

House Bill 883

By: Representatives Levitas of the 82nd, McCall of the 30th, England of the 108th, Roberts of the 154th, Burns of the 157th, and others

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 **SECTION 2.**

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

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

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

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

38 (C) All food processing plants shall maintain for inspection by the Commissioner or
 39 his or her designee the written food safety plan described in subparagraph (B) of this
 40 paragraph, regardless of whether such plan is submitted to the department.

41 (D) A food processing plant that fails to comply with the provisions of subparagraph
 42 (B) of this paragraph shall be punished by the fine of a \$5,000.00 civil penalty and shall
 43 submit to the Commissioner a written plan, pursuant to subparagraph (B) of this
 44 paragraph, within 30 days of the determination by the Commissioner that such violation
 45 has occurred; provided, however, that for a second or subsequent violation of
 46 subparagraph (B) of this paragraph within five years, as measured from the date of the
 47 violation for which a civil penalty is imposed pursuant to this subparagraph, such food
 48 processing plant shall be guilty of a misdemeanor of a high and aggravated nature.

49 (2) In addition to any regular tests required pursuant to paragraph (1) of this subsection,
 50 the Commissioner may order any food processing plant to have samples or specimens of
 51 its foods and ingredients tested for the presence of any poisonous or deleterious
 52 substances or other contaminants whenever in his or her determination there are
 53 reasonable grounds to suspect that such foods or ingredients may be injurious to health;
 54 provided, however, that if the Commissioner, in his or her discretion, determines that the
 55 written food safety plan provided in subparagraph (B) of paragraph (1) of the subsection
 56 does not conform to the rules and regulations promulgated for purposes of this paragraph,
 57 then such food processing plant shall comply with the promulgated rules and regulations
 58 instead of complying with its own plan."

59 **SECTION 3.**

60 Said Code section is further amended by adding two new subsections to read as follows:

61 "(h) Notwithstanding subsection (i) of this Code section, any person who violates
62 subsections (e) or (f) of this Code section shall be guilty of a misdemeanor. The
63 punishment provided in this subsection shall be supplemental to any other applicable
64 provisions of law.

65 (i) Any person who knowingly violates the provisions of subsection (e) of this Code
66 section which results in the introduction into commerce of finished foods or finished food
67 ingredients, as manufactured at a food processing plant described in subsection (e),
68 containing a substance that would cause a manufactured food bearing or containing the
69 same to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26 shall
70 be guilty of a felony, punishable by not less than one nor more than 20 years in prison and
71 a fine not to exceed \$20,000.00. The punishment provided in this subsection shall be
72 supplemental to any other applicable provisions of law."

73 **SECTION 4.**

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

76 **SECTION 5.**

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