

House Bill 648 (AS PASSED HOUSE AND SENATE)

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) 'Contract grower or contract producer' means a producer of poultry who holds a legal
13 interest in a contract operation and who produces poultry under a production contract at
14 that contract operation.

15 (2) 'Integrator or processor' means a person who owns poultry that is produced by a
16 contract grower or contract producer or who is engaged in the business of manufacturing
17 goods from poultry, including by slaughtering or processing poultry.

18 (3) 'Production contract' means an agreement executed by an integrator or processor that
19 provides for the production of poultry or the provision of management services relating
20 to the production of poultry by a contract grower or contract producer in this state.

1 2-22-2.

2 (a) Any production contract entered into, extended, renewed, or amended on or after the
3 effective date of this chapter shall be voidable by the contract grower or contract producer
4 if:

5 (1) The contract grower or contract producer has not been afforded the opportunity to
6 have the proposed production contract reviewed outside the business premises of the
7 integrator or processor or its agents by an attorney or adviser of the contract grower's or
8 contract producer's choosing for at least three business days prior to execution; provided,
9 however, that this paragraph shall not apply to the mere extension or renewal of an
10 existing contract with no change in material terms from the existing contract other than
11 the period covered thereby;

12 (2) The contract does not quote the provisions of subsection (b) of this Code section; or

13 (3) The contract is not signed by all parties before chicks are placed with the contract
14 grower or contract producer.

15 (b)(1) Unless waived in writing by the contract grower or contract producer at the time
16 of signing a production contract, the contract grower or contract producer shall have a
17 right to cancel a production contract until 12:00 Midnight of the third business day after
18 the day on which he or she signs the contract or until chicks have been placed with the
19 contract grower or contract producer, whichever occurs first.

20 (2) Notice of cancellation under this subsection shall be given in writing to the integrator
21 or processor at the place of business as set forth in the production contract by certified
22 mail or statutory overnight delivery, return receipt requested, which shall be posted
23 before termination of the right to cancel under paragraph (1) of this subsection. Notice
24 of such written cancellation need not include any particular words or phrases to be
25 effective so long as it indicates the intention of the contract grower or contract producer
26 not to be bound by the production contract.

27 2-22-3.

28 Any integrator or processor shall provide to any contract grower or contract producer upon
29 request thereby any statistical information and data used to determine compensation paid
30 to such contract grower or contract producer under a production contract, other than a trade
31 secret as defined by Code Section 10-1-761.

1 2-22-4.

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

7 2-22-5.

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

13 (b) The provisions of Code Section 2-22-3 or 2-22-4 may be enforced by the
14 Commissioner in the same manner as provided by Part 2 of Article 15 of Chapter 1 of Title
15 10, the 'Fair Business Practices Act of 1975,' for enforcement of the provisions of said part
16 by the administrator of consumer affairs against a person reasonably appearing to have
17 engaged in unfair or deceptive act or practice in violation of subsection (a) of Code Section
18 10-1-393, and the superior courts may grant injunctive relief and impose the same civil
19 penalties for violations of injunctions as provided in said part."

20

SECTION 2.

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