

Senate Bill 338

By: Senators Kirkpatrick of the 32nd, Black of the 8th, Walker III of the 20th, Cowser of the 46th, Anderson of the 24th and others

AS PASSED SENATE

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 provide for annual license
3 fees; to authorize the Commissioner to promulgate rules and regulations; to provide for
4 applicants to submit a criminal background check; to provide for surety; to provide for
5 definitions; to provide for related matters; to provide for an effective date; to repeal
6 conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to animal protection, is amended in Code Section 4-11-2, relating
11 to definitions, by revising paragraph (7) as follows:

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

SECTION 2.

23
24 Said article is further amended in Code Section 4-11-3, relating to licenses for pet dealers and
25 kennel, stable, or animal shelter operators, requirement, issuance, and application, by
26 revising subsection (c) and by adding two new subsections to read as follows:

27 "(c) Licenses shall be issued for a period of one year and shall be annually renewable. The
28 Commissioner may establish separate classes of licenses, including wholesale and retail
29 licenses. The Commissioner shall fix fees for licenses so that the revenue derived from
30 licenses shall approximate the total direct cost of administering this article. The
31 Commissioner may establish different fees for the different classes of licenses established,
32 but the annual fee for any such license shall be at least \$50.00 but shall not exceed \$400.00
33 \$800.00. The Commissioner may establish a fee tier within each class and may establish
34 rules and regulations by which to assign each licensed facility to the proper fee tier. Any
35 fees collected pursuant to this Code section shall be retained pursuant to the provisions of
36 Code Section 45-12-92.1."

37 "(f) Any applicant for a pet dealer license or animal shelter license that sells, offers to sell,
38 exchanges, offers for adoption, provides for the care of, or otherwise engages in licensable
39 activity relating to dogs or cats shall submit to the Commissioner a current criminal
40 background check. No license shall be issued to any applicant that has been convicted of
41 a criminal offense involving cruelty to animals or dogfighting.

42 (g) The Commissioner shall require any applicant for a pet dealer license or animal shelter
43 license, or any applicant for renewal thereof, that sells, offers to sell, exchanges, offers for
44 adoption, provides for the care of, or otherwise engages in licensable activity relating to
45 dogs or cats to make and deliver to the Commissioner a surety of not less than \$7,500.00
46 nor more than \$500,000.00. The Commissioner may consider the number of animals, level
47 of risk, compliance history, and any other factor deemed relevant by the Commissioner in
48 establishing rules and regulations to set surety amounts requirements.

49 (1) For purposes of this subsection, the term 'surety' means a letter of credit, certificate
50 of deposit, bond, or other written instrument issued or executed by a lending institution
51 or bonding, surety, or insurance company licensed to do business in this state and made
52 payable to the Commissioner.

53 (2) The Commissioner is authorized to call upon the surety of a licensee and utilize or
54 direct such funds as reasonably necessary to protect, ensure, and provide for the health
55 and welfare of animals when:

56 (A) The licensee is unable or unwilling to timely provide for the same;

57 (B) The licensee has ceased operations by order of the Commissioner;

58 (C) The licensee has ceased operations voluntarily and there are pending or outstanding
59 violations of this article or the rules promulgated pursuant thereto;

- 60 (D) The animals have been impounded from the licensee's facility pursuant to Code
61 Section 4-11-9.2; or
- 62 (E) The licensee is convicted of a criminal offense involving cruelty to animals
63 pursuant to Code Section 16-12-4 or dogfighting pursuant to Code Section 16-12-37.
- 64 (3) If within 30 days the surety of a licensee is canceled, is called upon, or otherwise
65 becomes insufficient, as determined by the Commissioner, and is not replaced or
66 sufficiently increased, as directed by the Commissioner, then the license of such person
67 shall immediately be revoked by operation of law without notice or hearing.
- 68 (4) A surety shall not be required for any animal shelter operated by the state, a county,
69 a municipal corporation, or any other political subdivision of the state.
- 70 (5) This subsection shall not be construed to prohibit any agency's ability to utilize Code
71 Section 4-11-9.8."

72 **SECTION 3.**

73 This Act shall become effective on January 1, 2021.

74 **SECTION 4.**

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