

House Bill 101

By: Representatives Epps of the 144<sup>th</sup>, McCall of the 33<sup>rd</sup>, Jasperse of the 11<sup>th</sup>, Holmes of the 129<sup>th</sup>, Harden of the 148<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to  
2 definitions relative to food service establishments, so as to exclude certain events held by  
3 nonprofit organizations from the definition of "food service establishment"; to amend Code  
4 Section 26-2-391 of the Official Code of Georgia Annotated, relating to permits for nonprofit  
5 food sales and food service at events, so as to allow counties or municipalities to delegate  
6 permitting authority to the local board of health; to repeal conflicting laws; and for other  
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions  
11 relative to food service establishments, is amended as follows:

12 "26-2-370.

13 As used in this article, the term:

14 (1) 'Food nutrition information' means the content of food including, but not limited to,  
15 the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin,  
16 mineral, and sodium content.

17 (2) 'Food service establishment' means establishments for the preparation and serving of  
18 meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either  
19 for carry out or service within the establishment. The term includes restaurants; coffee  
20 shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which  
21 retail sandwiches or salads; soda fountains; institutions, both public and private; food  
22 carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar  
23 facilities by whatever name called. Within a food service establishment, there may be a  
24 food sales component, not separately operated. This food sales component shall be  
25 considered as part of the food service establishment. This term shall not include a 'food  
26 sales establishment,' as defined in Code Section 26-2-21, except as stated in this

27 definition. The food service component of any food sales establishment defined in Code  
 28 Section 26-2-21 shall not be included in this definition. This term shall not include any  
 29 outdoor recreation activity sponsored by the state, a county, a municipality, or any  
 30 department or entity thereof, any outdoor or indoor (other than school cafeteria food  
 31 service) public school function, or any outdoor private school function. This term also  
 32 shall not mean establishments for the preparation and serving of meals, lunches, short  
 33 orders, sandwiches, frozen desserts, or other edible products if such preparation or  
 34 serving is an authorized part of and occurs upon the site of ~~a fair or festival~~ an event  
 35 which:

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

40 (B) Lasts 120 hours or less; and

41 (C) When sponsored by such an organization, is authorized to be conducted pursuant  
 42 to a permit issued by the municipality or county in which it is conducted.

43 (3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or  
 44 association, or combination thereof."

## 45 SECTION 2.

46 Code Section 26-2-391 of the Official Code of Georgia Annotated, relating to permits for  
 47 nonprofit food sales and food service at events, is amended as follows:

48 "26-2-391.

49 A county or municipality shall be authorized to issue permits for the operation of nonprofit  
 50 food sales and food service at events sponsored by the county, municipality, or an  
 51 organization; provided, however, that the county or municipality may delegate the authority  
 52 to issue such permits to the county board of health. A permit shall be valid for a period of  
 53 120 hours or less and another permit shall not be issued to the organization holding such  
 54 permit until five days have elapsed from the date of the expiration of the permit. No fees  
 55 shall be charged to an organization for the issuance of any such permit ~~by a county or~~  
 56 ~~municipality.~~"

## 57 SECTION 3.

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