

House Bill 1450

By: Representatives Rich of the 97th, Tankersley of the 160th, Camp of the 131st, Hagan of the 156th, Oliver of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs,
2 so as to provide protections for dogs kept outdoors; to provide a short title; to provide for
3 definitions; to provide for standards of care; to provide for exceptions; to provide for
4 penalties; to provide for preemption; to provide an effective date; 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 Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dogs, is amended
9 by adding a new article to read as follows:

10 "ARTICLE 3

11 4-8-40.

12 This article shall be known and may be cited as the 'Georgia Safe Outdoor Dog Act.'

13 4-8-41.

14 As used in this article, the term:

15 (1) 'Adequate food' means unspoiled food regularly provided to and accessible to a dog
16 and of a sufficient an amount to prevent a dog's starvation or a significant risk to a dog's
17 health due to malnutrition.

18 (2) 'Adequate shelter' means a sturdy, waterproof structure for a dog that:

19 (A) Is fully enclosed by walls, a roof, and a floor that provide protection from
20 inclement weather and allows a dog to maintain a healthy body temperature;

21 (B) Has an entrance; and

22 (C) Has dimensions that allow a dog, while in such shelter, to stand erect, sit, turn
23 around, and lie down in a normal position.

24 (3) 'Adequate water' means potable water which is accessible to a dog at all times and
25 of a sufficient amount to prevent a dog's dehydration or a significant risk to a dog's health
26 from dehydration.

27 (4) 'Collar' means a band of a material specifically designed to be placed around the neck
28 of a dog.

29 (5) 'Harness' means a set of straps constructed of nylon, leather, or similar material
30 specifically designed to restrain or control the movement of a dog.

31 (6) 'Inclement weather' means rain, hail, sleet, snow, high winds, extreme low
32 temperatures, extreme high temperatures, or other climate events detrimental to a dog's
33 health and well being.

34 (7) 'Owner' means a person who intentionally exercises custody, possession, control, or
35 ownership of a dog, whether temporarily or permanently.

36 (8) 'Properly fitted' means that a collar or harness:

37 (A) Is appropriately sized for the dog based on the dog's measurements and body
38 weight;

39 (B) Does not choke the dog or impede the dog's normal breathing or swallowing; and

40 (C) Does not cause pain or injury to the dog.

41 (9) 'Restraint' means a chain, rope, tether, leash, cable, or other device that attaches a dog
42 to a stationary object, other animal, or trolley system.

43 4-8-42.

44 (a) It shall be unlawful for any person to leave a dog outside and unattended without
45 access to:

46 (1) Adequate shelter;

47 (2) Adequate water;

48 (3) Adequate food;

49 (4) An area that allows the dog to avoid standing water and exposure to excess animal
50 waste and is of sufficient size for the animal to move around normally and exercise; and

51 (5) Shade, whether by natural or artificial means, from direct sunlight that is separate
52 from the shelter.

53 (b)(1) It shall be unlawful for any person to leave a dog outside and unattended while
54 attached to a restraint unless the restraint does not restrict the dog's normal range of
55 movement to less than the greater of:

56 (A) Five times the length of the dog, as measured from the tip of the dog's nose to the
57 base of the dog's tail; or

58 (B) Ten feet.

59 (2) The calculation of the range of movement pursuant to paragraph (1) of this
60 subsection shall take into consideration the length of the restraint; the height at which the
61 restraint is attached to an object; any tangling, wrapping, or other shortening of the useful
62 length of the restraint; any obstacles within the range of movement; and any other
63 circumstances reducing the dog's range of movement.

64 (c) It shall be unlawful for any person to affix a restraint to a dog at any time unless the
65 restraint:

- 66 (1) Is not a chain;
67 (2) Does not have weights attached to it;
68 (3) Is not unreasonably heavy for the size of the dog;
69 (4) Is not attached to a choke, pinch, prong, or similar type of collar; and
70 (5) Is attached to a collar or harness that is properly fitted.
71 (d) It shall be unlawful for an owner of a dog to fail to keep and restrain the dog in
72 compliance with this Code section at all times.

73 4-8-43.

- 74 (a) The standards of care set forth in Code Section 4-8-42 shall not apply to:
75 (1) The use of a restraint on a dog in a public camping or recreational area in compliance
76 with the requirements of the public camping or recreational area as provided by
77 applicable federal, state, or local law or regulation;
78 (2) The use of a restraint on a dog while the owner and dog engage in, or actively train
79 for, an activity conducted under a valid license issued by this state, provided that the
80 activity is associated with the use or presence of a dog;
81 (3) The use of a restraint on a dog while the owner and dog engage in conduct directly
82 related to the business of shepherding or herding cattle or livestock;
83 (4) The use of a restraint on a dog while the owner and dog engage in conduct directly
84 related to the business of cultivating agricultural products;
85 (5) A dog restrained while the owner and dog are engaged in, or actively training for,
86 hunting or field trials;
87 (6) A dog left unattended in an open-air truck bed for only the time reasonably necessary
88 for the owner to complete a temporary task that requires the dog to be left unattended in
89 the truck bed; provided, however, that any restraint used in such situation shall either be
90 short enough to prevent the dog from partially or wholly exiting the truck bed or long

91 enough that the entire weight of the dog can be born on its feet on the ground outside of
92 the truck bed; or

93 (7) A dog taken by the owner, or another person with the owner's permission, from the
94 owner's residence or property and restrained by the owner or the other person for not longer
95 than the time necessary for the owner to engage in an activity that requires the dog to be
96 temporarily restrained.

97 (b) The standards of care set forth in Code Section 4-8-42 shall not apply to a restraint
98 attached to a trolley system that allows a dog to move along a running line for a distance
99 equal to or greater than the lengths specified under subsection (b) of Code section 4-8-42.

100 (c) Nothing in this article shall prohibit a person from restraining a dog with a handheld
101 leash or a leash attached to a belt worn by a person while walking or otherwise actively
102 attending the dog.

103 4-8-44.

104 (a) A person commits an offense when the person knowingly violates any provision of
105 Code Section 4-8-42. For each dog regarding which a person knowingly violates a
106 provision of Code Section 4-8-42, such person shall be deemed to have committed a
107 separate offense. All offenses with which a person is charged in a single incident shall each
108 constitute a single infraction for purposes of determining the application of the appropriate
109 penalty or penalties pursuant to subsection (b) of this Code section.

110 (b) A person who commits one or more offenses under Code Section 4-8-42 is subject to
111 the following penalties:

112 (1) The first infraction shall result in a civil penalty not to exceed \$50.00 per offense,
113 provided, however, that a correction warning requiring correction of the offense or
114 offenses by the owner or other person in violation of Code Section 4-8-42 within seven
115 days after the date of the warning shall be issued in lieu of a civil penalty for each offense

116 constituting such infraction unless any offense poses an imminent risk to the health or
117 safety of the dog or the dog has been physically injured as a result of any offense;

118 (2) A second infraction shall result in a civil penalty not to exceed \$125.00 per offense;
119 and

120 (3) A third or subsequent infraction shall result in a civil penalty not to exceed \$250.00
121 per offense.

122 (c) If any offense poses an imminent risk to the health or safety of a dog or any dog has
123 been physically injured as a result of any offense, the enforcing officer, as identified in
124 subsection (d) of this Code section, is authorized to impound the dog in addition to
125 assessing any civil penalty.

126 (d) An animal control officer who is an employee of a state or local government or any
127 sheriff, deputy sheriff, or other peace officer is authorized to enforce Code Section 4-8-42.

128 (e) If conduct constituting an offense under this Code section also constitutes an offense
129 under any other law, the offender may be prosecuted under this Code section, the other law,
130 or both.

131 4-8-45.

132 This article shall not preempt any ordinance or resolution of a county, municipality, or
133 consolidated government relating to the restraint of a dog if the ordinance or resolution:

134 (1) Is consistent with and at least as stringent as this article; or

135 (2) Relates to an issue not specifically addressed by this article."

136 **SECTION 2.**

137 This Act shall become effective on January 1, 2023.

138 **SECTION 3.**

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