

House Bill 778

By: Representatives Pezold of the 133rd, Peake of the 141st, Ramsey of the 72nd, Epps of the 144th, Dickey of the 140th, 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 exempt certain nonprofit,
3 charitable entities from regulation; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 SECTION 1.

6 Code Section 26-2-370 of the Official Code of Georgia Annotated, relating to definitions
7 relative to food service establishments, is amended by revising paragraph (2) as follows:

8 "(2) 'Food service establishment' means establishments for the preparation and serving
9 of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products
10 either for carry out or service within the establishment. The term includes restaurants;
11 coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places
12 which retail sandwiches or salads; soda fountains; institutions, both public and private;
13 food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar
14 facilities by whatever name called. Within a food service establishment, there may be a
15 food sales component, not separately operated. This food sales component shall be
16 considered as part of the food service establishment. This term shall not include a 'food
17 sales establishment,' as defined in Code Section 26-2-21, except as stated in this
18 definition. The food service component of any food sales establishment defined in Code
19 Section 26-2-21 shall not be included in this definition. This term shall not include any
20 outdoor recreation activity sponsored by the state, a county, a municipality, or any
21 department or entity thereof, any outdoor or indoor (other than school cafeteria food
22 service) public school function, or any outdoor private school function. Such term shall
23 also not include any organization which is exempt from taxes under paragraph (1) of
24 subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through
25 (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, which operates
26 food banks and on-site feeding programs for free distribution of food to combat poverty

27 and hunger, or which operates a house or other residential structure where seriously ill
28 or injured children and their families are provided temporary accommodations in
29 proximity to their treatment hospitals and where food is prepared, served, transported, or
30 stored by volunteer personnel. This term also shall not mean establishments for the
31 preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or
32 other edible products if such preparation or serving is an authorized part of and occurs
33 upon the site of an event which:

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

38 (B) Is held on the property of such sponsor or on the property of a party that has
39 provided written consent for use of such property for such event;

40 (C) Lasts 120 hours or less; and

41 (D) 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 **SECTION 2.**

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