

House Bill 648

By: Representatives Ray of the 108th, Purcell of the 122nd, James of the 114th, Black of the 144th, Jenkins of the 93rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to
2 provide for the regulation of certain poultry production contracts and practices related
3 thereto; to provide for remedies, enforcement, and penalties; to define certain terms; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
8 adding at the end thereof a new Chapter 22 to read as follows:

9 style="text-align:center">"CHAPTER 22

10 2-22-1.

11 As used in this chapter, the term:

12 (1) 'Active contractor' means a person who owns poultry that is produced by a contract
13 producer at the contract producer's contract operation according to a production contract.

14 (2) 'Contract producer' means a producer who holds a legal interest in a contract
15 operation and who produces poultry under a production contract at that contract
16 operation.

17 (3) 'Processor' means a person engaged in the business of manufacturing goods from
18 poultry, including by slaughtering or processing poultry.

19 (4) 'Produce poultry' or 'production of poultry' means to provide feed or services relating
20 to the care and feeding of poultry.

21 (5) 'Producer' means a person who produces poultry, including, but not limited to, a
22 contract producer. Producer does not include a feed supplier or a veterinarian when acting
23 in such capacity.

1 (6) 'Production contract' means an agreement executed by an active contractor or
2 processor that provides for the production of poultry or the provision of management
3 services relating to the production of poultry by a contract producer in this state.

4 2-22-2.

5 (a) Any production contract entered into, renewed, or amended on or after the effective
6 date of this chapter shall not be valid or binding unless:

7 (1) The producer has been afforded the opportunity to have the proposed contract
8 reviewed outside the business premises of the active contractor or processor or its agents
9 by an attorney or adviser of the producer's choosing for at least three business days prior
10 to execution;

11 (2) The contract is written in plain English; and

12 (3) The contract quotes the provisions of subsection (b) of this Code section.

13 (b)(1) The producer shall have a right to cancel a production contract until 12:00
14 Midnight of the third business day after the day on which the producer signs the contract.

15 (2) Notice of cancellation under this subsection shall be given in writing to the active
16 contractor or processor at the place of business as set forth in the production contract by
17 certified mail or statutory overnight delivery, return receipt requested, which shall be
18 posted not later than 12:00 Midnight on the third business day following execution of the
19 production contract.

20 (3) In the event of cancellation pursuant to this subsection, the producer shall refund to
21 the active contractor or processor within ten days after the cancellation any consideration
22 received by the producer from the active contractor or processor under the production
23 contract.

24 (4) Notice of cancellation given by the producer need not take any particular form and,
25 however expressed, is effective if it indicates the intention of the producer not to be
26 bound by the production contract.

27 2-22-3.

28 Any processor shall provide to any producer upon request thereby any statistical
29 information and data used to determine compensation paid to such producer under a
30 production contract, including without limitation feed conversion rates, feed analyses,
31 origination, and breeder history.

1 2-22-4.

2 Any producer or the designee thereof shall have the right to be present at the weighing of
3 poultry produced by such producer and observe the weights and measures used to
4 determine compensation due the producer under a production contract.

5 2-22-5.

6 (a) Violations of the provisions of Code Section 2-22-3 or 2-22-4 shall be subject to the
7 same civil remedies and in the same manner as provided by Part 2 of Article 15 of Chapter
8 1 of Title 10, the 'Fair Business Practices Act of 1975,' for persons whose business or
9 property has been injured or damaged as a result of an unfair or deceptive act or practice
10 in violation of subsection (a) of Code Section 10-1-393.

11 (b) The provisions of Code Section 2-22-3 or 2-22-4 may be enforced by the
12 Commissioner in the same manner as provided by Part 2 of Article 15 of Chapter 1 of Title
13 10, the 'Fair Business Practices Act of 1975,' for enforcement of the provisions of said part
14 by the administrator of consumer affairs against a person reasonably appearing to have
15 engaged in unfair or deceptive act or practice in violation of subsection (a) of Code Section
16 10-1-393, and the superior courts may grant injunctive relief and impose the same civil
17 penalties for violations of injunctions as provided in said part."

18

SECTION 2.

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