

SENATE SUBSTITUTE TO HB 883

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To provide for a short title; to amend Code Section 26-2-27.1 of the Official Code of Georgia
 2 Annotated, relating to testing of specimens from food processing centers, so as to provide the
 3 Commissioner of Agriculture with certain authority regarding food safety plans; to mandate
 4 certain written safety plans; to provide for civil and criminal penalties; to provide for review
 5 of civil penalties; to provide for related matters; to provide an effective date; to repeal
 6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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 9 This Act shall be known and may be cited as the "Sanitary Activity for Food-processing
 10 Enterprises (SAFE) Act."

SECTION 2.

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 12 Code Section 26-2-27.1 of the Official Code of Georgia Annotated, relating to written food
 13 safety plans, is amended by revising subsection (b) as follows:

14 "(b)(1)(A) In order to protect the public health, safety, and welfare and ensure
 15 compliance with this article, the Commissioner shall by rule or regulation establish
 16 requirements for regular testing of samples or specimens of foods and ingredients by
 17 food processing plants for the presence of poisonous or deleterious substances or other
 18 contaminants rendering such foods or ingredients injurious to health. Such rules or
 19 regulations shall identify the specific classes or types of food processing plants, foods,
 20 ingredients, and poisonous or deleterious substances or other contaminants that shall
 21 be subject to such testing requirements and the frequency with which such tests shall
 22 be performed by food processing plants.

23 (B) The Commissioner shall also promulgate rules and regulations establishing
 24 minimum standards and requirements for a written food safety plan, such as a hazard
 25 analysis critical control point plan, that may be submitted by an operator of a food
 26 processing plant to document and describe the procedures used at such plant to prevent

the presence of hazards such as poisonous or deleterious substances or other contaminants that would render finished foods or finished ingredients as manufactured at such plant injurious to health, including preventive controls, monitoring to ensure the effectiveness of such controls, and records of corrective actions, including actions taken in response to the presence of known hazards. If an operator of a food processing plant, in its discretion, submits to the department a written food safety plan for such plant and such plan conforms to rules and regulations promulgated for purposes of this subparagraph, then such food processing plant shall comply with the requirements of such written food safety plan, including, but not limited to, any test regimen provided by such plan, in lieu of complying with a test regimen established by rules or regulations promulgated by the Commissioner pursuant to subparagraph (A) of this paragraph.

(C)(i) The Commissioner shall impose a civil penalty for a violation of this subsection.

(ii) The department shall adopt rules and regulations establishing a schedule of civil penalties that shall be imposed under this subsection. Civil penalties imposed pursuant to this subsection shall not exceed \$5,000.00 for each violation; provided, however, that a food processing plant that knowingly fails to comply with the provisions of subparagraph (B) of this paragraph shall be punished by the imposition of a \$7,500.00 civil penalty. In addition to such civil penalty, within 30 days of the determination by the Commissioner that such violation has occurred, such food processing plant shall submit to the Commissioner a written plan pursuant to subparagraph (B) of this paragraph.

(iii) For purposes of this subsection, each day a violation continues after the period established for compliance by the Commissioner shall be considered a separate violation.

(iv) When a civil penalty is imposed under this subsection, such penalty shall be subject to review in the manner prescribed by Article 1 of Chapter 13 of Title 50, known as the 'Georgia Administrative Procedure Act.'

(2) In addition to any regular tests required pursuant to paragraph (1) of this subsection, the Commissioner may order any food processing plant to have samples or specimens of its foods and ingredients tested for the presence of any poisonous or deleterious substances or other contaminants whenever in his or her determination there are reasonable grounds to suspect that such foods or ingredients may be injurious to health."

SECTION 3.

Said Code section is further amended by revising subsections (e) and (f) as follows:

