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TITLE 4. ANIMALS

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*O.C.G.A. TITLE 4 (2007)*

TITLE 4 Note

TITLE NOTES

CROSS REFERENCES. --Criminal penalty for livestock theft, § 16-8-20. As to criminal penalty for removal of collars or identifying items or marks on animals, see § 16-9-71. As to cruelty to animals, see § 16-12-4. As to protection of endangered species of wildlife, see § 27-3-130 et seq. As to regulation of importation, sale, etc., of animals and birds to be kept as pets, see § 31-12-9. As to control of rabies, see Ch. 19, T. 31. As to veterinarians and registered animal technicians generally, see Ch. 50, T. 43. As to liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, see § 51-2-7.

OPINIONS OF THE ATTORNEY GENERAL

THE DUTIES OF THE COMMISSIONER OF AGRICULTURE ARE NOT ALL INCLUDED IN TITLE 4 and may be found in Titles 2, 10, 26, 43, and others. *1958-59 Op. Att'y Gen. p. 4.*

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*O.C.G.A. TITLE 4 Chapter 4 Article 5 (2007)*

TITLE 4 Chapter 4 Article 5 Note

ARTICLE NOTES

EFFECTIVE DATE. --This article became effective July 1, 1997.

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*O.C.G.A. § 4-4-170 (2007)*

§ 4-4-170. Purpose

The purpose of this article is to provide for the production of farmed deer as an agricultural operation and to provide for the importation, production, and control and eradication of disease in farmed deer.

**HISTORY:** Code 1981, § 4-4-170, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-171 (2007)*

§ 4-4-171. Definitions

As used in this article, the term:

(1) "Deer farming" means the agricultural operation of raising and production of farmed deer for the commercial production of food and fiber.

(2) "Farmed deer" means fallow deer (*Dama dama*), axis deer (*Axis axis*), sika deer (*Cervus nippon*), red deer and elk (*Cervus elaphus*), reindeer and caribou (*Rangifer tarandus*), and hybrids between these farmed deer species raised for the commercial sale of meat and other parts or for the sale of live animals. Those cervids which are indigenous to this state, including white-tailed deer, and those members of the order Artiodactyla which are considered to be inherently dangerous to human beings and are described in subparagraph (a)(1)(F) of *Code Section 27-5-5* shall be classified as unacceptable species and shall not be included within the definition of farmed deer. Deer that may be under the authority of Title 50, Part 23, Subpart c of the Code of Federal Regulations, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, *27 U. ST. 108*, TIAS 8249, must meet the requirements set forth in the federal Endangered Species Act of 1973, as amended, *16 U.S.C. Section 1531* et seq.

**HISTORY:** Code 1981, § 4-4-171, enacted by Ga. L. 1997, p. 1395, § 2.

**NOTES:**

CODE COMMISSION NOTES. --Pursuant to *Code Section 28-9-5*, in 1999, "Section" was inserted in the last sentence of paragraph (2).

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*O.C.G.A. § 4-4-172 (2007)*

§ 4-4-172. Deer-farming license; records; facilities

(a) No person shall possess, buy, import, or transport farmed deer or engage in or carry on the business of deer farming without first applying for and obtaining a deer-farming license from the Commissioner of Agriculture. A deer-farming license shall be valid from the date of issuance to March 31 of the following calendar year. A deer-farming license will not be issued by the Commissioner to any deer-farming operation which has not been inspected and approved by the Department of Natural Resources, provided that any facility expansion must be reapproved prior to renewal of a deer-farming license.

(b) The license of any deer farm operator violating this article or any rule or regulation adopted by the Commissioner pursuant to this article shall be subject to revocation, cancellation, or suspension following notice and hearing. A deer-farming license of any licensee whose facility does not meet the definition of an agricultural operation shall be revoked, and such license may be revoked if the licensee violates any provision of Title 27, relating to wild animals. Any farmed deer must be disposed of within 45 days of revocation of any deer-farming license.

(c) Deer farm operators shall maintain inventory records of their deer herds, including natural additions, purchased additions, sales, and deaths. Records shall be kept in accordance with specifications of the Commissioner and shall be subject to review by the Commissioner or a representative or employee of the department.

(d) Deer farm operators shall construct and maintain premises and facilities used in deer farming in accordance with rules established by the Commissioner and in accordance with subparagraph (A) of paragraph (1) of *Code Section 27-5-6*, provided that:

(1) The facility must be constructed of such material and of such strength as appropriate for the animals involved;

(2) Housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain the animals;

(3) The facilities shall be designed in such manner, including the inclusion of barriers of sufficient dimensions and conformation, to safeguard both the animals and the public against injury or the transmission of diseases by direct contact; and

(4) Any portion of such facility within which farmed deer are maintained shall be surrounded by a fence with a minimum height of eight feet with the bottom six feet made of woven mesh and constructed of a design, strength, gauge, and mesh approved by the department, after consultation with the Department of Natural Resources, and which is sufficient to prevent escape of farmed deer and to prevent white-tailed deer from entering. Supplemental wire to attain a height of eight feet may be smooth, barbed, or woven wire of a gauge and mesh approved by the department with strands no more than six inches apart. All trees and other structures which pose a threat to the integrity of the fencing

shall be removed unless fencing is constructed so as to prevent the breach of the fence from the fall of a tree or structure.

(e) It shall be the duty of the Department of Agriculture to inspect an applicant's facilities and to transmit a copy of any application for a deer-farming license to the Department of Natural Resources. The Department of Natural Resources shall inspect the applicant's facilities and shall report to the Department of Agriculture within 30 days of receipt of the application. It also shall be the duty of the Department of Agriculture to transmit a copy of any license issued pursuant to this article to the Department of Natural Resources. It also shall be the duty of the Department of Agriculture to notify the Department of Natural Resources of the revocation, nonrenewal, cancellation, or lapse of any license issued pursuant to this article. All such notifications shall be made in writing and shall be made as promptly as possible, but in no event shall such notification be given more than 72 hours after the event giving rise to the requirement of notice.

(f) For purposes other than agricultural operations, farmed deer species must be held under a wild animal license pursuant to Chapter 5 of Title 27. Anyone holding, possessing, importing, or transporting farmed deer without a deer-farming license or a wild animal license is in violation of Title 27.

**HISTORY:** Code 1981, § 4-4-172, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-173 (2007)*

§ 4-4-173. Health and transportation requirements

Health and transportation requirements for any Artiodactyla (even-toed ungulates) must meet the health requirements established by rule or regulation of the Georgia Department of Agriculture. Those animals specifically used for deer farming must meet the requirements of the Uniform Methods and Rules of the Code of Federal Regulations for Tuberculosis and Brucellosis in Cervidae.

**HISTORY:** Code 1981, § 4-4-173, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-174 (2007)*

§ 4-4-174. Escaped deer or cervid

Any farmed deer or cervid which escapes from a licensed deer farm shall be subject to the jurisdiction of the Department of Natural Resources and may be treated as an escaped wild animal which is subject to the provisions of Chapter 5 of Title 27, except that, while such animal is roaming freely outside the enclosure of any licensed deer farm, the owner of such farmed deer or cervid shall have 48 hours from the time the escape is detected to recapture such animal and return it to the licensed deer farm. As a condition for maintaining a deer-farming license, it shall be the duty of the owner or operator of a licensed deer farm to notify the Department of Natural Resources immediately upon discovery of the escape of a farmed deer. When such notice has been given, no legal hunter shall be held liable for killing or wounding an escaped deer.

**HISTORY:** Code 1981, § 4-4-174, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-175 (2007)*

§ 4-4-175. Compliance with departments

Deer farm operators shall allow the entry onto the deer farm of representatives of the Department of Agriculture, the Department of Natural Resources, or other departments or agencies having authority or duties involving farmed deer or wild animals to ensure compliance with applicable federal and state laws.

**HISTORY:** Code 1981, § 4-4-175, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-176 (2007)*

§ 4-4-176. Application

The provisions of this article shall not apply to any facility at which any animal which would otherwise qualify as a farmed deer is intentionally commingled with any species which is classified as and subject to regulation as a wild animal under the provisions of Chapter 5 of Title 27.

**HISTORY:** Code 1981, § 4-4-176, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-177 (2007)*

§ 4-4-177. Rules and regulations

The Commissioner of Agriculture is authorized to promulgate rules and regulations as may be necessary to effectuate the purpose of this article. Such rules and regulations shall be promulgated after consultation with the Department of Natural Resources and shall be designed to ensure the health and safety of wildlife and prevent the spread of animal diseases between wildlife, wild animals, domestic animals, farmed deer, and people. It shall be the duty of the Commissioner, the Department of Agriculture, the Board of Natural Resources, the commissioner of natural resources, and the Department of Natural Resources to communicate and consult on matters of mutual concern so as to ensure the health and safety of farmed deer, wildlife, wild animals, domestic animals, and people and to prevent, control, and eradicate animal diseases within this state.

**HISTORY:** Code 1981, § 4-4-177, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-178 (2007)*

§ 4-4-178. Injunctions

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court for an injunction. Such court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the Commissioner pursuant to this article. An injunction issued under this Code section shall not require a bond.

**HISTORY:** Code 1981, § 4-4-178, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-179 (2007)*

§ 4-4-179. Administrative hearings; penalty

(a) The Commissioner, in order to enforce this article or any orders, rules, or regulations promulgated pursuant to this article, may issue an administrative order imposing a penalty not to exceed \$1,000.00 for each violation whenever the Commissioner, after a hearing, determines that any person has violated any provision of this article or any quarantines, orders, rules, or regulations promulgated pursuant to this article.

(b) The initial hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the Commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties recovered by the Commissioner as provided for in this article shall be paid into the state treasury. The Commissioner may file in the superior court wherein the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the Commissioner unappealed from or of a final order of the department affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in an action duly heard and determined by said court. The penalty prescribed in this Code section shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the Commissioner with respect to any violation of this article and any quarantines, orders, rules, or regulations promulgated pursuant thereto.

**HISTORY:** Code 1981, § 4-4-179, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-180 (2007)*

§ 4-4-180. Release

It shall be unlawful for any person intentionally to release a farmed deer from captivity or to import, transport, sell, transfer, or possess a farmed deer in such a manner as to cause its release or escape from captivity. If a person imports, transports, sells, transfers, or possesses a farmed deer in such a manner as to pose a reasonable possibility that such farmed deer may be released accidentally or escape from captivity, the department may revoke the license of such person.

**HISTORY:** Code 1981, § 4-4-180, enacted by Ga. L. 1997, p. 1395, § 2.

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*O.C.G.A. § 4-4-181 (2007)*

§ 4-4-181. Penalty

Any person violating the provisions of this article shall be guilty of a misdemeanor.

**HISTORY:** Code 1981, § 4-4-181, enacted by Ga. L. 1997, p. 1395, § 2.

OPINIONS OF THE ATTORNEY GENERAL

FINGERPRINTING OF OFFENDERS. --An offense covered by this section is not currently designated as an offense requiring fingerprinting. 1997 Op. Att'y Gen. No. 97-330.

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