

House Bill 1303

By: Representatives Coan of the 101st, Keen of the 179th, Ehrhart of the 36th, Peake of the 137th, Hamilton of the 23rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to food service establishments, so as to provide that food nutrition information at
3 food service establishments shall not be regulated by any county board of health or political
4 subdivision of this state; to provide for a definition of a certain term; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 13 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
9 food service establishments, is amended by revising of Code Section 26-2-370, relating to
10 definitions, as follows:

11 "26-2-370.

12 As used in this article, the term:

13 (1) 'Food nutrition information' means the content of food including, but not limited to,
14 the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin,
15 mineral, and sodium content.

16 ~~(1)~~(2) 'Food service establishment' means establishments for the preparation and serving
17 of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products
18 either for carry out or service within the establishment. The term includes restaurants;
19 coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places
20 which retail sandwiches or salads; soda fountains; institutions, both public and private;
21 food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar
22 facilities by whatever name called. Within a food service establishment, there may be a
23 food sales component, not separately operated. This food sales component shall be
24 considered as part of the food service establishment. This term shall not include a 'food
25 sales establishment,' as defined in Code Section 26-2-21, except as stated in this
26 definition. The food service component of any food sales establishment defined in Code

1 Section 26-2-21 shall not be included in this definition. This term shall not include any
 2 outdoor recreation activity sponsored by the state, a county, a municipality, or any
 3 department or entity thereof, any outdoor public school function, or any outdoor private
 4 school function. This term also shall not mean establishments for the preparation and
 5 serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible
 6 products if such preparation or serving is an authorized part of and occurs upon the site
 7 of a fair or festival which:

8 (A) Is sponsored by a political subdivision of this state or by an organization exempt
 9 from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under
 10 Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the
 11 Internal Revenue Code, as that code is defined in Code Section 48-1-2;

12 (B) Lasts 120 hours or less; and

13 (C) When sponsored by such an organization, is authorized to be conducted pursuant
 14 to a permit issued by the municipality or county in which it is conducted.

15 ~~(2)~~(3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee,
 16 or association, or combination thereof.

18 SECTION 2.

19 Said article is further amended by revising subsection (a) of Code Section 26-2-373, relating
 20 to the promulgation of rules, regulations, and standards by the Department of Human
 21 Resources and county boards of health, as follows:

22 "26-2-373.

23 (a) For the purpose of protecting the public health, the Department of Human Resources
 24 shall have the power to adopt and promulgate such rules and regulations as it deems
 25 necessary and proper to carry out the purpose and intent of this article, including the
 26 establishment of reasonable standards of sanitation for food service establishments and
 27 such establishments which are also retail frozen dessert packagers and the examination and
 28 condemnation of unwholesome food therein. County boards of health are authorized to
 29 adopt and promulgate supplementary rules and regulations, including the establishment of
 30 reasonable standards of sanitation for food service establishments, consistent with those
 31 adopted and promulgated by the department; provided, however, that no county board of
 32 health or political subdivision of this state shall enact any ordinance or issue any rules and
 33 regulations pertaining to the provision of food nutrition information at food service
 34 establishments. As used in this subsection, the term 'political subdivision' means any
 35 municipality, county, local government authority, board, or commission; however, such
 36 term shall not include any state agency or state authority. The department and the county

1 boards of health may obtain technical and laboratory assistance from the Department of
2 Agriculture.”

3 **SECTION 3.**

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