

House Bill 1303 (AS PASSED HOUSE AND SENATE)

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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"26-2-370.

As used in this article, the term:

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

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

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

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

(B) Lasts 120 hours or less; and

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

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

SECTION 2.

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

"26-2-373.

(a) For the purpose of protecting the public health, the Department of Human Resources shall have the power to adopt and promulgate such rules and regulations as it deems necessary and proper to carry out the purpose and intent of this article, including the establishment of reasonable standards of sanitation for food service establishments and such establishments which are also retail frozen dessert packagers and the examination and condemnation of unwholesome food therein. County boards of health are authorized to adopt and promulgate supplementary rules and regulations, including the establishment of reasonable standards of sanitation for food service establishments, consistent with those adopted and promulgated by the department; provided, however, that no county board of health or political subdivision of this state shall enact any ordinance or issue any rules and regulations pertaining to the provision of food nutrition information at food service establishments. As used in this subsection, the term 'political subdivision' means any municipality, county, local government authority, board, or commission; however, such 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.