

House Bill 886 (COMMITTEE SUBSTITUTE)

By: Representatives Welch of the 110th, McCall of the 33rd, and Knight of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to
2 veterinarians and veterinary technicians, so as to require licensed veterinarians who provide
3 treatment to pets to scan their microchips and to report ownership information under certain
4 circumstances; to provide for exceptions; to allow licensed veterinarians to appear and testify
5 regarding the ownership and treatment of certain pets; to provide such professionals with
6 immunity; to provide for the State Board of Veterinary Medicine to promulgate certain rules
7 and regulations; to provide for statutory construction; to provide for related matters; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to veterinarians
12 and veterinary technicians, is amended by adding a new Code section to read as follows:

13 "43-50-4.

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

15 (1) 'Animal control officer' shall have the same meaning as provided in Code Section
16 4-11-2.

17 (2) 'Microchip reader' means a device designed to read microchips at 125 kHz, both
18 encrypted and nonencrypted, 128 kHz, and 134.2 kHz, and which is ISO 11784 and
19 11785 compliant.

20 (3) 'Pet' means any domesticated animal normally maintained in or near the household
21 of its owner. Such term shall not include livestock.

22 (b) No later than July 1, 2021, the board, or its designee, shall establish and maintain an
23 online data base that enables pet owners who reside in this state to register pets with
24 microchips with the board so that ownership information of such pets may be searched.

25 (c) The data base shall be accessible and searchable by:

- 26 (1) All licensed veterinarians and veterinary technicians licensed under this chapter, and
 27 their designees for the purpose of complying with this Code section;
 28 (2) Law enforcement agencies in this state; and
 29 (3) Animal control officers.
- 30 (d)(1) After July 1, 2021, when any pet is brought to a veterinary facility for the first
 31 time, the licensed veterinarian, or his or her designee, shall scan for the presence of an
 32 identifying microchip through the use of a microchip reader. If no microchip is detected,
 33 the licensed veterinarian, or his or her designee, shall not be required to take any further
 34 steps to identify whether the person who is presenting the pet for treatment or on whose
 35 behalf the pet is being presented for treatment is the pet's rightful owner. If a microchip
 36 is found, the licensed veterinarian, or his or her designee, shall search the data base, once
 37 established pursuant to this Code section, to confirm whether the person who presented
 38 the pet for treatment or on whose behalf the pet was presented for treatment is listed as
 39 the owner in the data base.
- 40 (2) If the review of the data base suggests that the person who presented the pet for
 41 treatment or on whose behalf the pet was presented for treatment is not the rightful
 42 owner, the licensed veterinarian shall report that information to the law enforcement
 43 agency or animal control officer within the jurisdiction where the veterinary facility is
 44 located. Such report shall be made no later than 24 hours after the conclusion of
 45 treatment of the pet.
- 46 (3) The licensed veterinarian may appear and testify in any judicial or administrative
 47 proceeding concerning the ownership and treatment of such pets about which a report
 48 was made under this Code section.
- 49 (e) The board may require by rules and regulations for a licensed veterinarian to report to
 50 a law enforcement agency or to an animal control officer if such licensed veterinarian has
 51 cause to believe that a microchip may have been removed from the pet.
- 52 (f)(1) A licensed veterinarian violates this Code section when the licensed veterinarian
 53 fails after July 1, 2021, to:
- 54 (A) Scan the pet for a microchip;
 55 (B) Access the data base after confirming the presence of a microchip; or
 56 (C) Comply with the reporting requirements of this Code section.
- 57 (2) A licensed veterinarian who violates this Code section shall be:
- 58 (A) Required to attend a training session that, at a minimum, shall educate the licensed
 59 veterinarian about proper techniques for microchip scanning and accessing the data
 60 base; and
 61 (B) Subject to any other discipline the board may deem appropriate.
- 62 (g) Nothing in this Code section shall be construed to:

- 63 (1) Create any civil or criminal liability for any person who is not an owner of a pet who
 64 gratuitously and in good faith renders assistance to a pet or takes a pet to a veterinarian
 65 facility for treatment;
 66 (2) Require pet owners to register their microchipped pets in the data base;
 67 (3) Require a licensed veterinarian to have or to purchase a microchip reader; or
 68 (4) Proscribe or require the provision of treatment to any pet.
 69 (h) Any person participating in the making of a report pursuant to this Code section or
 70 participating in any administrative or judicial proceeding pursuant to this chapter, Title 4,
 71 or Title 16 shall, in so doing, be immune from any civil or criminal liability that might
 72 otherwise be incurred or imposed, provided that such participation pursuant to this Code
 73 section or any other law is made in good faith.
 74 (i) Any information provided for and entered into the data base shall be exempt from
 75 disclosure under the provisions of Article 4 of Chapter 18 of Title 50.
 76 (j) The board may promulgate rules and regulations necessary to implement and maintain
 77 the data base and to otherwise effect the purposes of this Code section."

78 **SECTION 2.**

79 Said chapter is further amended by revising subsection (a) of Code Section 43-50-21, relating
 80 to general powers of the board and liberal construction of powers, as follows:

81 "(a) The board shall have the power to:

- 82 (1) Examine and determine the qualifications and fitness of applicants for licenses to
 83 practice veterinary medicine and veterinary technology in this state;
 84 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice veterinary
 85 medicine or veterinary technology in this state or otherwise discipline licensed
 86 veterinarians and licensed veterinary technicians; and to issue, renew, deny, suspend, or
 87 revoke veterinary faculty licenses, consistent with this chapter and the rules and
 88 regulations adopted under this chapter;
 89 (3) Conduct investigations for the purpose of discovering violations of this chapter or
 90 grounds for disciplining persons licensed under this chapter;
 91 (4) Inspect veterinary premises and equipment, including mobile veterinary clinics, at
 92 any time in accordance with protocols established by rule of the board;
 93 (5) Establish an online data base for the registration of microchipped pets whose owners
 94 reside in this state as provided in Code Section 43-50-4;
 95 ~~(5)~~(6) Hold hearings on all matters properly brought before the board; and, in connection
 96 therewith, to administer oaths, receive evidence, make the necessary determinations, and
 97 enter orders consistent with the findings. The board may designate one or more of its
 98 members to serve as its hearing officer;

99 ~~(6)~~(7) Appoint from its own membership one member to act as a representative of the
100 board at any meeting within or outside the state where such representative is deemed
101 desirable;
102 ~~(7)~~(8) Bring proceedings in the courts for the enforcement of this chapter or any
103 regulations made pursuant to this chapter;
104 ~~(8)~~(9) Adopt, amend, or repeal all rules necessary for its government and all regulations
105 necessary to carry this chapter into effect, including without limitation the establishment
106 and print or electronic publication of standards of professional conduct for the practice
107 of veterinary medicine and veterinary technology; and
108 ~~(9)~~(10) Establish and publish annually a schedule of fees for licensing."

109

SECTION 3.

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