

House Bill 53

By: Representatives Dickerson of the 113th, Harrell of the 106th, Rice of the 95th, Clark of the 101st, Stephenson of the 90th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
2 standards, labeling, and adulteration of food, so as to revise definitions relating to food sales
3 establishments and food service establishments; to exempt certain activities relating to public
4 and private schools and nonprofit entities; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
9 labeling, and adulteration of food, is amended by revising paragraph (5) of subsection (a) of
10 Code Section 26-2-21, relating to definitions relative to food sales establishments, as follows:

11 "(5) 'Food sales establishment' means retail and wholesale grocery stores; retail seafood
12 stores and places of business; food processing plants, except those food processing plants
13 which are currently required to obtain a license from the Commissioner under any other
14 provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores or roadside
15 stands; wholesale sandwich and salad manufacturers, including vending machines and
16 operations connected therewith; and places of business and similar establishments,
17 mobile or permanent, engaged in the sale of food primarily for consumption off the
18 premises. Within a food sales establishment, there may be a food service component, not
19 separately operated, which may serve customers on site. This food service component
20 shall be considered as part of the food sales establishment. The food sales component of
21 any food service establishment defined in Code Section 26-2-370 shall not be included
22 in this definition. This term shall not include 'food service establishments' as defined in
23 Code Section 26-2-370. This term also shall not include establishments engaged in the
24 sale of food primarily for consumption off the premises if such sale;

25 (A) Is is an authorized part of and occurs upon the site of a fair or festival which:

26 ~~(A)(I)~~ Is sponsored by a political subdivision of this state or by an organization
 27 exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or
 28 under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section
 29 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

30 ~~(B)(ii)~~ Lasts 120 hours or less; and

31 ~~(C)(iii)~~ When sponsored by such an organization, is authorized to be conducted
 32 pursuant to a permit issued by the municipality or county in which it is conducted; or

33 (B) Is an authorized part of a fund-raising activity conducted by a public or private
 34 school or by a religious, charitable, or similar nonprofit organization in which one or
 35 more licensed food sales establishments sells food in accordance with the requirements
 36 of this article.

37 This term also shall not include establishments engaged in the boiling, bottling, and sale
 38 of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain
 39 a label listing the producer's name and street address, all added ingredients, and the net
 40 weight or volume of the product."

41 **SECTION 2.**

42 Said chapter is further amended by revising paragraph (2) of Code Section 26-2-370, relating
 43 to definitions relative to food service establishments, as follows:

44 "(2) 'Food service establishment' means establishments for the preparation and serving
 45 of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products
 46 either for carry out or service within the establishment. The term includes restaurants;
 47 coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places
 48 which retail sandwiches or salads; soda fountains; institutions, both public and private;
 49 food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar
 50 facilities by whatever name called. Within a food service establishment, there may be a
 51 food sales component, not separately operated. This food sales component shall be
 52 considered as part of the food service establishment. This term shall not include a 'food
 53 sales establishment,' as defined in Code Section 26-2-21, except as stated in this
 54 definition. The food service component of any food sales establishment defined in Code
 55 Section 26-2-21 shall not be included in this definition. This term shall not include any
 56 outdoor recreation activity sponsored by the state, a county, a municipality, or any
 57 department or entity thereof, any outdoor or indoor (other than school cafeteria food
 58 service) public school function, or any outdoor private school function. This term also
 59 shall not mean establishments for the preparation and serving of meals, lunches, short
 60 orders, sandwiches, frozen desserts, or other edible products if such preparation or
 61 serving:

62 (A) Is is an authorized part of and occurs upon the site of a fair or festival which:
 63 (A)(I) Is sponsored by a political subdivision of this state or by an organization
 64 exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or
 65 under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section
 66 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;
 67 (B)(ii) Lasts 120 hours or less; and
 68 (C)(iii) When sponsored by such an organization, is authorized to be conducted
 69 pursuant to a permit issued by the municipality or county in which it is conducted; or
 70 (B) Is an authorized part of a fund-raising activity conducted by a public or private
 71 school or by a religious, charitable, or similar nonprofit organization in which one or
 72 more permitted food service establishments sells or distributes edible products prepared
 73 by such food service establishment in accordance with the requirements of this article."

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SECTION 3.

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