

House Bill 433 (AS PASSED HOUSE AND SENATE)

By: Representatives Sellier of the 136th, McCall of the 30th, England of the 108th, Maddox of the 172nd, and Roberts of the 154th

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 change certain provisions relating to
3 application of Article 3 of said chapter, the "Georgia Meat Inspection Act"; to provide for
4 jurisdiction and enforcement; to change certain provisions relating to licenses for meat and
5 dairy processing plants, fees, term of validity, revocation or suspension, and notice and
6 hearing; to change certain provisions relating to licenses for poultry processing plants, fees,
7 display at place of business, transferability, suspension or revocation, notice and hearing, and
8 registration; to provide for application of Article 6 of said chapter; to provide for jurisdiction
9 and enforcement; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
13 labeling, and adulteration of food, is amended by revising Code Section 26-2-64, relating to
14 application of Article 3 of said chapter, the "Georgia Meat Inspection Act," as follows:

15 "26-2-64.

16 The requirements of this article shall apply to persons, firms, corporations, establishments,
17 animals, and articles regulated under the Federal Meat Inspection Act, 21 U.S.C. Section
18 601, et seq., only to the extent provided for in ~~Section 408 of the said~~ federal act;
19 Consistent with said federal act, the Commissioner may exercise concurrent jurisdiction
20 with the secretary of agriculture of the United States and may enforce this article and any
21 regulations promulgated pursuant thereto without regard to licensing agency."

22 **SECTION 2.**

23 Said chapter is further amended by revising Code Section 26-2-209, relating to licenses for
24 meat and dairy processing plants, fees, term of validity, revocation or suspension, and notice
25 and hearing, as follows:

1 "26-2-209.

2 To assure the protection of the consuming public, no person shall operate a meat or dairy
 3 processing plant in this state without having first obtained a permanent license from the
 4 Commissioner. ~~The original license fee shall be \$10.00 and the renewal fee shall be \$10.00~~
 5 ~~per annum. The license shall be valid from January 1 to December 31 of the year in which~~
 6 ~~it was issued or until revoked as provided in this article. Any; provided, however, that any~~
 7 ~~meat processing plant operating under a federal grant of inspection from the United States~~
 8 ~~Department of Agriculture, Food Safety Inspection Service, shall be exempt from such~~
 9 ~~license requirement. There shall be no fee for such license. The license shall be kept on~~
 10 ~~file in each place of business. The license shall not be transferable. The Georgia~~
 11 ~~Department of Agriculture may refuse to grant inspection, and any such license may be~~
 12 ~~revoked or suspended by the Commissioner for the violation of this article or rules and~~
 13 ~~regulations or sanitary standards and specifications adopted pursuant to this article. The~~
 14 ~~Commissioner shall notify the licensee of the reasons why he or she intends to revoke or~~
 15 ~~suspend the license, and the licensee shall be entitled to a hearing before the Commissioner~~
 16 ~~within ten days after receipt of such notice of intention to revoke or suspend. At such~~
 17 ~~hearing the Commissioner shall consider the circumstances and shall give the licensee~~
 18 ~~reasonable time to correct the conditions or circumstances that caused the notice of~~
 19 ~~intention to revoke or suspend the license to be given."~~

20 SECTION 3.

21 Said chapter is further amended by revising Code Section 26-2-210, relating to licenses for
 22 poultry processing plants, fees, display at place of business, transferability, suspension or
 23 revocation, notice and hearing, and registration, as follows:

24 "26-2-210.

25 To assure the protection of the consuming public, no person shall operate a poultry
 26 processing plant in this state without having first obtained a permanent license from the
 27 Commissioner. ~~The fee for such license shall be fixed by the Commissioner in an amount~~
 28 ~~not to exceed \$10.00.; provided, however, that any poultry processing plant operating~~
 29 ~~under a federal grant of inspection from the United States Department of Agriculture, Food~~
 30 ~~Safety Inspection Service, shall be exempt from such license requirement. There shall be~~
 31 ~~no fee for such license. The license shall be conspicuously displayed kept on file in each~~
 32 ~~place of business. The license shall not be transferable. The license of any person who~~
 33 ~~ceases operation for a period of 90 days or more shall automatically be revoked. Any The~~
 34 ~~Georgia Department of Agriculture may refuse to grant inspection, and any such license~~
 35 ~~may be revoked or suspended by the Commissioner for the violation of this article or rules~~
 36 ~~and regulations or sanitary standards and specifications adopted pursuant to this article.~~

1 The Commissioner shall notify the licensee of the reasons why he or she intends to revoke
2 or suspend the license, and the licensee shall be entitled to a hearing before the
3 Commissioner within ten days after receipt of such notice of intention to revoke or
4 suspend. At such hearing the Commissioner shall consider the circumstances and shall
5 give the licensee reasonable time to correct the conditions or circumstances that caused the
6 notice of intention to revoke or suspend the license to be given. ~~All licensees who operate
7 a poultry processing plant in this state which is not covered under the provisions of the
8 United States Department of Agriculture poultry inspection program shall register with the
9 Commissioner on or before January 1 of each year at no cost to the licensee."~~

10

SECTION 4.

11 Said chapter is further amended by adding a new Code section to read as follows:

12 "26-2-213.1.

13 The requirements of this article shall apply to persons, firms, corporations, establishments,
14 animals, and articles regulated under the federal Meat Inspection Act, 21 U.S.C. Section
15 601, et seq., or the federal Poultry Products Inspection Act, 21 U.S.C. Section 451, et seq.,
16 only to the extent provided for in said federal acts. Consistent with said federal acts, the
17 Commissioner may exercise concurrent jurisdiction with the secretary of agriculture of the
18 United States and may enforce this article and any regulations promulgated pursuant
19 thereto without regard to licensing agency."

20

SECTION 5.

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