

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 778:

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 operating on its own property or on the
24 property of a party that has provided written consent for the use of such property for such
25 purpose and which is exempt from taxes under paragraph (1) of subsection (a) of Code
26 Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10)

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27 of Section 501(c) of the Internal Revenue Code for the purpose of operating a house or
28 other residential structures where seriously ill or injured children and their families are
29 provided temporary accommodations in proximity to their treatment hospitals and where
30 food is prepared, served, transported, or stored by volunteer personnel. This term also
31 shall not mean establishments for the preparation and serving of meals, lunches, short
32 orders, sandwiches, frozen desserts, or other edible products if such preparation or
33 serving is an authorized part of and occurs 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.