

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

**CHAPTER 40-13-13
ANIMAL PROTECTION**

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40-13-13-.01 Definitions.

In addition to the definitions set forth in the “Georgia Animal Protection Act”, the following definitions shall apply to this chapter:

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

(a) Adequate food means palatable, non-contaminated, and nutritionally adequate food that is fed according to the species requirements or is fed as directed by a veterinarian. Adequate food does not include garbage.

(b) Adequate water means clean, fresh, potable water offered to pets at suitable intervals according to the species requirements, or as dictated by naturally occurring states of hibernation normal for the species, or as directed by a veterinarian.

(2) “Adequate temperature control” means indoor housing facilities for pets are sufficiently heated and/or cooled when necessary to protect the animals from excessive heat or from chilling, freezing or from any physical damage. Except for equines, the ambient temperatures should not be allowed to fall below 45F degrees or rise above 85F degrees, for animals that are not acclimated.

(3) “Adequate ventilation” means indoor housing facilities for pets are adequately ventilated to provide for the health of the animals at all times. Such facilities must be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and should be ventilated so as to minimize drafts, odors, and moisture condensation.

(4) “Adult” as it applies to dogs and cats in this chapter means a domestic canine over 12 months of age and a domestic feline over eight months of age.

(5) “Animal shelter” means any facility operated by or under contract for the state, county, municipal corporation, or any other political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals; any veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for such purpose in addition to its customary purposes; and any facility operated, owned, or maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals.

- (6) "Association" means an unincorporated society, or body or persons united and acting together with a common purpose, operating without a corporate charter. It is not a legal entity separate from the persons who comprise it.
- (7) "Aviary" means any place where birds are kept confined for breeding, boarding, or similar purposes.
- (8) "Dead animal" means any carcass or parts of a carcass of any animal.
- (9) "Equine" means any member of the equidae species, including horses, mules, and asses.
- (10) "Establishment" means an established fixed or mobile unit, such as a pet shop, pasture, barn, kennel, cattery, warehouse, building, vehicle, residence or parts thereof to carry out a business or to conduct any activity for which a license is required.
- (11) "Facility" means the physical aspects of a building or premise that is maintained, installed, or established to carry out a particular purpose.
- (12) "Foster Home" means any place routinely or in the practice of providing temporary care for animals, except equine. A Foster Home must be under a written contract with a licensed animal shelter. A Foster Home will be considered an agent for the animal shelter, and not an animal shelter itself.
- (13) "Garbage" means all refuse matter, animal or vegetable; by-products of a restaurant, kitchen, or meat/poultry processing establishment; and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that is normally discarded. For the purposes of this chapter, garbage shall not include home prepared food given to an animal living on the property of the person caring for the animal.
- (14) "Humane care" of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed. Inhumane care includes any act, omission, or neglect, which causes unjustifiable physical pain, suffering, or death to any living animal.
- (15) "Incubate" means to sit upon and hatch eggs, or to maintain eggs as embryos in a favorable environment for development and hatching.
- (16) "Indoor housing facility" for the purposes of this chapter, means an establishment within the interior of a building wherein all activity is conducted for which the license is issued.
- (17) "Kennel" means any establishment, other than an animal shelter, where dogs or cats are maintained for boarding, holding, training, or similar purposes for a fee or compensation. Similar purposes include, but are not limited to, activities of a breeding establishment, cattery, or grooming shop.
- (a) "Breeding Establishment" means any establishment where pets are bred and a fee or compensation is received for the breeding and maintenance of such pets, such as stud service.
- (b) "Cattery" means any establishment where a cat is maintained for breeding, boarding, training, holding, or similar purposes for a fee or compensation.
- (c) "Grooming Shop" means any establishment, other than an animal shelter, where a person maintains a dog or cat for bathing, dipping, clipping, trimming, brushing, or similar care of the appearance for a fee or compensation.
- (18) "Litter" means the young born to a pet animal at one time or a clutch of nesting eggs produced and incubated by a female bird at a single sitting, or a brood of chicks incubated by mechanical means.
- (19) "Maintain" means to keep or keep up, or to keep in a certain condition.

(20) "Minimum age to sell" means at an age that no longer requires parental nurturing for survival, or at an age that can be sustained from appropriate and nutritional food given by persons who are knowledgeable in the feeding needs and eating habits common to the breed, size and age of the species.

(21) "Outdoor housing establishment" for the purposes of this chapter, means an establishment outside a building and in the open air.

(22) "Person" means any person, firm, corporation, partnership, association, or other legal entity, any other entity, or private institution, the State of Georgia, or any county, municipal corporation or political subdivision of the state.

(23) "Pet" for the purposes of this chapter means any animal that is customarily obtained as a pet and includes, but is not limited to, the following: dog, cat, bird, equine, fish, reptile, rodent, chinchilla, rabbit, hamster, guinea pig, or miniature pig. Any animal described in O.C.G.A. Sections 27-1-2 General Provisions and 27-5-5 Wild Animals are not considered a pet for the purposes of this chapter, except where specifically mentioned herein.

(24) "Pet breeder" means a pet dealer who sells, offers to sell, exchanges, or offers for adoption only pets they have produced, except equine. This includes those produced for hobby, show purposes, breed improvement, or stock replacement.

(25) "Pet dealer" means a person who sells, offers to sell, exchanges, or offers for adoption pets they have produced, bought, or otherwise obtained, except equine. Equine dealers require a livestock dealer license from the Georgia Department of Agriculture.

(26) "Premise" means any establishment, facility, land, or parts thereof.

(27) "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, such as a building, room, pen, run, cage, aquarium, hutch, stall, paddock, pasture, or animal transfer vehicle.

(28) "Produced" means to have propagated or generated the progeny of a female.

(29) "Proper animal health care" means a program of disease control and prevention, veterinary care, and humane euthanasia. The animal health care should be sufficient to prevent unnecessary physical pain or suffering.

(30) "Rescue Group" means any association or corporation operated as a non-profit organization and for the purpose of providing care and shelter to animals. Except rescue groups for equine, a rescue group that takes possession of animals and provides care and shelter must be licensed as an animal shelter or under written contract with a licensed animal shelter, in which case it will be considered an agent for the animal shelter and not an animal shelter itself. An equine rescue group operating for that purpose and maintaining any facility (including, without limitation, providing temporary care at a person's private property) must meet all the requirements of a licensed stable. Rescue groups are not authorized to impound animals unless they are contracted by a government agency in Georgia to provide Animal Control Services.

(31) "Sanitation" means the maintenance of conditions conducive to health and involves bedding changes (as appropriate), cleaning, and disinfection. Cleaning removes excessive amounts of dirt and debris, and disinfection reduces or eliminates unacceptable concentration of microorganisms. To sanitize, therefore, means to make physically clean, and, to the maximum degree practical, remove and destroy agents injurious to health.

(32) "Stable" means any establishment, or other enclosure where equines are maintained for boarding, holding, training, breeding, riding, pulling vehicles, or other similar purposes and a fee is charged for maintaining such equines or for the use of such equines.

(33) "Permanent location" Any premise that has a permanent facility or the location is used to conduct any activity for which a license is required for any more than 3 days consecutive.

(34) "Adequate Ventilation" - . All facilities housing pet animals shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to outside of the building.

Authority Ga. L. 4-4-20, 27-1-2, 27-5-5

40-13-13-.02 Licenses. Amended.

(1) The Commissioner shall license animal shelter, pet dealer, kennel, and stable operators under the applicable provision of Chapter 5 of Title 2, "Department of Agriculture Registration, License, and Permit Act" on a form obtained from the Georgia Department of Agriculture. Forms may be obtained via the Department of Agriculture website or by requesting the application by email. An application for renewal will only be mailed to the licensee when specifically requested by the licensee at the time of each renewal period.

(2) The license shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. The license is issued for the person and premise stated on the license and is not transferable to another person or permanent location. Each license type will be required to obtain a separate license for each activity, i.e. there will be no combination licenses. The annual fee will be determined by the gross dollar of animal sales, the capacity of the facility or the number of animals present. The annual fees shall be as follows:

(a) Animal Shelter license fee – based upon the holding capacity (to include animal shelter foster homes) at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - \$100.00 fee
2. Capacity for 21 to 40 pets: - \$200.00 fee
3. Capacity for 41 to 80 pets: - \$300.00 fee
4. Capacity for 80 + pets: - \$400.00 fee
5. Animal Shelters not having a permanent fixed facility in Georgia - \$400.00 fee

(b) Kennel license fee - based upon the holding capacity at the time of license application or renewal;

1. Capacity for up to and including 20 pets: - \$100.00 fee
2. Capacity for 21 to 40 pets: - \$200.00 fee
3. Capacity for 41 to 80 pets: - \$300.00 fee
4. Capacity for 80 + pets: - \$400.00 fee

(c) Pet Dealer license fee - fee based upon gross volume of pet sales or set fee.

1. For \$1.00 to \$100.00 in gross pet sales: - \$50.00 license fee
2. For \$101.00 to \$5,000.00 in gross pet sales: - \$100.00 fee
3. For \$5,001.00 to \$10,000.00 in gross pet sales: - \$200.00 fee
4. For \$10,001.00 to \$15,000.00 in gross pet sales: - \$300.00 fee
5. For \$15,001.00 and up in gross pet sales: - \$400.00 license fee
6. Pet dealers not having a permanent fixed facility in Georgia - \$400.00 fee

(d) Stable license fee - based on number of equine present at the time of license application or renewal; provided that if the number of equine present at any time during the license period exceeds the minimum for the next class of fees, the stable operator must file an amendment to the application and pay the higher fee.

1. Capacity for up to and including 10 equine: - \$100.00 license fee
2. Capacity for 11 to 20 equine: - \$200.00 fee
3. Capacity for 21 to 30 equine: - \$300.00 fee
4. Capacity for 30 + equine: - \$400.00 fee
5. For Equine Rescue Groups operating for that sole purpose and maintaining a facility must meet all the requirements of a licensed stable - \$200.00 fee.

- (3) Applications for licenses shall be on a form furnished by the Commissioner and shall state:
- (a) The name of the applicant;
 - (b) The business address of the applicant;
 - (c) The complete telephone number of the applicant;
 - (d) The location of the licensable premise;
 - (e) The type of ownership of the pet dealership, kennel, stable, or animal shelter;
 - (f) The name and address of the owner or, if a partnership, firm, corporation, association, or other entity, the names and addresses of the officers, registered agents, partners, stockholders, and/or members.
 - (g) The email address of the applicant
- (4) The signature(s) of the owner(s), partners, or officers of a corporation or association, attesting to the fact that the information documented on the application is correct, the regulations have been read and the premise that is subject to be licensed meets all the requirements of this chapter.
- (5) The license must be prominently displayed at each licensed place of business. It shall be the responsibility of the licensee to renew their license prior to the expiration date.
- (6) Animal shelters may contract with off-site foster homes and individual members of rescue groups to serve as agents of the animal shelter. The animal shelter is considered the license holder and is responsible for assuring that foster homes and rescue group members are under written contract to comply with the provisions in this chapter and submit to inspection by the animal shelter. Two inspections must be performed annually, Animal shelters must keep a copy of all current foster home and rescue group member contracts. The Commissioner or his authorized agent may set a number limit on animals at foster homes based on space available for animals and/or the caretaker's ability to provide necessary accommodations for the animals.
- (7) Any person licensed by the Department as a bird dealer shall not be required to obtain a license under this chapter if such person does not deal in pets other than birds. If however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption pets, other than birds, then such dealer shall be subject to licensing under this chapter.
- (8) Any person who is not a resident of this state but who engages in this state in any activities for which a license is required by this chapter or Chapter 40-13-12 pertaining to bird dealer licensing shall be subject to this chapter for such activities. As a condition of licensure, each non-resident must execute consent to the jurisdiction of the courts of this state for any action filed under this chapter; and service of process in any such action shall be by certified mail by the Commissioner.
- (9) The Commissioner may refuse to issue or renew or may suspend or revoke a license on any one or more of the following grounds:
- (a) material misstatement in the application for the original license or in the application for the renewal license under this chapter;
 - (b) willful disregard or violation of any rule or regulation of this chapter;
 - (c) willful aiding or abetting another in any violation of this chapter;
 - (d) allowing a license issued under this chapter to be used by an unlicensed person;
 - (e) violation of any law of this state or any rule of the Commissioner related to the disposition of, dealing in, or handling of dogs, cats, equine, and other pets;

(f) making substantial misrepresentations or false promises in connection with the business or activity of a licensee under this chapter;

(g) pursuing a continued course of making misrepresentations or false promises through advertising, salesmen, agents, or otherwise in connection with the business or activity of a licensee;

(h) failure to possess the necessary qualifications or meet the requirements for the issuance or holding of a license;

(i) Failure to provide proper facilities.

(10) License fees shall be increased by 100 percent for the renewal of any license that is not renewed within ten (10) days following the expiration date of the license. License fees shall be increased by 100 percent for the issuance of a new license to any person who has failed to apply for a license within ten (10) days following notice of the need to obtain such a license has been given to such person in writing by the Commissioner or his authorized representative.

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

(a) to be held by a person who is required to be licensed under this chapter and whose license has expired;

(b) to be held by a person who is required to be licensed under this chapter and who has failed to obtain a license within ten (10) days of the date on which notice of the need to obtain a license was given in writing to such person by the Commissioner or his authorized representative.

(12) A separate license is required of each person and is not transferable, except for foster homes and rescue group members operating under an animal shelter's primary license.

Authority Ga. L. Sec. 4-10-1.; Sec. 4-11-1 et seq.

40-13-13-.03 Inspection of Premises. The Commissioner or his designated agents are authorized to enter upon any public or private property at anytime for the purpose of inspecting the business premises of any animal shelter, kennel, pet dealer, or stable and the pets housed at such facility and to determine if such facility is licensed and for the purpose of enforcing the Georgia Animal Protection Act and rules of this chapter.

Authority Ga. L. Sec. 4-11-9 et seq.

40-13-13-.04 Premise Requirements and Performance Standards for Owner and/or Operator.

(1) General Requirements and Standards:

(a) Classification and separation: Animals exhibiting a vicious disposition must be housed individually. Animals suspected of having a communicable or infectious disease must be separated from other animals and other susceptible species of animals in such a manner as to minimize dissemination of such disease. Rescue Animals must be housed separately from all "boarding animals" on the premise. Pets housed in the same primary enclosure should be maintained in compatible groups. Females who are sexually receptive should not be housed in the same primary enclosure with males, except for breeding purposes.

(b) Drainage: A suitable method must be provided to rapidly eliminate excess water and avoid foul odors therefrom. If closed drainage systems are used, they must be equipped with traps and so installed as to prevent any backup of sewage onto the surface of the primary enclosure. Suitable drain covers must be in place.

(c) Housekeeping: Premises (buildings and grounds) must be kept clean and in a state of repair in order to prevent injury or disease. Premises must remain free of accumulations of trash, weeds, debris, and other vermin harborage areas.

(d) Humane care: Humane care must be provided in all facilities anytime an animal is present.

(e) Interior surface: The interior surfaces of housing facilities must be constructed and maintained so they are substantially impervious to moisture and may be readily cleaned and sanitized.

(f) Lighting: General lighting in indoor housing facilities should be diffused throughout the animal holding area and provide sufficient illumination to protect animal health, allow adequate housekeeping practices, and adequate inspection.

(g) Pest control: An effective program for the prevention, control, and elimination, of vermin, insects, ectoparasites, and avian and mammalian pests must be established and maintained. Vegetation must be manicured to prevent vermin harborage.

(h) Record keeping: Complete and accurate records must be maintained reflecting all acquisitions, purchases, sales, releases, natural additions, exchanges, adoptions, custodial care, and health records of all animals. Retail sale records for fish, rodents, and invertebrates are exempt from record keeping requirement. These records must be maintained for a period of twelve months and must be made available to the Commissioner or his authorized representative upon request. Updated records must be kept on the premise. In addition, records for dogs, cats, birds, and equine shall include, but are not limited to, name, address, and phone number of individual(s) involved in the transaction, date of transaction or activity, type and number of animals, and Georgia Department of Agriculture animal protection/ stable license number, if applicable.

(i) Sanitation of primary enclosures: Primary enclosures for pets must be cleaned at a frequency and intensity to provide a healthy and hygienic environment in order to prevent disease hazards. Excreta must be removed to prevent contamination of the animals contained therein and to reduce the spread of disease. Soiled bedding should be removed and replaced with fresh materials as often as is necessary to keep the animals clean and dry. For hard surfaces that are conducive to cleaning with water, frequent flushing with water and periodic use of detergents or disinfectants should be used to maintain sufficiently clean surfaces. When a hosing or flushing method is used for cleaning, animals contained in the enclosure must be removed unless the enclosure is large enough to ensure the animals would not be harmed, wetted, or distressed during the process. Animals in nearby enclosures must be protected from being contaminated with water and other wastes during the cleaning. Enclosures may be disinfected by using appropriate chemicals, hot water, or a combination of both. If hot water is used as a means of disinfection, the temperature of the water must be at least 145 degrees F. Aquariums as a closed ecosystem have special needs and they must be maintained in a balance necessary for the health of its inhabitants by means of ph control, filtration, biodegradation and the like.

(j) Releasing of injured, diseased, or abnormal animals: Reasonable care must be taken to avoid releasing for sale, trade, or adoption any pet that has an apparent disease, injury, or has a health related malady. Any pet that has an apparent injury, disease, or health related malady can only be released for sale, trade, or adoption provided the person receiving the animal is made aware of the condition in writing at the time of transfer.

(k) Shelter from rain, snow or cold: Pets maintained in outdoor housing establishments must be provided with access to suitable shelter to remain dry during rain or snow and protect them from wind and excessive heat or cold. Sufficient and clean bedding material or other reasonable means of protection from the weather elements must be provided.

(l) Shelter from sunlight: When sunlight is likely to cause overheating or suffering, sufficient shade must be provided to allow all pets protection from the direct effects of the sun.

(m) Space requirements: Primary enclosures must provide sufficient space to allow each animal to turn about freely and to easily stand, sit, lie, perch, swim, etc. in a comfortable and normal position.

(n) Storage: Supplies, food, and bedding should be stored in an adequate manner to protect against infestation, contamination, or spoilage. Refrigeration should be provided for perishable items.

(o) Structural strength: Indoor and outdoor housing for pets shall be maintained in good repair. The primary enclosure should be of sufficient strength to contain the animals securely and restrict the entrance of unwanted animals. The walls and/or sides, roof and/or ceiling, and floors and/or bottoms of the primary enclosures must be constructed, so as to, protect the animals from injury or suffering. For primary enclosures, with grated or mesh bottoms housing dogs and cats, there must be a suitable resting surface that will allow the animal to sit and lie in a normal position. Vertically stacked enclosures must have receptacles to contain excreta between cages and must be able to prevent cross contamination of food, water, urine, excreta and cleaning agents. Portable wire type enclosures may be used for temporary purposes only and must not be stacked and used as a means of permanent housing.

(p) Tethering of animals: It is presumed that tethering of animals for more than 24 hours is considered permanent tethering and such permanent tethering as a means of a primary enclosure is prohibited. For temporary tethering of animals, such chains or other tethering devices must be of adequate length to satisfy the space requirements of a primary enclosure. Tethering devices must be of a type commonly used for the size animal involved and should be attached to the animal by means of a well fitted and appropriate device (i.e., collar, halter, or harness).

(q) Waste disposal: Provisions must be made for the regular and safe removal and disposal of animal and food wastes, bedding, dead animals, and debris, so as to minimize vermin infestation, contamination, odors, and disease hazards. Disposal of dead animals must be by burial or incineration. Legal permission from the appropriate authorities or landowner must be obtained, prior to, burial on any public or private land. Disposal of dead animals in wells, waterways, or wetlands of any kind is strictly prohibited.

(2) Pets that are sold, offered for sale, exchanged, or offered for adoption must be at the minimum age to sell. Puppies must be a minimum age of 8 weeks prior to sale. written recommendations for the appropriate feeding and care must be provided at the time of the transaction for those animals that are not independent of parental nurturing.

(3) A licensed stable shall maintain proof of a negative test for Equine Infectious Anemia within the past twelve months on all equine on the premise.

(4) Functional fire extinguishing devices shall be present in each facility of all license holders under this chapter. Operational smoke detectors are recommended.

Authority Ga. L. Sec. 4-11-1 et seq., 4-4-110

40-13-13-.05 Control of Disease.

(1) In the control, suppression, prevention, and eradication of animal disease, the Commissioner or any duly authorized representative acting under his authority is authorized and may quarantine any animal or animals, premises, or any area when he shall determine:

(a) that the animal or animals in such place or places are infected with a contagious or infectious disease;

(b) that the animal (s) has been exposed to any contagious or infectious disease;

(c) that the unsanitary condition of such place or places might cause the spread of such disease;

(d) or that the owner or occupant of such place is not observing sanitary practices prescribed under the authority of this chapter or any other law of this state.

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

(a) to be infected with or to have been exposed to any contagious or infectious disease; or

(b) to have been held by persons in violation of this chapter, until such time as the violation has been corrected, and the Commissioner, in writing, has released such animals.

Authority Ga. L. Sec. 4-11-1 et seq.; 4-11-9.1

40-13-13-.06 Interstate Shipment.

(1) All animals entering Georgia must comply with the applicable health requirements of the U. S. Department of Agriculture, the U. S. Department of Health and Human Services, the Georgia Department of Agriculture, the Georgia Department of Human Resources, and/or the Georgia Department of Natural Resources.

(2) All dogs and cats entering Georgia must have proof of a current and approved Rabies vaccination in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc.

(3) All ferrets entering Georgia must have proof of a current and approved Rabies vaccination, in accordance with the most recent Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc. Ferrets seven months of age or older entering Georgia must be sexually altered, prior to entry, except those exempted by a license/permit issued by USDA, APHIS, Animal Care, and/or the Georgia Department of Natural Resources.

(4) Except for fish, rodents and invertebrates, all animals entering Georgia for sale, trade, adoption, or exchange for a fee or other type of compensation must be accompanied by a Certificate of Veterinary Inspection issued within the previous 30 days and which records proof of the health requirements for each species.

(5) All pet birds entering Georgia are required to have a permit number issued by the Department prior to entry. Permit numbers may be obtained by calling the Georgia Department of Agriculture, Animal Health Section, during normal business hours.

(6) Equine entering Georgia must be accompanied by an official Certificate of Veterinary Inspection, shall originate from a premise free of any contagious or infectious disease, and shall not have been exposed to any contagious or infectious disease prior to or during shipment.

(7) All equine must be negative to an official test for equine infectious anemia within twelve (12) months prior to entry with test results, test dates, accession numbers, and name and address of the approved testing laboratories recorded on the Certificate of Veterinary Inspection. Nursing foals under six (6) months of age will be exempt from the test requirement when accompanied by their dam which has a current negative test for equine infectious anemia.

Authority Ga. L. Sec., 4-4-1, 4-10-1 et seq.; 4-10-7.1, and 7.2; et seq., 4-11-1 et seq., 4-11-11.

40-13-13-.07 Exemptions.

(1) Any person who raises, keeps, sells, or maintains animals solely for the purpose of human consumption shall be exempt from this chapter.

(2) Any person who sells only animals they have produced shall not be considered a pet dealer under this chapter unless such person:

- (a) is licensed for an animal related business by a local government,
- (b) is subject to a Georgia sales tax number for an animal related business,
- (c) is subject to the "Bird Dealers' Licensing Act",
- (d) sells more than one litter in any twelve (12) month period,
- (e) sells more than 30 adult animals in any twelve (12) month period,
- (f) produces animals that pose a public health risk or exhibit illness or disease causing chronic pain and suffering, or
- (g) has been determined by the Department not to treat animals humanely or has been convicted of cruelty to animals.

(3) Operation of a veterinary hospital or clinic by a licensed veterinarian or veterinarians for its customary purposes shall not be considered a kennel, pet dealer, or stable under this chapter.

Authority Ga. L. Sec. 4-11-1 et seq.

40-13-13.08 Euthanasia.

(1) The use of sodium pentobarbital or a derivative of it shall be the exclusive method for euthanasia of dogs and cats by animal shelters or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:

(a) Intravenous injection by hypodermic needle: Venipuncture of a superficial vein, preferably the cephalic or lateral saphenous is the method to be used on all dogs and cats except for the following:

- 1. Animals too small to effectively perform a venipuncture,
- 2. Intractable or dangerous animals, or
- 3. Animals in which superficial venous pressure is insufficient for effective venipuncture.

If venipuncture cannot be performed for one of the above reasons, then the following method may be used.

(b) Intraperitoneal injection by hypodermic needle: Two to three times the recommended intravenous dosage should be injected into the abdominal cavity through the midabdominal region. Intraperitoneal injection may be the alternative method used for animals described in (a) (1), (2), and (3) above. The time between injection and death is not immediate as with intravenous injection, therefore, a proper amount of time should be allowed for chemical absorption and action prior to an alternative method being used.

(c) If the dog or cat is unconscious, intracardial injection by hypodermic needle; intracardial injection by thoracic cavity penetration is to be used on comatose animals only.

(2) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.

(3) Notwithstanding subsection (1) of this rule, any substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association, may be used in lieu of sodium pentobarbital to perform euthanasia

on dogs and cats. Succinylcholine chloride, curare, curariform mixtures, or any substance that acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes. The State Veterinarian will maintain a list of approved inhalants and injectable solutions that may be used for humane euthanasia.

(4) In cases of extraordinary circumstance where the dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, such person shall be allowed the use of any other substance or procedure that is humane to perform euthanasia on such dangerous dog or cat.

(5) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.

(6) Euthanasia shall be performed by a licensed veterinarian or physician or lay person who is properly trained in the proper and humane use of a method of euthanasia. Euthanasia, which is performed by a layperson, shall be observed by at least one other employee.

(7) A layperson performing euthanasia by injection must be under the supervision of a licensed veterinarian or physician. This shall not be construed, so as to require, that a veterinarian or physician be present at the time euthanasia is performed.

(8) A letter, stating which layperson(s) is properly trained for a method of euthanasia shall be on file at the animal shelter and with the Georgia Department of Agriculture.

(9) No dog or cat may be left unattended between the times euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

(10) The supervising veterinarian shall be subject to all record-keeping requirements and inspection requirements of the State Board of Pharmacy pertaining to sodium pentobarbital and other drugs authorized under paragraph (3) of this rule section and may limit the quantity of possession of sodium pentobarbital and other authorized drugs to ensure compliance with the provision of this Code section.

(11) Euthanasia records shall be kept on forms approved by the Georgia Department of Agriculture and the State Board of Pharmacy and shall be signed by the person performing euthanasia and the witness.

(12) Euthanasia records shall be maintained for a period of one (1) year and shall be made available to the Commissioner of Agriculture or his duly authorized representative for inspection upon request.

(13) The Animal Shelter must be registered with the Drug Enforcement Administration prior to the storage of any controlled substance.

(14) The storage of any controlled substance must be in an approved, secure safe or if a lockable storage container is used it must be approved by the Georgia Department of Agriculture and be strictly maintained under double lock and key.

(15) The Commissioner or his authorized agent shall have the right to obtain a sample of the euthanasia agents for analysis.

(16) Species other than dogs and cats should be humanely euthanized by a method recommended by the American Veterinary Medical Association, when such recommendation exists.

Authority O.C.G.A. Secs. 4-10-1, 4-11-1 et seq. **History.** Original Rule entitled "Violations" adopted. F. Mar. 5, 1987; eff. Mar. 25, 1987. **Repealed:** New Rule entitled "Exemptions" adopted. F. Jan. 24, 1991; eff. Feb. 13, 1991. **Repealed:** New Rule entitled "Euthanasia" adopted. F. Jan. 6, 1999; eff. Jan. 26, 1999. **Amended:** F. July 21, 2010; eff. Aug. 10, 2010

40-13-13-.09 Violations.

(1) It is unlawful for any person to act as a pet dealer or operate an animal shelter, kennel, or stable unless such person has a valid license issued by the Commissioner of Agriculture. Any person acting without a license in violation of this subsection shall be guilty of a misdemeanor.

(2) It is unlawful for any person to sell, use, or move any animals in violation of any quarantine, stop sale, stop use, or stop movement order issued under this chapter.

(3) Any person, partnership, firm, corporation, or other entity violating any provision of this chapter shall be guilty of a misdemeanor.

(4) The Commissioner may deny, suspend, or revoke any license required by this chapter, subject to notice and hearing, in any case in which he finds there has been a violation of this chapter. All proceedings for denial, suspension, or revocation of a license shall be conducted in conformance with Chapter 13 of title 50, the "Georgia Administrative Procedure Act".

(5) Notwithstanding the existence of an adequate remedy at law and in addition to other remedies, the Commissioner may apply to the Superior Court for an injunction or restraining order.

Authority Ga. L. Sec. 4-11-1 et seq.