

House Bill 331

By: Representatives Camp of the 135th, Hagan of the 156th, Gullett of the 19th, Cameron of the 1st, New of the 40th, 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 regarding animal protection, so as to prohibit the transfer of
3 certain domestic animals at certain locations; to provide for exceptions; to provide for
4 enforcement; to provide for penalties; to provide for definitions; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding animal protection, is amended by adding a new Code section
10 to read as follows:

11 "4-11-10.1.

12 (a) For purposes of this Code section, the term:

13 (1) 'Consideration' means anything of value, including, but not limited to, cash, credit,
14 electronic payment, services, or any type of property or interest in property. A
15 transaction shall be deemed to be 'for consideration' if it occurs in connection with any

16 payment of consideration or other commercial transaction, including, but not limited to,
17 a sale, adoption, rehoming, lease, trade, exchange, swap, or barter transaction.

18 (2) 'Transfer' means a transaction in which for consideration a dog, cat, or domestic
19 rabbit, or any interest in any such animal, is exchanged, offered to be exchanged, or
20 advertised for a commercial purpose.

21 (b) It shall be unlawful for any person to engage in the transfer of any dog, cat, or domestic
22 rabbit at any roadside, public right of way, parkway, median, public or commercial parking
23 lot or sidewalk, park, recreation area, fair, transient or seasonal flea market, or a similar
24 transient market or outdoor location, regardless of whether such activity is otherwise
25 authorized by any person or entity.

26 (c) This Code section shall not apply to:

27 (1) The transfer of any dog, cat, or domestic rabbit by a person or entity that has and
28 produces upon request, whether in paper, electronic, or other form, a valid animal shelter
29 license issued by the department;

30 (2) Any transfer that takes place at a residence or inside of a veterinarian's office or other
31 business establishment;

32 (3) The transfer of any dog, cat, or domestic rabbit by a paid entrant as part of an event
33 or show sanctioned by a national breed club or association, 4-H program, or similar
34 agricultural exhibition; or

35 (4) The prearranged transfer between a dog, cat, or domestic rabbit seller and a specific
36 purchaser that takes place at a police department, sheriff's office, or other similar law
37 enforcement facility during daylight hours, unless otherwise prohibited.

38 (d) An animal control officer who is an employee of state or local government or any
39 sheriff, deputy sheriff, or other peace officer is authorized to enforce the provisions of this
40 Code section and to impound any animal subject to a transfer in violation of this Code
41 section.

42 (e)(1) A person found guilty of violating this Code section shall be subject to a fine not
43 to exceed:

44 (A) For the first offense, \$100.00;

45 (B) For the second offense, \$250.00; and

46 (C) For a third or subsequent offense, \$500.00.

47 (2) In the event that multiple violations of this Code section occur by the same person
48 during the same event, including where a person advertises for sale or sells all of the
49 members of a litter of puppies on the same day without leaving the prohibited location,
50 such violations shall be treated as a single offense for the purpose of determining the
51 amount of the fine pursuant to this subsection."

52 **SECTION 2.**

53 Said article is further amended by revising Code Section 4-11-16, relating to penalties, as
54 follows:

55 "4-11-16.

56 (a) Except as otherwise provided in Code Section 4-11-10.1, 16-12-4, or 16-12-37, any
57 person violating any of the provisions of this article shall be guilty of a misdemeanor and
58 shall be punished as provided in Code Section 17-10-3; provided, however, that, if such
59 offense is committed by a corporation, such corporation shall be punished by a fine not to
60 exceed \$1,000.00 for each such violation, community service of not less than 200 hours nor
61 more than 500 hours, or both.

62 (b) Each violation of this article shall constitute a separate offense."

63 **SECTION 3.**

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