

The Senate Committee on Agriculture and Consumer Affairs offered the following substitute to SB 338:

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.

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

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

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

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

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

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

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

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

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

(D) The animals have been impounded from the licensee's facility pursuant to Code Section 4-11-9.2; or

(E) The licensee is convicted of a criminal offense involving cruelty to animals pursuant to Code Section 16-12-4 or dogfighting pursuant to Code Section 16-12-37.

(3) If within 30 days the surety of a licensee is canceled, is called upon, or otherwise becomes insufficient, as determined by the Commissioner, and is not replaced or sufficiently increased, as directed by the Commissioner, then the license of such person shall immediately be revoked by operation of law without notice or hearing.

(4) A surety shall not be required for any animal shelter operated by the state, a county, a municipal corporation, or any other political subdivision of the state.

(5) This subsection shall not be construed to prohibit any agency's ability to utilize Code Section 4-11-9.8."

SECTION 3.

This Act shall become effective on January 1, 2021.

SECTION 4.

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