

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 842:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general  
2 provisions relative to agriculture, so as to preempt certain local ordinances relating to  
3 production of agricultural or farm products; to protect the right to grow food crops and raise  
4 small animals on private property so long as such crops and animals are used for human  
5 consumption by the occupants, gardeners, or raisers and their households and not for  
6 commercial purposes; to define a term; to provide for effect on certain private agreements  
7 and causes of action; to provide an effective date; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions  
11 relative to agriculture, is amended by adding a new Code section to read as follows:

12 "2-1-7.

13 (a) As used in this Code section, the term:

14 (1) 'Crops' means fruits and products of all annual or perennial plants, trees, and shrubs.

15 (2) 'Milk goat' means a doe kept for the purpose of producing milk and any unweaned  
16 kid goats.

17 (b) No county, municipality, consolidated government, or local government authority shall  
18 prohibit or require any permit for the growing or raising of food crops or chickens, rabbits,  
19 or milk goats in:

20 (1) Home gardens, coops, or pens on private residential property so long as such food  
21 crops or animals or the products thereof are used for human consumption by the occupant  
22 of such property and members of his or her household and not for commercial purposes;  
23 and

24 (2) Community or cooperative gardens, coops, or pens on any portion of any private lot  
25 made available for such purposes by the occupant thereof so long as the total lot size is  
26

27 not more than 2.75 acres and the food crops or animals or the products thereof are used  
28 for human consumption by the growers and raisers and members of their households and  
29 not for commercial purposes; provided, however, that the slaughter of goats kept pursuant  
30 to this Code section shall be prohibited.

31 (c) This Code section shall not prohibit or impair:

32 (1) The authority of a local governmental entity to abate a public nuisance;

33 (2) Any cause of action brought by a private citizen to abate a private nuisance under  
34 Code Section 41-2-4; or

35 (3) Any private covenant or other private agreement restricting the use of real property."

36 **SECTION 2.**

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

39 **SECTION 3.**

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