

House Bill 381

By: Representatives England of the 108th, Roberts of the 154th, Levitas of the 82nd, McCall of the 30th, Maddox of the 127th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated,
2 relating to adulteration and misbranding of food, so as to change certain provisions relating
3 to enforcement of the Georgia Food Act by the Commissioner of Agriculture and
4 employment of personnel; to provide for inspections by representatives of county boards of
5 health acting as agents of the Commissioner of Agriculture in certain circumstances; to
6 provide for reports and referrals; to provide an effective date; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
11 adulteration and misbranding of food, is amended by revising Code Section 26-2-33, relating
12 to enforcement of the Georgia Food Act by the Commissioner of Agriculture and
13 employment of personnel, as follows:

14 "26-2-33.

15 (a)(1) The Commissioner is charged with the duty of enforcing this article and rules,
16 regulations, and standards adopted and promulgated under this article in establishments
17 that have the majority of square footage of building floor space used for the operation of
18 food sales as defined in Code Section 26-2-21. The measurement of square footage shall
19 consider indoor and outdoor dining areas as part of food service as defined in Code
20 Section 26-2-370. The Commissioner shall employ the necessary personnel and shall fix
21 their compensation and prescribe their duties. Duly authorized representatives ~~are~~ shall
22 be authorized to enter upon and inspect the premises of any food sales establishment.

23 (2) In addition, representatives of any county board of health shall be authorized as
24 agents of the Commissioner to enter upon and inspect the premises of any food
25 processing plant or other food sales establishment within such county for purposes of
26 ensuring compliance with this article or any rules, regulations, or standards adopted and

27 promulgated under this article. If, upon such an inspection, it appears to a representative
28 of a county board of health that a violation of this article or any rules, regulations, or
29 standards adopted and promulgated under this article has occurred, he or she shall
30 immediately report and refer the matter to the Department of Agriculture for action by
31 the department.

32 (b) Notwithstanding any other provision of this article, food service establishments as
33 defined in Code Section 26-2-370 shall be inspected and regulated under Article 13 of this
34 chapter and shall not be subject to inspection or enforcement under this article."

35 **SECTION 2.**

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

38 **SECTION 3.**

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