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ANIMALS Offenses Against Public Health and Morals: Authorize the Governor to Issue a Call for a Special Session of the General Assembly in the Event of a Bioterrorist Attack or Other Public Health Emergency Prior to Declaring a State of Emergency; Provide for Due Process Procedures Related to Quarantine and Vaccination Programs in a Public Health Emergency; Authorize the Department of Human Resources to Promulgate Rules and Regulations for the Management of a Public Health Emergency; Provide Reporting Requirements for Bioterrorism and Other Conditions that Pose a Substantial Risk of a Public

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ANIMALS

Offenses Against Public Health and Morals: Authorize the Governor to Issue a Call for a Special Session of the General Assembly in the Event of a Bioterrorist Attack or Other Public Health Emergency Prior to Declaring a State of Emergency; Provide for Due Process Procedures Related to Quarantine and Vaccination Programs in a Public Health Emergency; Authorize the Department of Human Resources to Promulgate Rules and Regulations for the Management of a Public Health Emergency; Provide Reporting Requirements for Bioterrorism and Other Conditions that Pose a Substantial Risk of a Public Health Emergency; Change the Emergency Powers of the Governor Regarding Firearms During an Emergency

CODE SECTIONS: O.C.G.A. §§ 4-4-6, 4-10-7.3 (new), 4-10-12 (amended), 4-11-9.7, 31-12-1.1 (new), 31-12-2 (amended), 31-12-2.1 (new), 31-12-3, -4, 35-1-8, 38-3-3, -51, 50-13-4 (amended)

BILL NUMBER: SB 385

ACT NUMBER: 973

GEORGIA LAWS: 2002 Ga. Laws 1386

SUMMARY: The Act allows the Governor to declare a state of emergency in the event of a terrorist attack with biological weapons or other public health emergency. Such a declaration would trigger a comprehensive response plan, to be developed by the Division of Public

Health of the Department of Human Resources for containing the spread of disease. The Act provides for due process procedures in the event of any quarantine or vaccination program. It also authorizes the Commissioners of Agriculture and of the Department of Human Resources to mandate the reporting of certain diseases or unusual illnesses.

EFFECTIVE DATE: May 16, 2002

History

The bill was developed in response to the terrorist attacks of September 11, 2001, as well as the experiences of public health officials in responding to anthrax attacks and hoaxes around the nation.¹ These events demonstrated the need for states to develop comprehensive response plans in the event of future terrorist attacks.² Georgia Governor Roy Barnes organized a Homeland Security Task Force to consider long-term planning and preparedness for dealing with the threat of terrorism.³ Additionally, the Governor's floor leaders introduced legislation to give the State Public Health Director power to prepare for and respond to any threats of bioterrorism.⁴

After careful review of then-existing Georgia law, the Governor's office developed SB 385 in consultation with state and federal officials.⁵ Senator Steve Thompson of the 33rd District, the Governor's floor leader, as well as Senator Connie Stokes of the 43rd District, Assistant Floor Leader and Chairman of the Health and Human Services Committee, led the efforts to pass the bill.⁶

1. Interview with Angela K. McGowan, Division of Public Health, Georgia Department of Human Resources (May 29, 2002) [hereinafter McGowan Interview].

2. *Id.*

3. Remarks Prepared for Delivery, Gov. Roy Barnes, Homeland Security Press Conference, Jan. 17, 2002, available at http://www.gagovernor.org/2002_Initiatives/homeland.html (last visited May 21, 2002).

4. *Id.*; Interview with Sen. Steve Thompson, Senate District No. 33, (May 29, 2002) [hereinafter Thompson Interview].

5. McGowan Interview, *supra* note 1.

6. Thompson Interview, *supra* note 4.

Senator Thompson attended an executive committee meeting at the National Conference of State Legislatures after September 11, 2001 where federal officials discussed the need for states to develop emergency response plans to possible bioterrorist attacks.⁷ Senator Thompson returned to Georgia with a deep commitment to updating Georgia law to ensure that public health agencies could communicate well with law enforcement and other public service agencies in the event of such an attack or health threat.⁸ While Georgia had updated its emergency response laws in 1996 in preparation for the Olympics, those laws focused primarily on the police and public services.⁹ SB 385 included the Department of Human Resources and local health services in the planning for potential public health emergencies.¹⁰ Senator Thompson believed these issues were especially important to Georgia with the Centers for Disease Control and Prevention (CDC) headquartered in Atlanta.¹¹

Senator Stokes reviewed model state bills and also approached Governor Barnes about her concern that Georgia be prepared in the event of a bioterrorist attack.¹² While the federal government developed the Model State Emergency Health Powers Act, Georgia chose not to adopt this legislation, and instead focused on revising its pre-existing laws.¹³

The bill was intended to allow the Governor to declare a state of emergency in the event of a terrorist attack with biological weapons or any other public health emergency.¹⁴ Such a declaration would trigger a set of plans developed to contain the spread of disease.¹⁵ The bill revised state law that already allowed the Department of Human Resources (DHR) to call for mandatory quarantines and compulsory vaccinations.¹⁶ It required that the Department of Human Resources (DHR) and other state agencies coordinate a plan for

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. Thompson Interview, *supra* note 4.

13. McGowan Interview, *supra* note 1.

14. Yolanda Rodriguez, *House Passes Bill Updating Emergency Powers Law*, ATLANTA J. CONST., Apr. 4, 2002, at C-4; Duane D. Stanford, *Governor Seeks New Powers to Handle Bioterrorism*, ATLANTA J. CONST., Jan. 18, 2002, at D-4.

15. Duane D. Stanford, *Governor Seeks New Powers to Handle Bioterrorism*, ATLANTA J. CONST., Jan. 18, 2002, at D-4.

16. *Id.*

responding to a public health emergency and that DHR set up a comprehensive plan through a public rules and regulations process.¹⁷ The Georgia DHR wanted to make sure it could receive widespread input from interested parties, including the public and medical providers.¹⁸

Although the bill was a bipartisan effort, opponents, such as the American Civil Liberties Union (ACLU), voiced concerns about infringements on civil liberties.¹⁹ For example, the ACLU was concerned that mass quarantines and vaccinations could occur without ensuring basic due process rights, such as placing the burden of proof on the state, requiring clear standards of proof, providing the right to examine witnesses, ensuring the right to counsel, and ensuring appeal rights.²⁰ The ACLU also wanted to ensure that there were adequate protections for persons with religious or health objections.²¹ The Legal Director for the ACLU of Georgia, Gerald Weber, pointed out that these issues needed to be resolved legislatively rather than by a constitutional lawsuit in the midst of a bioterrorism emergency.²² Weber noted that the amendments significantly improved the due process protections for persons subject to mass quarantine or vaccination.²³

The bill, known as the "Bioterrorism Bill," received media attention when Governor Barnes first announced the effort to prepare for the possibility of a bioterrorist attack.²⁴ Ironically, the most controversial provisions, including limitations on firearms and mandatory vaccinations and quarantines, came from already-existing Georgia law.²⁵

17. McGowan Interview, *supra* note 1.

18. *Id.*

19. *Bioterrorism Bill Incites Citizens Groups*, FULTON COUNTY DAILY REP., Feb. 15, 2002; Interview with Gerald Weber, Legal Director, ACLU of Georgia (June 27, 2002) [hereinafter Weber Interview].

20. Weber Interview, *supra* note 19.

21. *Id.*

22. *Id.*

23. *Id.*

24. Brian Basinger, *Barnes Bioterror Bill at Issue: Measure Clarifies Response to Attack*, THE FLORIDA TIMES-UNION (Georgia Ed.), Mar. 5, 2002, at B-1; Duane D. Stanford, *Governor Seeks New Powers to Handle Bioterrorism*, ATLANTA J. CONST., Jan. 18, 2002, at D-4.

25. Brian Basinger, *Barnes Bioterror Bill at Issue: Measure Clarifies Response to Attack*, THE FLORIDA TIMES-UNION (Georgia Ed.), Mar. 5, 2002, at B-1.

*SB 385**Introduction*

Senators Steve Thompson, Connie Stokes, and Charlie Tanksley, of the 33rd, 43rd, and 32nd Districts, respectively, sponsored SB 385.²⁶ Senator Thompson introduced the bill on the Senate floor on February 1, 2002.²⁷ The Senate assigned the bill to its Judiciary Committee, which favorably reported the bill, as substituted, on February 11, 2002.²⁸ The Senate adopted the Committee substitute, adopted a floor substitute, and two floor amendments, and passed the bill on February 18, 2002.²⁹

The House assigned SB 385 to its Judiciary Committee, which created its own substitute, and favorably reported the bill on April 1, 2002.³⁰ The House adopted the Committee substitute, adopted two floor amendments, and passed the bill on April 3, 2002.³¹ The Senate agreed to the House substitute and floor amendments on April 12, 2002.³² The General Assembly forwarded the bill to Governor Roy Barnes, who signed SB 385 into law on May 16, 2002.³³

Consideration by the Senate Judiciary Committee

After introduction, the Senate assigned the bill to its Judiciary Committee.³⁴ The Judiciary Committee favorably reported the bill, as substituted, on February 11, 2002.³⁵ The Committee added four new sections to the bill, all dealing with Title 4 of the Georgia Code, relating to animals and the authority of the Commissioner of Agriculture.³⁶ New Code section 4-4-6 added a requirement for the reporting of certain animal diseases and ensuring the confidentiality

26. SB 385, as introduced, 2002 Ga. Gen. Assem.

27. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

28. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

29. Georgia Senate Voting Record, SB 385 (Feb. 18, 2002); State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

30. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

31. Georgia House of Representatives Voting Record, SB 385 (Apr. 3, 2002); State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

32. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

33. 2002 Ga. Laws 1386, §11, at 1386.

34. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

35. *Id.*

36. Compare SB 385, as introduced, 2002 Ga. Gen. Assem., with SB 385 (SCS), 2002 Ga. Gen. Assem.

of those reports unless they are in statistical form.³⁷ New Code section 4-10-7.3 amended Chapter 10, Title 4 of the Georgia Code, again requiring the reporting of certain animal diseases and the confidentiality of those reports.³⁸ The substitute also amended the “Bird Dealers Licensing Act,” codified in Georgia Code Section 4-10-12, by broadening the scope of violations considered to be a misdemeanor.³⁹ Finally, the Committee substitute amended the “Georgia Animal Protection Act” by adding a new Code section, 4-11-9.7, which requires the reporting of certain animal diseases and the confidentiality of those reports.⁴⁰

The Senate Judiciary Committee also amended Section 8 of the bill, which added Code Section 31-12-2.1.⁴¹ The Committee substitute added the Georgia Department of Agriculture to the list of agencies with whom the DHR must consult in developing rules and regulations for the management of a public health emergency.⁴²

Consideration by the Senate

The Senate passed SB 385, as substituted, with an additional floor substitute, and two floor amendments on February 18, 2002.⁴³ The floor substitute further defined a “Public Health Emergency.”⁴⁴ The floor substitute also amended Section 9 of the bill relating to the power to require immunizations.⁴⁵ The substitute provided that the DHR must promulgate appropriate rules and regulations in the event of a declaration of a public health emergency.⁴⁶ The substitute also provided an opt-out provision for persons who object to receiving immunizations based on religious beliefs.⁴⁷

Senator J. Phillip Gingrey of the 37th District inserted a controversial amendment that had not been part of the deal worked

37. SB 385 (SCS), 2002 Ga. Gen. Assem.

38. *Id.*

39. *Id.*

40. *Id.*

41. *Compare* SB 385, as introduced, 2002 Ga. Gen. Assem., *with* SB 385 (SCS), 2002 Ga. Gen. Assem.

42. SB 385 (SCS), 2002 Ga. Gen. Assem.

43. Georgia Senate Voting Record, SB 385 (Feb. 18, 2002); State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

44. *Compare* SB 385 (SCS), 2002 Ga. Gen. Assem., *with* SB 385 (SCSFS), 2002 Ga. Gen. Assem.

45. *Id.*

46. *Id.*

47. *Id.*

out in the bipartisan effort to introduce and pass the bill.⁴⁸ Concerned about the language in the pre-existing code, which provided that the state could “suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles,” Senator Gingrey introduced an amendment to strike the word “firearms” from the law.⁴⁹ The amendment passed, but was later changed in the House version.⁵⁰

Senators Mike Beatty of the 47th District, Eric Johnson of the 1st District, Bill Hamrick of the 30th District, and others offered an amendment to provide for an automatic special session of the General Assembly should the Governor declare a public health emergency so that the General Assembly could approve or terminate the state of emergency.⁵¹ The amendment passed.⁵²

Consideration by the House Judiciary Committee

After introduction, the House assigned the bill to its Judiciary Committee.⁵³ The Committee favorably reported SB 385, as substituted, on April 1, 2002.⁵⁴ The House Judiciary Committee added language to require that the Governor first issue a call for a special session of the General Assembly before declaring a state of emergency.⁵⁵ The House Judiciary Committee also deleted the section of the bill that would have added new Code section 4-1-7, requiring every veterinarian, livestock owner, or animal caretaker to report any animal having or suspected of having a disease that may be caused by bioterrorism, epidemic, or pandemic disease.⁵⁶

The House Judiciary Committee broadened the language under Code Section 4-10-12 regarding violations that constitute

48. Compare SB 385 (SCS), 2002 Ga. Gen. Assem., with SB 385 (SCSFA), 2002 Ga. Gen. Assem.; Thompson Interview, *supra* note 4.

49. Audio Recording of Senate Proceedings, Feb. 1, 2002, at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter Senate Audio].

50. Compare SB 385 (SCSFA), 2002 Ga. Gen. Assem., with SB 385 (HCS), 2002 Ga. Gen. Assem.

51. Compare SB 385 (SCS), 2002 Ga. Gen. Assem., with SB 385 (SCSFA), 2002 Ga. Gen. Assem.

52. Senate Audio, *supra* note 49.

53. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

54. *Id.*

55. Compare SB 385 (SCSFA), 2002 Ga. Gen. Assem., with SB 385 (HCS), 2002 Ga. Gen. Assem.

56. *Id.*

misdeemeanors.⁵⁷ It also expanded the definition of “bioterrorism” and amended the definition of “public health emergency.”⁵⁸

The Judiciary House Committee added a provision to permit the DHR to consider the opinion of a person’s personal physician in determining whether a vaccination is medically appropriate.⁵⁹ The House Judiciary Committee also amended the provision dealing with selling and transporting firearms and alcohol, which had been changed by Senator Gingrey’s Senate Floor Amendment.⁶⁰ The House Judiciary Committee re-inserted the word “firearms,” but added a new provision to clarify that any limitation on transporting firearms would not include a privately-owned firearm that was legally obtained prior to the declaration of the state of emergency.⁶¹

The House Judiciary Committee also added a significant new subsection dealing with the emergency powers of the Governor.⁶² It provided for due process procedures for any quarantines or vaccination programs instituted during a public health emergency.⁶³ The provision included an appeals process available within twenty-four hours of any order.⁶⁴

Consideration by the House

The House passed SB 385, as substituted, with two floor amendments on April 3, 2002.⁶⁵ The floor amendments added a requirement that the rules and regulations promulgated by the DHR for managing a public health emergency be reviewed by a committee of the House and Senate.⁶⁶ The floor amendments further revised the language dealing with firearms to make it clear that private citizens were protected if they acquired the guns in compliance with all applicable state and federal laws.⁶⁷

57. *Id.*

58. *Id.*

59. *Id.*

60. *Id.*

61. *Compare* SB 385 (SCSFA), 2002 Ga. Gen. Assem., *with* SB 385 (HCS), 2002 Ga. Gen. Assem.

62. *Id.*

63. *Id.*

64. *Id.*

65. Georgia House of Representatives Voting Record, SB 385 (Apr. 3, 2002); State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002; Audio Recording of House Proceedings, Apr. 3, 2002, at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter House Audio].

66. *Compare* SB 385 (HSC), 2002 Ga. Gen. Assem., *with* SB 385 (HCSFA), 2002 Ga. Gen. Assem.

67. *Compare* SB 385 (HSC), 2002 Ga. Gen. Assem., *with* SB 385 (HCSFA), 2002 Ga. Gen. Assem.

Senate Approval

The Senate agreed to the House substitute and floor amendments on February 12, 2002, and Governor Roy Barnes signed the bill into law on May 16, 2002.⁶⁸

*The Act**Code Section 4-4-6*

The Act adds a new Code section authorizing the Commissioner of Agriculture to declare that certain animal diseases must be reported.⁶⁹ The reports and data are deemed confidential unless released in statistical format for research purposes.⁷⁰

Code Section 4-10-7.3

The Act adds language to the “Bird Dealers Licensing Act” authorizing the Commissioner of Agriculture to declare that certain animal diseases must be reported.⁷¹ The reports and data are deemed confidential unless released in statistical format for research purposes.⁷²

Code Section 4-10-12

The Act amends Code section 4-10-12 to broaden the language regarding violations that will be deemed a misdemeanor.⁷³

Code Section 4-11-9.7

The Act adds new language to the “Georgia Animal Protection Act” authorizing the Commissioner of Agriculture to declare that

68. State of Georgia Final Composite Status Sheet, SB 385, Apr. 12, 2002.

69. O.C.G.A. § 4-4-6 (Supp. 2002).

70. *Id.*

71. O.C.G.A. § 4-10-7.3 (Supp. 2002).

72. *Id.*

73. Compare 1981 Ga. Laws 125, § 4, at 511 (formerly found at O.C.G.A. § 4-10-12 (2000)), with O.C.G.A. § 4-10-12 (Supp. 2002).

certain animal diseases must be reported.⁷⁴ The reports and data are deemed confidential unless released in statistical format for research purposes.⁷⁵

Code Section 31-12-1.1

The Act adds language defining the terms “bioterrorism” and “public health emergency.”⁷⁶ It provides that “bioterrorism” means the intentional creation or use of any microorganism, virus, infectious substance, or any component thereof, whether naturally occurring or bioengineered, to cause death, illness, disease, or other biological malfunction in a human, animal, plant, or other living organism in order improperly or illegally to influence the conduct of government, to interfere with or disrupt commerce, or to intimidate or coerce a civilian population.⁷⁷ The new language defines “public health emergency” as the occurrence or imminent threat of an illness or health condition that is reasonably believed to be caused by bioterrorism or the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin and poses a high probability of any of the following harms: (A) A large number of deaths in the affected population; (B) A large number of serious or long-term disabilities in the affected population; or (C) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to a large number of people in the affected population.⁷⁸

Code Section 31-12-2

The Act amends Code section 31-12-2 to authorize the Department of Human Resources to declare that certain diseases, injuries, and conditions must be reported.⁷⁹ The reports and data are deemed confidential unless released in statistical format for research purposes.⁸⁰ Healthcare providers, coroners, and medical examiners

74. O.C.G.A. § 4-11-9.7 (Supp. 2002).

75. *Id.*

76. O.C.G.A. § 31-12-1.1 (Supp. 2002).

77. *Id.*

78. *Id.*

79. Compare 1982 Ga. Laws 1337, § 2, at 1078-79 (formerly found at O.C.G.A. § 31-12-2 (2000)), with O.C.G.A. § 31-12-2 (Supp. 2002).

80. *Id.*

must report cases of persons harboring any illness that may be caused by bioterrorism, epidemic, or pandemic disease.⁸¹ Pharmacists must report unusual or increased prescription rates or trends in pharmacy visits that may reasonably be believed to be caused by bioterrorism, epidemic, or pandemic disease.⁸² The section also provides that the DHR must report cases of unusual illness, death, or cluster events that it reasonably believes has the potential to be caused by bioterrorism to the Department of Public Safety and other appropriate safety authorities.⁸³

Code Section 31-12-2.1

The Act requires the Department of Human Resources to ascertain the existence of, investigate, and provide control measures for any illness that may be caused by bioterrorism, epidemic, or pandemic disease.⁸⁴ The DHR must promulgate rules and regulations for the management of any public health emergency.⁸⁵ It must also prepare a public health emergency plan and draft executive orders for the declaration of such an emergency.⁸⁶ In preparing this plan, the DHR must consult with the Georgia Emergency Management Agency, the Federal Emergency Management Agency, the Georgia Department of Public Safety, the Georgia Department of Agriculture, and the federal Centers for Disease Control and Prevention.⁸⁷

Code Section 31-12-3

The Act amends the provisions relating to immunization, permitting consideration of the opinion of a person's personal physician and allowing a person to object on religious grounds, except in cases of epidemic.⁸⁸ The Act also requires the DHR to promulgate appropriate rules and regulations.⁸⁹

81. *Id.*

82. *Id.*

83. *Id.*

84. O.C.G.A. § 31-12-2.1 (Supp. 2002).

85. *Id.*

86. *Id.*

87. *Id.*

88. *Compare* 1964 Ga. Laws 88, § 1203, at 564 (formerly found at O.C.G.A. § 31-12-3 (2000)), *with* O.C.G.A. § 31-12-3 (Supp. 2002).

89. *Id.*

Code Section 31-12-4

The Act amends the provisions relating to quarantine, requiring the DHR to promulgate appropriate rules and regulations.⁹⁰

Code Section 35-1-8

The Act adds new subsection (d) to Code section 35-1-8, which requires law enforcement officers and agencies to report cases of unusual illness, health condition, or death, or unusual cluster events to the DHR and the appropriate county board of health.⁹¹

Code Section 38-3-3

The Act amends Code section 38-3-3, adding the definitions of “bioterrorism” and “public health emergency.”⁹²

Code Section 38-3-51

The Act changes Code section 38-3-51, authorizing the Governor to declare a state of emergency in the event of a disaster of natural or human origin, an enemy attack, or a public health emergency.⁹³ However, prior to declaring such an emergency, the Governor must issue a call for a special session of the General Assembly.⁹⁴ The General Assembly may concur with or terminate the public health emergency.⁹⁵

90. Compare 1964 Ga. Laws 88, § 1204, at 564 (formerly found at O.C.G.A. § 31-12-4 (2000)), with O.C.G.A. § 31-12-4 (Supp. 2002).

91. See O.C.G.A. § 35-1-8(d) (Supp. 2002).

92. Compare 1977 Ga. Laws 73, § 1, at 192-93 (formerly found at O.C.G.A. § 38-3-3 (2000)), with O.C.G.A. § 38-3-3 (Supp. 2002); compare 1999 Ga. Laws 287, § 1, at 372-73 (formerly found at O.C.G.A. § 38-3-3 (2000)), with O.C.G.A. § 38-3-3 (Supp. 2002).

93. Compare 1975 Ga. Laws 720, § 7(a), at 1552 (formerly found at O.C.G.A. § 38-3-51(a) (2000)), with O.C.G.A. § 38-3-51 (2002).

94. *Id.*

95. *Id.*

The Act amends Code section 38-3-51 to allow the Governor to compel a healthcare facility to provide services during a public health emergency.⁹⁶ It also allows for the suspension or limitation of the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.⁹⁷ However, the Governor may not put any limitation on individual firearms owned by a private citizen that were legally owned prior to the declaration of the state of emergency.⁹⁸

The Act permits the Governor to direct the DHR to coordinate all matters pertaining to the response to a public health emergency, such as planning for response and recovery, coordinating emergency responses between state and local authorities, collaborating with federal officials, and organizing public information activities.⁹⁹ The Act also provides for due process procedures in the event of any quarantine or vaccination program.¹⁰⁰

Code Section 50-13-4

The Act amends the “Georgia Administrative Procedure Act” to provide that, in case a rule must be adopted with fewer than thirty-days notice, the rule must be reviewed by a committee of both the House and Senate.¹⁰¹

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96. O.C.G.A. § 38-3-51(d)(4.1) (Supp. 2002).

97. Compare 1975 Ga. Laws 720, § 7(c)(5)(h), at 1554 (formerly found at O.C.G.A. § 38-3-51(d)(8) (2000)), with O.C.G.A. § 38-3-51 (Supp. 2002).

98. *Id.*

99. Compare 1977 Ga. Laws 73, § 3, at 195 (formerly found at O.C.G.A. § 38-3-51(i) (2000)), with O.C.G.A. § 38-3-51 (Supp. 2002).

100. *Id.*

101. Compare 1978 Ga. Laws 1223, § 2(b), at 1438 (formerly found at O.C.G.A. § 50-13-4(b) (2000)), with O.C.G.A. § 50-13-4 (Supp. 2002).