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ANIMALS Disposal of Diseased, Disabled, or Dead Animals: Change Certain Provision of the Dead Animal Disposal Act To Authorize Additional Methods for the Disposal of Dead Animals; Repeal Certain Provisions Relating to Carcasses That Are Burned

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ANIMALS

*Disposal of Diseased, Disabled, or Dead Animals: Change
Certain Provisions of the Dead Animal Disposal Act To
Authorize Additional Methods for the Disposal of Dead
Animals; Repeal Certain Provisions Relating to Carcasses
That Are Burned*

CODE SECTION: O.C.G.A. § 4-5-5 (amended)
BILL NUMBER: HB 1138
ACT NUMBER: 811
GEORGIA LAWS: 2000 Ga. Laws 1297
SUMMARY: The Act, known as the “Dead Animal Disposal Act,” changes the Georgia Code concerning the disposal of dead animals to allow for additional methods of disposal. The Act also provides for the use of an unlisted disposal method which may use future technology that has been approved by the Commissioner of Agriculture. Finally, the Act repeals the prior requirement that burning carcasses must be attended during the entire burning process.
EFFECTIVE DATE: July 1, 2000

History

HB 1138 was initiated by the Department of Agriculture.¹ Historically, the Georgia Code only allowed disposal of dead animals by burning, burial, or rendering.² Bobby Harris of the Department of Agriculture voiced the desire to build greater flexibility into the current law by allowing the Commissioner of Agriculture to approve any new methods of animal disposal as they developed, rather than be limited to only three methods of

1. See Telephone Interview with Bobby Harris, Department of Agriculture (July 7, 2000) [hereinafter Harris Interview]; see also Telephone Interview with Rep. Ann R. Purcell, House District No. 147 (June 21, 2000) [hereinafter Purcell Interview].

2. See 1989 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)).

disposal.³ This process would allow the Commissioner to approve the latest technologies in animal disposal quickly without requiring a new bill to fight its way through the legislative process.⁴ This change would also allow for methods other than burning or incineration to be used when necessary.⁵ One example, mentioned by Representative Purcell, responsible in part for pushing the bill to passage, was disposal of dead chickens by feeding them to alligators on South Georgia's alligator farms.⁶ Such a method is clearly good for the environment, and it even helps the alligator farmers provide their consumers with more valuable, scar-free hides.⁷

However, Representative Purcell stated that the key change in the new bill was the inclusion of the word "incineration" as a method of disposal.⁸ Incineration differs from burning because the process is completely contained in an incinerator which causes less harm to the environment and requires less supervision.⁹ Nevertheless, the burning method of disposal was left in the new bill to accommodate situations in which an incinerator was not readily available.¹⁰ For example, farmers often have dead livestock or animals which can readily be disposed by burning on the farm.¹¹ Additionally, leaving such language in the bill allows for emergency situations such as the 1994 hurricane in which many animals died and needed to be disposed immediately by burning.¹²

Overall, HB 1138 is merely a housekeeping bill that allows the law to keep up with current trends in technology.¹³

HB 1138

Upon introduction, the House assigned the bill to its Agriculture & Consumer Affairs Committee, which offered a

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3. See Harris Interview, *supra* note 1.
 4. See *id.*; Purcell Interview, *supra* note 1.
 5. See Purcell Interview, *supra* note 1.
 6. See *id.*
 7. See *id.*
 8. See *id.*
 9. See *id.*
 10. See Harris Interview, *supra* note 1; Purcell Interview, *supra* note 1.
 11. See Purcell Interview, *supra* note 1.
 12. See Harris Interview, *supra* note 1.
 13. See *id.*; Purcell Interview, *supra* note 1.

substitute that allowed both burning and incineration as possible methods of disposal, instead of replacing burning with incineration.¹⁴ The Committee favorably reported the bill on January 24, 2000, and the House passed HB 1138 by unanimous vote on January 25, 2000.¹⁵

The Senate Agriculture Committee favorably reported the bill without change on February 14, 2000.¹⁶ The Senate passed the bill on February 22, 2000.¹⁷ Governor Roy Barnes signed the bill into law on May 1, 2000.¹⁸

The Act

The Act amends Code section 4-5-5 regarding the approved methods for disposal of dead animals and repeals certain provisions relating to the burning of carcasses.¹⁹ The Act adds incineration to the allowed methods for disposal of dead animals.²⁰ In addition, the Act provides for the use of any method of disposal approved by the Commissioner of Agriculture, for example, feeding dead chickens to alligators on alligator farms.²¹ This approval process allows the Commissioner to readily put into use any new disposal technology.²² Finally, the Act repeals the prior requirement that burning carcasses must be attended until the process is

14. Compare HB 1138, as introduced, 2000 Ga. Gen. Assem., with HB 1138 (HCS), 2000 Ga. Gen. Assem.

15. See Georgia House of Representatives Voting Record, HB 1138 (Jan. 25, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

16. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

17. See Georgia Senate Voting Record, HB 1138 (Feb. 22, 2000).

18. See 2000 Ga. Laws 1297, § 2, at 1298.

19. Compare 1989 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)), with O.C.G.A. § 4-5-5 (Supp. 2000).

20. Compare 1989 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)), with O.C.G.A. § 4-5-5 (Supp. 2000).

21. Compare 1989 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)), with O.C.G.A. § 4-5-5 (Supp. 2000). See Purcell Interview, *supra* note 1.

22. Compare 1989 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)), with O.C.G.A. § 4-5-5 (Supp. 2000). See Purcell Interview, *supra* note 1.

complete.²³ Because incineration is a more contained and complete process than burning, such oversight is no longer necessary.²⁴

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23. Compare 1969 Ga. Laws 1018, § 5, at 1018 (formerly found at O.C.G.A. § 4-5-5 (1995)), with O.C.G.A. § 4-5-5 (Supp. 2000).

24. See Purcell Interview, *supra* note 1.