



GEORGIA DEPARTMENT OF AGRICULTURE

Gary W. Black, Commissioner

www.agr.georgia.gov

DATE: March 29, 2019

ACTION: Notice of Intent to Consider Amendments to Animal Protection Rules

TO ALL INTERESTED PERSONS AND PARTIES:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 4-11-14 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding proposed amendments to its Animal Protection Rules. The Department will be accepting written comments from March 29, 2019, to the close of business (4:30 p.m. EST) on April 29, 2019.

SYNOPSIS, MAIN FEATURES AND DIFFERENCES:

A proposed amendment to Rule 40-13-13-.03 entitled “Inspection of Premises” would clarify that inspections may be unannounced and performed at such frequency as deemed necessary and appropriate by the Commissioner or his designated agents.

A proposed amendment to Rule 40-13-13-.04 entitled “Premise Requirements and Performance Standards for Owner and/or Operator”, specifically Rule 40-13-13-.04(1)(a), would clarify that females who are sexually receptive must not be housed in the same primary enclosure with males, except for breeding purposes.

A proposed amendment to Rule 40-13-13-.04(1)(m) would require primary enclosures for dogs and cats provide each animal with sufficient space to lie down without the head, face, tail, legs or feet of the animal touching the sides of the enclosure or touching any other animal in the enclosure. Furthermore, the interior height of primary enclosures for dogs and cats must be at least six inches higher than the head of the tallest animal in the enclosure when it is in a normal standing position.

A proposed amendment to Rule 40-13-13-.04(1)(o) would provide that primary enclosures must not have grated or mesh bottoms and that portable enclosures including, but not limited to, wire type crates and kennels, mesh bottom crates and kennels, and plastic crates and kennels may only be used for temporary purposes, must not be vertically or otherwise stacked, and must not be used as a means of permanent housing.

The Department is proposing to add a new provision to Rule 40-13-13-.04 which would require all licensed facilities to develop and maintain a suitable plan of action accounting for the evacuation of animals in the event of an emergency, natural disaster, or manmade disaster. Such plan must also include provisions for the distribution and homing of animals in the event the licensee becomes unable to tend to the needs of the animals or the license is revoked, surrendered, or otherwise canceled. The plan must be kept at the licensed premise and made available for inspection by the Department upon request.

The Department is proposing to amend Rule 40-13-13-.04 to clarify that licensed rescue organizations are strictly prohibited from performing animal control services unless said rescue has an active contract to perform such services on behalf of a county, a municipal corporation, or any other political subdivision of the state.

The Department is proposing to amend Rule 40-13-13-.04 to clarify that all animals held or maintained at a licensed premise will be subject to the requirements of the Animal Protection Act as well as this Chapter.

The Department is proposing to amend Rule 40-13-13-.04 to clarify that licensees will be accountable for all outstanding violations of the Act and this Chapter regardless of whether the license is subsequently voluntarily surrendered, relinquished, or cancelled. Likewise, all pending stop orders or quarantines issued against a facility will remain unless and until released by the Department, regardless of licensing status.

A proposed amendment to Rule 40-13-13-.07 entitled “Exemptions” would provide that the Rule applies to any person who sells, offers to sell, exchanges, or offers animals for adoption.

COMMENT PERIOD AND ADDITIONAL INFORMATION:

The Department will be accepting written comments from March 29, 2019, to close of business (4:30 p.m. EST) on April 29, 2019. Comments will be considered on April 30, 2019. Please submit written comments to:

Mark Murrah
Companion Animal and Equine Section
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive
Atlanta, Georgia 30334
Telephone Number: (404) 656-3713

Interested persons may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and the proposed rules may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.