

Senate Bill 84

By: Senator Price of the 56<sup>th</sup>

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,  
2 relating to food service establishments, so as to change the definition of "food service  
3 establishment"; to exempt certain activities, functions, and events; to repeal conflicting laws;  
4 and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to  
8 food service establishments, is amended by striking Code Section 26-2-370, relating to  
9 definitions, and inserting in its place the following:

10 "26-2-370.

11 As used in this article, the term:

12 (1) 'Food service establishment' means establishments for the preparation and serving of  
13 meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either  
14 for carry out or service within the establishment. The term includes restaurants; coffee  
15 shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which  
16 retail sandwiches or salads; soda fountains; institutions, both public and private; food  
17 carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar  
18 facilities by whatever name called. Within a food service establishment, there may be a  
19 food sales component, not separately operated. This food sales component shall be  
20 considered as part of the food service establishment. This term shall not include a 'food  
21 sales establishment,' as defined in Code Section 26-2-21, except as stated in this  
22 definition. The food service component of any food sales establishment defined in Code  
23 Section 26-2-21 shall not be included in this definition. This term shall not include any  
24 outdoor recreation activity sponsored by the state, a county, a municipality, or any  
25 department or entity thereof, any outdoor public school function, or any outdoor private  
26 school function. This term also shall not mean establishments for the preparation and

1 serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible  
2 products if such preparation or serving is an authorized part of and occurs upon the site  
3 of a fair or festival which:

4 (A) Is sponsored by a political subdivision of this state or by an organization exempt  
5 from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under  
6 Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the  
7 Internal Revenue Code, as that code is defined in Code Section 48-1-2;

8 (B) Lasts 120 hours or less; and

9 (C) When sponsored by such an organization, is authorized to be conducted pursuant  
10 to a permit issued by the municipality or county in which it is conducted.

11 (2) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or  
12 association, or combination thereof."

13 **SECTION 2.**

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