

House Bill 381 (COMMITTEE SUBSTITUTE)

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 reports to the Commissioner of Agriculture and the
5 United States Department of Agriculture Food Safety and Inspection Service by
6 representatives of county boards of health of certain suspected violations; to define a certain
7 term; to provide for related matters; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **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 by revising Code Section 26-2-33, relating
13 to enforcement of the Georgia Food Act by the Commissioner of Agriculture and
14 employment of personnel, as follows:

15 "26-2-33.

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

24 (2) If a representative of a county board of health has cause to suspect that a violation of
25 this article or any rules, regulations, or standards adopted and promulgated under this
26 article has occurred at a food processing plant located within such county, such

27 representative shall immediately report and refer the matter to the Department of
28 Agriculture. As used in this paragraph, the term 'food processing plant' means a
29 commercial operation that manufactures food for human consumption and does not
30 provide food directly to a consumer from such plant's location. Such term shall not
31 include a commercial operation that produces raw agricultural commodities and that has
32 as an end product a raw agricultural product or any plant operating under a federal grant
33 of inspection from the United States Department of Agriculture Food Safety and
34 Inspection Service.

35 (3) If a representative of a county board of health has cause to suspect that a violation of
36 this article or any rules, regulations, or standards adopted and promulgated under this
37 article has occurred at any plant operating under a federal grant of inspection from the
38 United States Department of Agriculture Food Safety and Inspection Service, such
39 representative shall immediately report and refer the matter to the United States
40 Department of Agriculture Food Safety and Inspection Service and shall notify the
41 Department of Agriculture that such a report and referral has been made and the reason
42 therefore.

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

46 **SECTION 2.**

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

49 **SECTION 3.**

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