

House Bill 1404 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 30th, Roberts of the 154th, and Crawford of the 127th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated,
2 relating to farmers' markets, so as to change certain provisions relating to authority of the
3 Commissioner of Agriculture to provide for safety and security at farmers' markets; to
4 provide for law enforcement on the premises of farmers' markets; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 10 of Title 2 of the Official Code of Georgia Annotated, relating to
9 farmers' markets, is amended by striking Code Section 2-10-57, relating to authority of the
10 Commissioner of Agriculture to provide for safety and security at farmers' markets, and
11 inserting in lieu thereof the following:

12 "2-10-57.

13 (a) The Commissioner is authorized to provide for safety and security at the farmers'
14 markets and to make such rules and regulations as are necessary for this purpose. The
15 Commissioner is vested with police powers to enforce this article, rules and regulations
16 promulgated pursuant to this article, and all state laws that govern and control farmers'
17 markets.

18 (b)(1) The Commissioner is authorized to employ, designate, deputize, and delegate to
19 employees of the department the authority to exercise the police powers provided under
20 subsection (a) of this Code section at the Atlanta State Farmers' Market in Forest Park.
21 Employees who have been so designated by the Commissioner and who have been
22 certified by the Georgia Peace Officer Standards and Training Council as having
23 successfully completed the course of training required by Chapter 8 of Title 35, the
24 'Georgia Peace Officer Standards and Training Act,' are authorized to:

25 (A) Carry firearms authorized or issued by the Commissioner while in the performance
26 of their duties;

1 (B) Exercise arrest powers;

2 (C) Enforce the law and order at the farmers' market;

3 (D) Order and escort off of the farmers' market those persons who are in trespass and
 4 remain in trespass by selling produce or other products without a current license or who
 5 are otherwise in violation of this article or rules and regulations promulgated pursuant
 6 to this article;

7 (E) Serve and execute warrants;

8 (F) Authorize to be towed vehicles that:

9 (i) Park in designated fire lanes; or

10 (ii) Are not properly licensed under state law or the law of the state of registration
 11 and remain parked on the farmers' market without authorization; and

12 (G) Enter upon and inspect all property owned, leased, rented, controlled, or used at
 13 the farmers' market by persons who hold or have applied for licenses under this article
 14 for the purpose of determining compliance with the provisions of this article and other
 15 laws the administration or enforcement of which is the responsibility of the
 16 Commissioner.

17 (2) From funds appropriated or available to the department, the Commissioner is
 18 authorized to provide motor vehicles, uniforms, firearms, and any other equipment and
 19 supplies needed by employees of the department to carry out this subsection.

20 (c) This Code section shall not repeal, supersede, alter, or affect the power of any other
 21 law enforcement officer of this state or of any county, municipality, or other political
 22 subdivision of this state to enforce the laws of this state on the premises of farmers'
 23 markets. At the request of the Commissioner, it shall be the duty of all state, county,
 24 municipal, and other law enforcement officers in this state to enforce and to assist the
 25 Commissioner and the employees and agents of the department in the enforcement of this
 26 article."

27 **SECTION 2.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
 29 without such approval.

30 **SECTION 3.**

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