~(10) 'Stable' means any building, structure, pasture, or other enclosure where equines
 66 are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other
 67 similar purposes and a fee is charged for maintaining such equines or for the use of such
 68 equines."

69 **SECTION 3.**

70 Said article is further amended by adding a new Code section to read as follows:

71 "4-11-3.1.

72 (a) No retail pet store owner shall obtain for purposes of resale or sale to the public a dog
 73 or cat except in accordance with this Code section.

74 (b)(1) A retail pet store owner shall not obtain from any source outside of this state a dog
 75 or cat for resale or sell or offer for sale any dog or cat unless obtained through:

76 (A) A person that is licensed under the pet dealer regulations of the United States
 77 Department of Agriculture under the federal Animal Welfare Act; that has been free of
 78 any report of a direct noncompliance violation by the United States Department of
 79 Agriculture under the federal Animal Welfare Act, as amended, for a period of two
 80 years prior to offering for sale any such dog or cat; and that has not been cited with a
 81 violation of section 2.40 of Title 9 of the Code of Federal Regulations in its most recent
 82 inspection performed by the United States Department of Agriculture; or

83 (B) Breeders exempt from licensing under pet dealer regulations promulgated by the
 84 United States Department of Agriculture pursuant to the federal Animal Welfare Act.

85 (2) If such dog or cat is obtained from a source outside of this state, all vaccines and
 86 anthelmintics required under federal law shall be administered by or under the direction
 87 of a veterinarian licensed by the state of origin and accredited by the United States
 88 Department of Agriculture under the National Veterinary Accreditation Program. All
 89 such vaccines and anthelmintics shall be administered no more than 30 days and no less
 90 than 14 days before the animal's entry into this state. A certificate of veterinary
 91 inspection certifying compliance with this Code section shall accompany each animal
 92 transported into this state for sale and shall be retained by the retail pet store owner for
 93 at least one year after the retail sale thereof.

94 (c)(1) A retail pet store owner shall not obtain from any source within this state a dog or
 95 cat for resale or sell or offer for sale any dog or cat unless obtained through a pet dealer
 96 licensed by the Georgia Department of Agriculture.

97 (2) If such dog or cat is obtained from a source within this state, all vaccines and
 98 anthelmintics required by subsection (d) of this Code section shall be administered by or
 99 under the direction of a veterinarian licensed in this state. Such vaccines and
 100 anthelmintics shall be administered before the animal is offered for sale in this state
 101 unless the licensed veterinarian advises that a specific vaccine or anthelmintic is not in
 102 the best medical interest of the animal, in which case such vaccine or anthelmintic may
 103 be withheld from that particular animal.

104 (d)(1) Each dog shall receive vaccines and anthelmintics against the following diseases
 105 and internal parasites:

106 (A) Canine distemper;

107 (B) Bordetella;

108 (C) Parainfluenza;

109 (D) Hepatitis;

110 (E) Canine parvo;

111 (F) Rabies, provided that the dog is more than three months of age;

112 (G) Roundworms;

113 (H) Hookworms; and

114 (I) Coccidia.

115 (2) Each cat shall receive vaccines and anthelmintics against the following diseases and
 116 internal parasites:

117 (A) Panleukopenia;

118 (B) Feline viral rhinotracheitis;

119 (C) Calicivirus;

120 (D) Rabies, provided that the cat is more than three months of age;

121 (E) Hookworms;

122 (F) Roundworms; and

123 (I) Coccidia.

124 (3) If the dog or cat is less than four months of age, the vaccines and anthelmintics
 125 required by this subsection shall be administered no more than 30 and no less than 14
 126 days before sale within this state. If the dog or cat is four months of age or older, the
 127 vaccines and anthelmintics required by this subsection shall be administered at or after
 128 four months of age, but no more than one year before sale within this state.

129 (e)(1) A retail pet store owner shall, following the sale of a dog or cat, afford the
 130 consumer the remedies provided in this subsection if:

131 (A) Within 10 days following such sale, a licensed veterinarian of the consumer's
 132 choosing certifies the animal has been diagnosed with an illness or disease not caused

133 by the consumer's abuse or neglect or the presence of internal or external parasites that
134 make the pet clinically ill, excluding fleas or ticks; or
135 (B) Within one year following such sale, a licensed veterinarian of the consumer's
136 choosing certifies the animal to have been diagnosed with a congenital or hereditary
137 disorder which adversely affects the health of the animal.

138 (2) If such veterinarian certifies an animal in accordance with paragraph (1) of this
139 subsection, the consumer shall be afforded:

140 (A) The right to return the animal and receive a refund of the purchase price, including
141 but not limited to sales tax, and reimbursement for reasonable veterinary costs up to the
142 purchase price of the dog or cat directly related to the veterinarian's examination and
143 certification provided for in paragraph (1) of this subsection and any reasonable
144 nonemergency and emergency veterinarian services necessary to relieve suffering;

145 (B) The right to exchange the animal for a dog or cat of the consumer's choice and of
146 equivalent value and receive reimbursement for reasonable veterinary costs up to the
147 purchase price of the dog or cat directly related to the veterinarian's examination and
148 certification provided for in paragraph (1) of this subsection and any reasonable
149 nonemergency and emergency veterinarian services necessary to relieve suffering; or

150 (C) The right to retain the animal and receive reimbursement for reasonable
151 nonemergency and emergency veterinary costs for necessary services and treatment
152 related to the attempt to cure or curing of the dog or cat. Reimbursement for veterinary
153 costs shall not exceed the purchase price of the dog or cat.

154 (3) Any refund or exchange required by this subsection shall be made by the retail pet
155 store owner no later than ten business days following receipt of a signed veterinary
156 certification as required in paragraph (1) of this subsection. The consumer shall provide
157 such certification to the retail pet store owner no later than three business days following
158 the veterinarian's examination.

159 (4) A retail pet store owner shall disclose at the time of sale the presence of any and all
160 known specific congenital or hereditary defects or disorders. Such disclosure shall be
161 made to the consumer verbally by reviewing related documentation and a disclosure
162 statement in addition to written documentation or a description provided by a licensed
163 veterinarian specifying the defect or disorder and any known consequences of the defect
164 or disorder. A retail pet store owner shall obtain a signature from the consumer
165 acknowledging verbal disclosure and receipt of the veterinary documentation related to
166 the specified defect or disorder. Such signatures shall be on a separate piece of paper
167 titled 'Notice of Congenital or Hereditary Defect or Disorder' and shall state the specific
168 defect or disorder and the language 'Consumer has no right to any refund or exchange for
169 defects or disorders described below.' A consumer shall have no right to any refund or

170 exchange pursuant to this subsection for any defects or disorders which have been
 171 disclosed as provided in this paragraph.

172 (5) For purposes of this subsection:

173 (A) Emergency veterinarian services shall only be reimbursed for services obtained
 174 outside of standard, nonemergency veterinarian operating hours for treatment necessary
 175 to relieve suffering for illness arising outside of standard, nonemergency veterinarian
 176 operating hours; and

177 (B) The cost of veterinary services shall be considered reasonable if comparable to the
 178 cost of similar services rendered by other licensed veterinarians in proximity to the
 179 treating veterinarian and necessary for examination, certification, or treatment.

180 (f) Every retail pet store owner shall, at the time of purchase, provide to the purchaser of
 181 each dog or cat a copy of the signed Notice of Congenital or Hereditary Defect or Disorder,
 182 where applicable, as well as a written statement containing the following information:

183 (1) The date of the animal's birth, if known;

184 (2) The breeder's name and address, if known, and United States Department of
 185 Agriculture license number, if applicable, or Georgia Department of Agriculture license
 186 number, if applicable. If such information is not known, the retail pet store owner shall
 187 provide the name and address of the person that sold or gave the animal to the retail pet
 188 store owner;

189 (3) The date the retail pet store owner took possession of the animal, if not bred by the
 190 retail pet store owner;

191 (4) For dogs, the breed, gender, color, and any identifying marks; and

192 (5) The date of the most recent veterinarian examination and record of each inoculation
 193 and worming treatment administered to the animal, including the date of administration
 194 and the type of vaccine or worming treatment."

195 **SECTION 4.**

196 Said article is further amended by revising Code Section 4-11-9.1, relating to quarantine of
 197 animals or areas by the Commissioner, as follows:

198 "4-11-9.1.

199 (a) In the control, suppression, prevention, and eradication of animal diseases, the
 200 Commissioner or any duly authorized representative acting under his or her authority is
 201 authorized and required to quarantine an animal, premises, or any area when he or she shall
 202 determine that animals in such place or places are infected with a contagious or infectious
 203 disease, that the unsanitary condition of such place or places might cause the spread of such
 204 disease, that the animal has or has been exposed to any contagious or infectious disease,

205 or that the owner or occupant of such place or places is not observing sanitary practices
 206 prescribed under the authority of this article or any other law of this state.

207 (b) The Commissioner or his or her duly authorized representative is authorized to issue
 208 and enforce written or printed stop sale, stop use, or stop movement orders to the owners
 209 or custodians of any animals, ordering them to hold such animals at a designated place,
 210 when the Commissioner or his or her duly authorized representative finds such animals:

211 (1) To be infected with or to have been exposed to any contagious or infectious disease;

212 (2) To be held by a person ~~who~~ that is required to be licensed under this article and
 213 whose license has expired;

214 (3) To be held by a person ~~who~~ that is required to be licensed under this article and ~~who~~
 215 that has failed to obtain a license within ten days of the date on which written notice of
 216 need to obtain a license was given to such person by the Commissioner or his or her
 217 authorized representative; or

218 (4) To have been held in violation of this article,
 219 until the law has been complied with and such animals have been released, in writing, by
 220 the Commissioner or the violations have been otherwise legally disposed of by written
 221 authority.

222 (c) It shall be unlawful for any person to sell, use, or move any animal in violation of any
 223 quarantine or stop sale, stop use, or stop removal order issued under this Code section.

224 (d) Should a retail pet store owner that is in compliance with subsections (a) through (d)
 225 of Code Section 4-11-3.1 have reason to suspect a dog or cat in its custody is infected with
 226 a contagious or infectious disease, such dog or cat shall immediately be quarantined from
 227 the presence of other dogs and cats until such time that an examining veterinarian
 228 determines the animal has no sign of contagious or infectious disease; provided, however,
 229 that the Commissioner shall be authorized to quarantine any additional animals, premises,
 230 or areas if he or she determines that such further action is necessary for the control,
 231 suppression, prevention, or eradication of animal diseases."

232 **SECTION 5.**

233 Said article is further amended by revising Code Section 4-11-18, relating to effect of article
 234 on local ordinances, as follows:

235 "4-11-18.

236 (a) This article shall be cumulative and shall not prohibit the enactment and enforcement
 237 of local ordinances by a municipal or county governing authority on this subject which are
 238 not in conflict with this article; provided, however, that a municipal or county governing
 239 authority shall be required to provide timely written notice to the department of any
 240 enforcement action taken pursuant to such an ordinance against an operator licensed under

241 this article who is alleged to be in violation of such local ordinance. The department shall
242 be notified of the initiation of any such local enforcement action and of the final
243 conclusions or ultimate outcome of any such action.

244 (b) No county, municipal corporation, consolidated government, or other political
245 subdivision of this state shall adopt or enforce any ordinance, rule, regulation, or resolution
246 that directly or indirectly prohibits the sale, delivery, or transfer of a dog or cat from a retail
247 pet store owner holding a valid license issued by the department or imposes restrictions on
248 such sale, delivery, or transfer in addition to the requirements of this article."

249 **SECTION 6.**

250 The Commissioner of Agriculture shall ensure that all rules and regulations of the
251 Department of Agriculture are consistent with the provisions of this Act.

252 **SECTION 7.**

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