

The Senate Agriculture and Consumer Affairs Committee offered the following substitute to SB 80:

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 prohibited acts; to provide requirements for testing of samples or specimens of foods by
4 food processing plants for the presence of poisonous or deleterious substances or other
5 contaminants rendering such foods injurious to health; to provide for rules and regulations;
6 to change certain provisions relating to right of entry in food establishments and transport
7 vehicles and examination of samples obtained; to provide for inspection of records; to
8 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
12 adulteration and misbranding of food, is amended in Code Section 26-2-22, relating to
13 prohibited acts, by adding a new paragraph to read as follows:

14 "(5.1) The failure to comply with testing, reporting, or record-keeping requirements
15 provided by or pursuant to Code Section 26-2-27.1;"

SECTION 2.

16 Said article is further amended by adding a new Code section to read as follows:

17 "26-2-27.1.

18 (a) As used in this Code section, the term 'food processing plant' means a commercial
19 operation that manufactures food for human consumption and does not provide food
20 directly to a consumer.

21 (b)(1) In order to protect the public health, safety, and welfare and ensure compliance
22 with this article, the Commissioner shall by rule or regulation establish requirements for
23 regular testing of samples or specimens of foods and ingredients by food processing
24 plants.

26 plants for the presence of poisonous or deleterious substances or other contaminants
 27 rendering such foods or ingredients injurious to health. Such rules or regulations shall
 28 identify the specific classes or types of food processing plants, foods, ingredients, and
 29 poisonous or deleterious substances or other contaminants that shall be subject to such
 30 testing requirements and the frequency with which such tests shall be performed by food
 31 processing plants.

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

37 (c) Any test required pursuant to this Code section shall be performed by qualified
 38 personnel at a laboratory approved by the department.

39 (d) A food processing plant shall be responsible for the cost of any testing required
 40 pursuant to this Code section.

41 (e) Whenever any person or firm that operates a food processing plant in this state obtains
 42 information from testing of samples or specimens of foods or ingredients which indicates
 43 the presence of a substance that would cause a manufactured food bearing or containing
 44 the same to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26,
 45 such person or firm shall report such test result to the department within 24 hours after
 46 obtaining such information.

47 (f) Records of the results of any tests required pursuant to this Code section shall be kept
 48 by a food processing plant and made available to the department for inspection for a period
 49 of not less than two years from the date the results were reported by the laboratory.

50 (g) This Code section shall not apply to any food processing plant operating under a
 51 federal grant of inspection from the United States Department of Agriculture Food Safety
 52 and Inspection Service."

53 **SECTION 3.**

54 Said article is further amended by revising Code Section 26-2-36, relating to right of entry
 55 in food establishments and transport vehicles and examination of samples obtained, as
 56 follows:

57 "26-2-36.

58 (a) The Commissioner or his duly authorized agent shall have free access at all reasonable
 59 hours to any factory, warehouse, or establishment in which food is manufactured,
 60 processed, packed, or held for introduction into commerce and any vehicle being used to
 61 transport or hold such foods to commerce for the purposes:

62 (1) Of inspecting such factory, warehouse, establishment, or vehicle, and any records of
63 testing of samples or specimens of foods or ingredients for the presence of poisonous or
64 deleterious substances or other contaminants and the results thereof as may be required
65 pursuant to Code Section 26-2-27.1, to determine if any of the provisions of this article
66 are being violated; and

67 (2) Of securing samples or specimens of any food, after paying or offering to pay for
68 such sample.

69 (b) It shall be the duty of the Commissioner to make or cause to be made examinations of
70 samples secured under subsection (a) of this Code section to determine whether or not this
71 article is being violated."

72 **SECTION 4.**

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

75 **SECTION 5.**

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