

House Bill 1086 (AS PASSED HOUSE AND SENATE)

By: Representatives Ray of the 128th, Floyd of the 138th, Royal of the 164th and Purcell of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
2 standards, labeling, and adulteration of food, so as to provide that certain food sales
3 establishments shall post licenses on the premises in an open and conspicuous manner so as
4 to be visible to the public; to provide that neither the state nor any county, municipality, or
5 consolidated government shall issue or renew any business or occupation license or permit
6 for any food sales establishment until the food sales establishment complies with certain
7 requirements; to change certain definitions relating to milk and milk food products; to adopt
8 certain standards and requirements relating to milk and milk food products; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
13 labeling, and adulteration of food, is amended by striking Code Section 26-2-25, relating to
14 licensing of food sales establishments, and inserting in its place the following:

15 "26-2-25.

16 It shall be unlawful for any person to operate a food sales establishment without having
17 first obtained a license from the Commissioner. No license issued under this article shall
18 be suspended or revoked except for health and sanitation reasons or violations of this
19 article and until the licensee to be affected shall be provided with reasonable notice thereof
20 and an opportunity for hearing, as provided under Chapter 13 of Title 50, the 'Georgia
21 Administrative Procedure Act.' Licenses issued under this article shall be valid until
22 suspended or revoked and shall not be transferable with respect to persons or location.
23 There shall be no fee for such license. Each food sales establishment licensed pursuant to
24 this Code section shall post such license on the premises in an open and conspicuous
25 manner so as to be visible to the public. Neither the state nor any county, municipality, or
26 consolidated government shall issue or renew any business or occupation license or permit

1 for any food sales establishment until the establishment complies with the requirements of
 2 this article."

3 **SECTION 2.**

4 Said chapter is further amended by striking subsection (b) of Code Section 26-2-231, relating
 5 to definitions of terms used in the "Georgia Dairy Act of 1980," and inserting in its place the
 6 following:

7 "(b) Unless otherwise defined in this article, the following words shall have the meanings
 8 respectively ascribed to them in the May, ~~1999~~ 2001, Amended Version of the 'Grade A
 9 Pasteurized Milk Ordinance' Recommendations of the United States Public Health Service
 10 - Food and Drug Administration and supplements thereto:

- 11 (1) 'Raw cow's milk';
- 12 (2) 'Grade A whole milk';
- 13 (3) 'Grade A milk, pasteurized';
- 14 (4) 'Grade A skim milk';
- 15 (5) 'Grade A buttermilk';
- 16 (6) 'Grade A chocolate milk';
- 17 (7) 'Grade A modified solids milk'; and
- 18 (8) 'Pasteurization."

19 **SECTION 3.**

20 Said chapter is further amended by striking Code Section 26-2-238, relating to standards and
 21 requirements for milk and milk food products generally, and inserting in its place the
 22 following:

23 "26-2-238.

24 The standards and requirements of the May, ~~1999~~ 2001, Amended Version of the 'Grade
 25 A Pasteurized Milk Ordinance' Recommendations of the United States Public Health
 26 Service - Food and Drug Administration and supplements thereto, except as otherwise
 27 provided in this article, are expressly adopted as the standards and requirements for this
 28 state. Future changes in and supplements to said milk ordinance may be adopted by the
 29 Commissioner as a part of the standards and requirements for this state."

30 **SECTION 4.**

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