

House Bill 112 (AS PASSED HOUSE AND SENATE)

By: Representatives McCall of the 30th and England of the 108th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
2 standards, labeling, and adulteration of food, so as to eliminate certain license fees; to change
3 certain provisions relating to applications for licenses and permits relative to milk products,
4 duration of licenses, renewal of licenses, and procedure for denial, revocation, or suspension
5 of licenses; to change certain provisions relating to license requirements for cream testers;
6 to change certain provisions relating to licenses for manufacture, bottling, and distribution
7 of soft drinks, fees, and separate licenses for each business or bottling or manufacturing
8 plant; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
12 labeling, and adulteration of food, is amended by revising Code Section 26-2-234, relating
13 to applications for licenses and permits relative to milk products, duration of licenses,
14 renewal of licenses, and procedure for denial, revocation, or suspension of licenses, as
15 follows:

16 "26-2-234.

17 Application for all licenses and permits provided for in this article shall be made to the
18 Commissioner on such forms as he or she may prescribe. All licenses shall be valid for a
19 period of one year unless revoked or suspended as provided in this article. All licenses shall
20 be renewable upon ~~payment of the required fee and~~ submission of all required application
21 forms. The Commissioner may deny, refuse, suspend, or revoke any license, after notice
22 and a hearing, for any violation of or failure to comply with this article or the rules and
23 regulations promulgated hereunder; provided, however, that the hearing shall be held in
24 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 2.

Said chapter is further amended by revising Code Section 26-2-235, relating to license requirements for cream testers, as follows:

"26-2-235.

No person shall act as a cream tester unless he or she is licensed, and it shall be unlawful for any person to employ as a cream tester any person who does not have a license to operate testing apparatus for milk and cream. The license shall be posted in a conspicuous place in plain view of all persons entering the room in which all testing is done. ~~The fee for the license shall be \$5.00."~~

SECTION 3.

Said chapter is further amended by revising Code Section 26-2-351, relating to licenses for manufacture, bottling, and distribution of soft drinks, fees, and separate licenses for each business or bottling or manufacturing plant, as follows:

"26-2-351.

(a) In addition to complying with the food laws of this state, no person shall manufacture; ~~or bottle, or distribute for resale any bottled soft drink~~ any soft drink or soft drink syrup within this state unless he or she has a current food sales establishment license from the Commissioner. ~~The license fee shall be \$10.00. Licenses shall expire on December 31 of each year and shall be renewable upon payment of a renewal fee of \$10.00 per annum or part thereof. The Commissioner shall determine the form of the license.~~

(b) Each place of business or bottling or manufacturing plant shall be required to obtain a separate license."

SECTION 4.

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