

House Bill 798 (AS PASSED HOUSE AND SENATE)

By: Representatives Morris of the 120th, Lane of the 101st, Barnard of the 121st, Post 1, and Oliver of the 121st, Post 2

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 14 of Title 2 of the Official Code of Georgia Annotated, the
2 "Vidalia Onion Act of 1986," so as to change certain provisions relating to definitions; to
3 change certain provisions relating to rules and regulations and enforcement of said article;
4 to change certain provisions relating to marketing season opening date; to change certain
5 provisions relating to standards for grades; to provide for an advisory panel; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 6 of Chapter 14 of Title 2 of the Official Code of Georgia Annotated, the "Vidalia
10 Onion Act of 1986," is amended by striking Code Section 2-14-131, relating to definitions,
11 and inserting in lieu thereof the following:

12 "2-14-131.

13 As used in this article, the term:

14 (1) 'Person' means an individual, partnership, corporation, association, or any other legal
15 entity.

16 (2) 'Shipping date' means the first day on which Vidalia onions may be shipped for sale.

17 ~~(1.1)~~(3) 'Vidalia onion' means all onions of the Vidalia onion variety grown in the
18 Vidalia onion production area.

19 ~~(1.2)~~(4) 'Vidalia Onion ~~Committee~~ Advisory Panel' means the ~~committee~~ advisory panel
20 established pursuant to ~~7 CFR part 955.20 (revised as of January 1, 1994)~~ Code Section
21 2-14-138.

22 ~~(2)~~(5) 'Vidalia onion production area' means a production area which encompasses only
23 the State of Georgia or such lesser area as may be provided for pursuant to subsection (a)
24 of Code Section 2-14-133.

25 ~~(3)~~(6) 'Vidalia onion variety' means varieties of Allium Cepa of the hybrid yellow
26 granex, granex parentage, or other similar varieties. The Commissioner may limit the

1 usage of certain varieties or authorize the inclusion of new varieties based upon
 2 recommendations of the director of the Experiment Stations of the College of
 3 Agricultural and Environmental Sciences of the University of Georgia."

4 SECTION 2.

5 Said article is further amended by striking subsection (a) of Code Section 2-14-133, relating
 6 to rules and regulations and enforcement of said article, and inserting in lieu thereof the
 7 following:

8 "(a) The Commissioner of Agriculture is authorized to prescribe rules or regulations which
 9 may include, but not necessarily be limited to, quality standards, grades, packing, handling,
 10 labeling, and marketing practices for the marketing of onions in this state, including the
 11 requirements that all Vidalia onions be initially packed only in the Vidalia onion
 12 production area and that no Vidalia onion may be shipped from the Vidalia onion
 13 production area in bulk except as may be authorized by rule, and such other regulations as
 14 are necessary to administer properly this article. The Commissioner may also prescribe
 15 rules or regulations establishing a registration, inspection, and verification program for the
 16 production and marketing of Vidalia onions in this state and, after hearing and public
 17 comment, further limiting the Vidalia onion production area as defined in paragraph ~~(2)~~ (5)
 18 of Code Section 2-14-131. Pursuant to such rules, regulations, and conditions as may be
 19 prescribed by the Commissioner, the Commissioner is authorized to grant variances in the
 20 production area requirements of this article to any producer who has produced in Georgia,
 21 marketed, and labeled onions of the Vidalia onion variety as Vidalia onions prior to
 22 January 31, 1986. Such rules or regulations may include within the definition of Vidalia
 23 onion variety as defined in paragraph ~~(3)~~ (6) of Code Section 2-14-131 other hybrids or
 24 varieties of onions which may be developed and which have characteristics similar to the
 25 Vidalia onion variety. All onions sold must conform to the prescribed standards and grades
 26 and must be labeled accordingly."

27 SECTION 3.

28 Said article is further amended by striking Code Section 2-14-136, relating to marketing
 29 season opening date, and inserting in lieu thereof the following:

30 "2-14-136.

31 The Commissioner may determine and announce ~~the opening~~ a shipping date each year for
 32 the Vidalia onion marketing season in this state upon the recommendation of the Vidalia
 33 ~~Onion Committee~~ Advisory Panel. Vidalia onions may be shipped prior to such date with
 34 a mandatory U.S. No. 1 grade certificate. The ~~committee~~ Vidalia Onion Advisory Panel

1 shall survey the conditions of the Vidalia onion crop and recommend ~~an opening a shipping~~
2 date ~~of~~ for the marketing season to the Commissioner."

3 **SECTION 4.**

4 Said article is further amended by striking Code Section 2-14-137, relating to standards for
5 grades, and inserting in lieu thereof the following:

6 "2-14-137.

7 The standards for grades adopted by the U.S. Department of Agriculture, U.S. Standards
8 for Grades of Bermuda-Granex-Grano Type Onions, effective January 1, 1960, as amended
9 March 18, 1962, and February 20, 1985, (7 CFR 51.3195-51.3209), December 31, 1981,
10 and U.S. Standards for Grades of Common Green Onions (7 CFR 51.1055-51.1071)
11 December 31, 1981, are adopted and shall be the standards for grades in this state, except
12 that the Commissioner may establish tolerances or allowable percentages of U.S. Standards
13 each season upon the recommendation of the Vidalia Onion ~~Committee~~ Advisory Panel."

14 **SECTION 5.**

15 Said article is further amended by adding a new Code section to read as follows:

16 "2-14-138.

17 The Commissioner shall appoint a Vidalia Onion Advisory Panel, to consist of individuals
18 involved in growing, packing, or growing and packing Vidalia onions; at least one county
19 cooperative extension agent from the Vidalia onion production area; and any other person
20 or persons selected by the Commissioner, for the purpose of rendering advice upon his or
21 her request regarding the exercise of his or her authority pursuant to Code Sections
22 2-14-136 and 2-14-137. Members of the advisory panel shall receive no compensation for
23 their service as such members."

24 **SECTION 6.**

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