

House Bill 12

By: Representative Franklin of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general
2 provisions relative to agriculture, so as to exempt from local regulations certain retail sales
3 of Georgia grown agricultural or farm products directly from the producer to the consumer
4 as food for human consumption; to amend Article 1 of Chapter 2 of Title 26 of the Official
5 Code of Georgia Annotated, relating to general provisions relative to standards, adulteration,
6 and misbranding of food, so as to exempt from certain prohibitions and regulation the retail
7 sales of Georgia grown agricultural or farm products directly from the producer to the
8 consumer as food for human consumption; to provide a short title; to provide an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 This Act shall be known and may be cited as the "Georgia Food Freedom Act."

13 style="text-align:center">**SECTION 2.**

14 Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions
15 relative to agriculture, is amended by revising Code Section 2-1-6, relating to preemption of
16 local ordinances relating to production of agricultural farm products, as follows:

17 "2-1-6.

18 (a)(1) No county, municipality, consolidated government, or other political subdivision
19 of this state shall adopt or enforce any ordinance, rule, regulation, or resolution regulating
20 crop management or animal husbandry practices involved in the production of
21 agricultural or farm products on any private property.

22 (2)(A) As used in this paragraph, the term 'unprocessed' means agricultural or farm
23 products that have not been shelled, canned, cooked, fermented, distilled, preserved,
24 ground, crushed, or slaughtered.

25 (B) No county, municipality, consolidated government, or other political subdivision
 26 of this state shall adopt or enforce any ordinance, rule, regulation, or resolution that
 27 prohibits or regulates the retail sale or distribution of unprocessed agricultural or farm
 28 products grown or raised in this state directly from the producer to the consumer as
 29 food for human consumption.

30 (b) Subsection (a) of this Code section shall not prohibit or impair the power of any local
 31 government to adopt or enforce any zoning ordinance or make any other zoning decision.
 32 As used in this subsection, the terms 'local government', 'zoning decision', and 'zoning
 33 ordinance' have the same meanings provided by Code Section 36-66-3.

34 (c) Subsection (a) of this Code section shall not prohibit or impair any existing power of
 35 a county, municipality, consolidated government, or other political subdivision of this state
 36 to adopt or enforce any ordinance, rule, regulation, or resolution regulating land application
 37 of human waste."

38 **SECTION 3.**

39 Article 1 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
 40 general provisions relative to standards, adulteration, and misbranding of food, is amended
 41 by adding a new Code section to read as follows:

42 "26-2-5.

43 (a) As used in this Code section, the term 'unprocessed' means agricultural or farm
 44 products that have not been shelled, canned, cooked, fermented, distilled, preserved,
 45 ground, crushed, or slaughtered.

46 (b) Except for Title 16, nothing in this Code or any rule or regulation adopted pursuant
 47 thereto shall prohibit or regulate the retail sale or distribution of unprocessed agricultural
 48 or farm products grown or raised in this state directly from the producer to the consumer
 49 as food for human consumption."

50 **SECTION 4.**

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

53 **SECTION 5.**

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