

Senate Bill 256

By: Senators Burke of the 11th, Gooch of the 51st, Watson of the 1st, Kirkpatrick of the 32nd, Hufstetler of the 52nd and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 12, Code Section 16-12-4, Code Section 19-11-9, Chapter 2 of Title 26,
2 Title 31, and Code Section 43-18-75 of the Official Code of Georgia Annotated, relating to
3 conservation and natural resources, cruelty to animals, location of absent parents by
4 department, standards, labeling, and adulteration of food, health, and inspections, suspension
5 or revocation of license, and other disciplinary actions, respectively, so as to provide for the
6 reorganization of county boards of health; to revise the powers of county boards of health;
7 to authorize the Department of Public Health to select district health directors; to provide for
8 qualifications of district health directors; to authorize the commissioner of public health to
9 select chief medical officers; to transfer various authorities of county boards of health to local
10 health departments or the Department of Public Health; to eliminate other authorities of
11 county boards of health; to provide for related matters; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
16 resources, is amended by revising Code Section 12-8-1, relating to notice of denial of

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17 individual sewage disposal permits and duty to consider denial in ad valorem tax
18 determinations, as follows:

19 "12-8-1.

20 (a) As used in this Code section, the term 'individual sewage disposal system' means a
21 sewage disposal system, other than a public or community sewage disposal system, serving
22 a single building, residence, or other facility designed or used for human occupancy or
23 congregation and shall include septic tank systems and pit privies.

24 (b) In any case in which an application for an individual sewage disposal system permit
25 is denied, it shall be the duty of the Department of Public Health or ~~the county board of~~
26 ~~health~~ through its local health department denying such permit to notify the applicant, in
27 writing, of such denial. Such notices shall be mailed by first-class mail within 15 days of
28 the date on which the application is denied. The notice shall contain the name and address
29 of the applicant, a description of the property involved, the reasons for denial of the permit,
30 and notification that the applicant should contact the county board of tax assessors for ad
31 valorem tax purposes. It shall be the duty of the county board of tax assessors and the
32 county tax appraisal staff of the county in which the property is located to consider the
33 denial of an individual sewage disposal system permit and the reasons for such denial in
34 determining the fair market value of such property for ad valorem tax purposes."

35

SECTION 2.

36 Said title is further amended by revising subsection (e) of Code Section 12-15-5, relating to
37 sewage holding tank specifications, removal of sewage from tanks, disposal of sewage, and
38 manifests, as follows:

39 "(e) The sewage holding tank provider shall be responsible for maintaining a manifest
40 system to ensure that all sewage pumped from a holding tank is disposed of in accordance
41 with subsection (d) of this Code section. A responsible employee of the city or county
42 sewage treatment plant which receives the sewage must sign a manifest for each load of

43 sewage received, and the sewage holding tank provider must make the manifests available
44 on each tank truck at any time for inspection by the division or any county ~~board of health~~
45 health department."

46 **SECTION 3.**

47 Said title is further amended by revising Code Section 12-15-7, relating to enforcement of
48 law and rules and regulations, as follows:

49 "12-15-7.

50 The department ~~and respective county boards of health and their~~ and its duly authorized
51 agents are authorized to enforce compliance with this article and rules and regulations
52 promulgated and adopted pursuant to this article."

53 **SECTION 4.**

54 Code Section 16-12-4 of the Official Code of Georgia Annotated, relating to cruelty to
55 animals, is amended by revising subsection (g) as follows:

56 "(g) The provisions of this Code section shall not be construed as prohibiting conduct
57 which is otherwise permitted under the laws of this state or of the United States, including,
58 but not limited to, agricultural, animal husbandry, butchering, food processing, marketing,
59 scientific research, training, medical, zoological, exhibition, competitive, hunting, trapping,
60 fishing, wildlife management, or pest control practices or the authorized practice of
61 veterinary medicine nor to limit in any way the authority or duty of the Department of
62 Agriculture, Department of Natural Resources, any county ~~board of health~~ health
63 department, any law enforcement officer, dog, animal, or rabies control officer, humane
64 society, veterinarian, or private landowner protecting his or her property."

65

SECTION 5.

66 Code Section 19-11-9 of the Official Code of Georgia Annotated, relating to location of
67 absent parents by department, is amended by revising paragraph (5) of subsection (d) as
68 follows:

69 "(5) The department shall publicize the existence and availability of the putative father
70 registry to the public, including but not limited to providing information disseminated in
71 connection with certificates of live birth and through county ~~boards of health~~ health
72 departments. The department is authorized to prescribe the notices, forms, and
73 educational materials to be used for entities that may offer voluntary paternity
74 establishment services."

75

SECTION 6.

76 Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards,
77 labeling, and adulteration of food, is amended by revising Code Section 26-2-371, relating
78 to permit required for food service establishments, as follows:

79 "26-2-371.

80 It shall be unlawful for any person to operate a food service establishment without having
81 first obtained a valid food service establishment permit. Such permits shall be issued by
82 the ~~county board of health~~ local health department or its duly authorized representative;
83 ~~subject to supervision and direction by the Department of Public Health; but, where the~~
84 ~~county board of health is not functioning, such permit shall be issued by the Department~~
85 ~~of Public Health.~~ Such permits shall be valid until suspended or revoked and shall not be
86 transferable with respect to person or location. Nothing contained in this article shall
87 prevent any municipality from adopting rules and regulations governing the licensing and
88 operation of food service establishments."

89

SECTION 7.

90 Said chapter is further amended by revising Code Section 26-2-372, relating to issuance,
91 suspension, revocation, or denial of permits and notice and hearing, as follows:

92 "26-2-372.

93 The Department of Public Health, or ~~county boards of health acting as agents of the~~
94 ~~department~~ its duly authorized representative, shall have the power and authority to issue
95 permits to operate food service establishments and to suspend or revoke such permits in
96 accordance with the rules and regulations adopted and promulgated as provided for in this
97 article. When, in the judgment of the department or ~~the county board of health, acting as~~
98 ~~agent of the former~~ its duly authorized representative, it is necessary and proper that such
99 application for a permit be denied or that the permit previously granted be suspended or
100 revoked, the applicant or holder thereof shall be afforded notice and hearing as provided
101 in Article 1 of Chapter 5 of Title 31. In the event that such application is finally denied,
102 suspended, or revoked, the applicant or holder of the permit shall be notified in writing.
103 Such written notice shall specifically state any and all reasons why the application has been
104 denied or the permit has been suspended or revoked."

105

SECTION 8.

106 Said chapter is further amended by revising Code Section 26-2-373, relating to promulgation
107 of rules, regulations, and standards by Department of Public Health and county boards of
108 health, as follows:

109 "26-2-373.

110 (a) For the purpose of protecting the public health, the Department of Public Health shall
111 have the power to adopt and promulgate such rules and regulations as it deems necessary
112 and proper to carry out the purpose and intent of this article, including the establishment
113 of reasonable standards of sanitation for food service establishments and such
114 establishments which are also retail frozen dessert packagers and the examination and

115 condemnation of unwholesome food therein. ~~County boards of health are authorized to~~
 116 ~~adopt and promulgate supplementary rules and regulations, including the establishment of~~
 117 ~~reasonable standards of sanitation for food service establishments, consistent with those~~
 118 ~~adopted and promulgated by the department; provided, however, that no county board of~~
 119 ~~health or~~ No political subdivision of this state shall enact any ordinance or issue any rules
 120 and regulations pertaining to the provision of food nutrition information at food service
 121 establishments. As used in this subsection, the term 'political subdivision' means any
 122 municipality, county, local government authority, board, or commission; however, such
 123 term shall not include any state agency or state authority. The department and the ~~county~~
 124 ~~boards of health~~ local health departments may obtain technical and laboratory assistance
 125 from the Department of Agriculture.

126 (b) Nonprofit schools and institutions serving family-style meals shall not be included
 127 under the present law or any future law or any rule or regulation promulgated pursuant to
 128 such laws regulating the dispensing of milk in the kitchens and dining halls of such schools
 129 and institutions, provided such school or institution produces the milk on the school's or
 130 institution's farm which passes Department of Public Health and local health department
 131 sanitary requirements."

132

SECTION 9.

133 Said chapter is further amended by revising Code Section 26-2-373.1, relating to use of hair
 134 nets or hats by food preparers and penalties, as follows:

135 "26-2-373.1.

136 (a) A person who, in the ordinary course of business in a food service establishment,
 137 prepares food which is to be consumed by humans shall wear, when preparing food,
 138 appropriate hair nets or hats or restraints to prevent contamination of such food.

139 (b) Notwithstanding the provisions of Code Section 26-2-377, any person who violates
 140 subsection (a) of this Code section shall be subject to a civil penalty as follows:

- 141 (1) For a first offense, neither fine nor punishment, but only a warning; and
142 (2) For a second or subsequent offense, a civil penalty not to exceed \$50.00.
143 (c) ~~The county board of health or its~~ representative which issues food service
144 establishment permits under this article shall be authorized to impose the penalties
145 authorized under subsection (b) of this Code section and shall provide the permit holder
146 with notice of any violation of subsection (a) of this Code section.
147 (d) Hair nets shall not be required of food preparers when the preparer is a volunteer
148 without payment for his or her services and the food is being prepared for a religious,
149 educational, charitable, or nonprofit corporation."

150 **SECTION 10.**

151 Said chapter is further amended by revising Code Section 26-2-375, relating to enforcement
152 of article and inspection of food service and food sales establishments, as follows:

153 "26-2-375.

- 154 (a) The Department of Public Health ~~and the county boards of health, acting as duly~~
155 ~~authorized agents of the department, are~~ through its local health departments, is authorized
156 to enforce this article and rules, regulations, and standards adopted and promulgated under
157 this article in establishments that have the majority of square footage of building floor
158 space, including indoor and outdoor dining areas, used for the operation of food service as
159 defined in Code Section 26-2-370. Their duly authorized representatives are authorized
160 to enter upon and inspect the premises of any food service establishment as provided in
161 Article 2 of Chapter 5 of Title 31.
162 (b) Notwithstanding any other provisions of this article, food sales establishments as
163 defined in Code Section 26-2-21 shall be inspected and regulated under Article 2 of this
164 chapter and shall not be subject to inspection or enforcement under this article."

165

SECTION 11.

166 Said chapter is further amended by revising Code Section 26-2-376, relating to review of
167 final order or determination by Department of Public Health and appeal to superior court, as
168 follows:

169 "26-2-376.

170 Any person aggrieved by any final order or determination of any ~~county board of health~~
171 local health department denying, suspending, or revoking any permit authorized in this
172 article may secure review thereof by the ~~Department of Public Health~~ county board of
173 health by appeal ~~in the manner prescribed in Article 1 of Chapter 5 of Title 31~~. Any person
174 aggrieved by any final order or determination made by the Department of Public Health,
175 whether originally or on appeal, may secure review thereof by appeal to the superior court
176 in the manner prescribed in Article 1 of Chapter 5 of Title 31."

177

SECTION 12.

178 Said chapter is further amended by revising Code Section 26-2-377, relating to penalty for
179 violation of article, as follows:

180 "26-2-377.

181 Any person who violates any provision of this article or any rule or regulation promulgated
182 under this article by the Department of Public Health ~~or by any county board of health~~ shall
183 be guilty of a misdemeanor."

184

SECTION 13.

185 Said chapter is further amended by revising Code Section 26-2-391, relating to permits for
186 nonprofit food sales and food service at events, duration of permit, and issuance of
187 subsequent permits, as follows:

188 "26-2-391.

189 (a) A county or municipality shall be authorized to issue permits for the operation of
190 nonprofit food sales and food service at events sponsored by the county, municipality, or
191 an organization. For any permit issued pursuant to this Code section to be valid, the event
192 must be held on property belonging to the sponsoring county, municipality, or organization
193 or on the property of a party that has provided consent for use of such property for such
194 event.

195 (b) A permit shall be valid for:

196 (1) A period of up to 120 consecutive hours and another permit shall not be issued to the
197 organization holding such permit until five days have elapsed from the date of the
198 expiration of the permit; or

199 (2) A continuous period of up to 12 weeks between May 15 and August 15 and four
200 additional weeks during the calendar year, which may be composed of nonconsecutive
201 periods, coinciding with holidays during which local school systems are not in session,
202 provided that all food items are provided free of charge and the organization does not
203 receive funding from the United States Department of Agriculture to operate a food
204 program.

205 (c) At the request of the county or municipality issuing a permit pursuant to this Code
206 section or at the request of a county or municipality sponsoring an event pursuant to
207 subparagraph (a)(5)(C) of Code Section 26-2-21 or subparagraph (2)(E) of Code Section
208 26-2-370, the county ~~board of health~~ health department shall:

209 (1) Supply educational materials regarding food safety which may be provided to event
210 organizers and the public; and

211 (2) Conduct food safety inspections to ensure compliance with the provisions of Code
212 Section 26-2-392.

213 (d) No fees shall be charged to an organization for the issuance of any permit pursuant to
214 this Code section; provided, however, that the county ~~board of health~~ health department

215 shall be authorized to impose a fee for inspections performed at the request of the issuing
216 county or municipality. Such fee shall be fixed in a reasonable amount such that the
217 proceeds of the fee do not exceed the total direct and indirect costs of conducting the
218 inspection. Such fees shall be retained by the county health department for operation of
219 its programs.

220 (e) For purposes of this Code section, an event may include the provision of food at a
221 third-party location within the same county."

222 **SECTION 14.**

223 Said chapter is further amended by revising subsection (j) of Code Section 26-2-392, relating
224 to standards for food, labeling, and containers, protection from contamination, temperature,
225 prohibited foods, utensils and equipment, ice, transport to other location, reuse at another
226 event, handwashing facilities, unapproved facilities, and use of offsite kitchens, as follows:

227 "(j) County ~~boards of health~~ health departments are authorized to provide staff assistance
228 to organizations at events covered under this article for the purpose of providing food
229 safety instruction."

230 **SECTION 15.**

231 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
232 Code Section 31-2A-15, relating to additional duties of the commissioner of public health,
233 and authority to convene expert panels and consult with experts, as follows:

234 "31-2A-15.

235 (a) In addition to other authority and duties granted in this title, the commissioner shall:
236 (1) Provide a written report of expenditures made for public health purposes in the prior
237 fiscal year to the Governor, the Speaker of the House of Representatives, and the
238 Lieutenant Governor no later than December 1 of each year beginning December 1, 2010;
239 and

240 (2) Serve as the chief liaison to county boards of health through ~~their~~ the district health
 241 directors on matters related to the operations and programmatic responsibilities of ~~such~~
 242 ~~county boards of health~~ the local health departments; provided, however, the
 243 commissioner may designate a person from within the department to serve as such chief
 244 liaison.

245 (b) The commissioner shall be authorized to convene one or more panels of experts to
 246 address various public health issues and may consult with experts on epidemiological and
 247 emergency preparedness issues."

248 **SECTION 16.**

249 Said title is further amended by revising Code Section 31-3-4, relating to powers of county
 250 boards of health, as follows:

251 "31-3-4.

252 (a) The county board of health is empowered to:

253 (1) Establish and adopt bylaws for its own governance. Meetings shall be held no less
 254 frequently than quarterly;

255 (2) ~~Exercise responsibility and authority~~ Serve in an advisory capacity in all matters
 256 within the county pertaining to health unless the responsibility for enforcement of such
 257 is by law that of another agency;

258 (3) Take such steps as may be necessary to prevent and suppress disease and conditions
 259 deleterious to health and to determine compliance with health laws and rules, regulations,
 260 and standards adopted thereunder;

261 (4) Adopt and enforce rules and regulations appropriate to its functions and powers,
 262 provided such rules and regulations are not in conflict with the rules and regulations of
 263 the department. Such rules and regulations must be reasonably adapted to the purposes
 264 intended and must be within the purview of the powers and duties imposed upon the
 265 county board of health by this chapter;

266 (5) Receive and administer ~~all grants, gifts, moneys,~~ and donations for purposes
267 pertaining to ~~health~~ the county board of health's operations and support for department
268 programs pursuant to this chapter;

269 (6) ~~Make contracts and establish~~ Establish fees for the provision of public health services
270 provided by ~~county boards of health~~ the department within the county, including but not
271 limited to environmental health services, which fees may be charged to persons or to
272 establishments and premises within the county for inspection of such establishments,
273 premises, structures and appurtenances thereto, or for other ~~county board of health~~
274 department services. All such fees may be used to defray costs of providing such local
275 services and shall supplement but not replace state or federal funding. No person shall
276 be denied services on the basis of that person's inability to pay. ~~The scope of services,~~
277 ~~operating details, contracts, and~~ fees approved by the county board of health shall also
278 be approved by the district director of health. No fees for environmental health services
279 may be charged unless the schedule of fees for such services has been approved by the
280 county governing authority;

281 (7) Contract with ~~the Department of Public Health or other~~ agencies for assistance in the
282 performance of its functions and the exercise of its powers ~~and for supplying services~~
283 ~~which are within its purview to perform~~, provided that such contracts and amendments
284 thereto shall have first been approved by the department. In entering into any contracts
285 to perform its functions and to exercise its powers, and for supplying services which are
286 within its purview to perform, any county board of health or any health district created
287 under the authority of Code Section 31-3-15 shall be considered an agency and such
288 agency shall have the authority to contract with any other county board of health;
289 combination of county boards of health; any other health district; public or private
290 hospitals; hospital authorities; medical schools; training and educational institutions;
291 departments and agencies of the state; county or municipal governments; persons,

292 partnerships, corporations, and associations, public or private; the United States
 293 government or the government of any other state; or any other legal entity; and
 294 (8) The county board of health in each county of this state having a population of
 295 400,000 or more according to the United States decennial census of 1990 or any future
 296 such census is authorized to ~~develop and implement~~ advise the department on the
 297 development and implementation of activities for the prevention of injuries ~~and~~
 298 ~~incorporate injury prevention measures in rules and regulations which are within the~~
 299 ~~purview of the county board of health to promulgate which shall be effective when~~
 300 ~~adopted by an ordinance of the county governing authority~~ within the county.
 301 (b) Notwithstanding the provisions contained in subsection (a) of this Code section and
 302 Code Section 31-3-5, nothing contained in this Code section or Code Section 31-3-5 shall
 303 be construed to empower a county board of health to adopt any rules or regulations or
 304 provisions to enforce any rules or regulations pertaining to matters provided for or
 305 otherwise regulated pursuant to the provisions of Part 1 of Article 2 of Chapter 8 of Title
 306 12, the 'Georgia Comprehensive Solid Waste Management Act,' as now or hereafter
 307 amended, or the rules and regulations promulgated pursuant to such part."

308 **SECTION 17.**

309 Said title is further amended by revising Code Section 31-3-5, relating to functions of county
 310 boards of health, as follows:

311 "31-3-5.

312 (a) Subject to the provisions of Code Section 31-2A-11 and subsection (b) of this Code
 313 section, each county board of health shall have and discharge, within its jurisdiction,
 314 subject to any valid local Act which shall remain in force and effect, the following
 315 functions:

316 (1) To determine the health needs ~~and resources~~ of its jurisdiction by research and by
 317 collection, analysis, and evaluation of all data pertaining to the health of the community;

- 318 (2) To ~~develop, in cooperation with~~ advise the department; on programs, activities, and
319 facilities responsive to the needs of its area; and
- 320 (3) To secure compliance with the rules and regulations of the department that have local
321 application; and
- 322 ~~(4) To enforce, or cause enforcement of, all laws pertaining to health unless the~~
323 ~~responsibility for the enforcement of such laws is that of another agency.~~
- 324 (b) Each county board of health shall have the power and duty to adopt regulations
325 providing standards and requirements governing the installation of on-site sewage
326 management systems within the incorporated and unincorporated area of the county,
327 subject to approval of the department, the provisions of Code Section 31-2A-11, any rules
328 and regulations promulgated under Code Section 31-2A-11, and subsection (d) of this Code
329 section. Such regulations shall include and be limited to the following:
- 330 (1) Specifying the locations within the incorporated and unincorporated area of the
331 county where on-site sewage management systems may be installed;
- 332 (2) Specifying the minimum lot size or land area which may be served by an on-site
333 sewage management system based on scientific data regarding on-site sewage
334 management systems;
- 335 (3) Specifying the types of residences, buildings, or facilities which may be served by
336 on-site sewage management systems; and
- 337 ~~(4) Issuing permits for the installation of on-site sewage management systems prior to~~
338 ~~such installation;~~
- 339 ~~(5) Inspecting on-site sewage management system installations prior to the completion~~
340 ~~of the installation; and~~
- 341 ~~(6)~~(4) Providing for ongoing maintenance of such systems, except for nonmechanical
342 residential sewage management systems.
- 343 (c) Nothing in this Code section or in Code Section 31-3-5.1 shall limit the power of a
344 county or municipal governing authority to exercise its zoning powers or to establish

345 minimum lot sizes larger than the minimum lot sizes specified pursuant to subsection (b)
346 of this Code section.

347 (d)(1) Any person may register with the department to conduct soil investigations and
348 prepare soil reports of a site within the state for an on-site sewage management system
349 who meets any one of the following criteria:

350 (A) Qualifies as a soil classifier as defined in subparagraph (B) of paragraph (3) of this
351 subsection;

352 (B) Holds a valid certificate of registration as a professional engineer issued pursuant
353 to Chapter 15 of Title 43 and is practicing within his or her area of engineering
354 competency;

355 (C) Holds a valid certificate of registration as a registered geologist issued pursuant to
356 Chapter 19 of Title 43 and is practicing within his or her area of geologic competency;
357 or

358 (D) Is a soil and water conservation technician as defined in subparagraph (A) of
359 paragraph (3) of this subsection.

360 (2) Upon the submission of an evaluation of the suitability of a site within the state for
361 an on-site sewage management system by such a person who is registered with the
362 department, the ~~county board of health~~ local health department shall be required to accept
363 the evaluation unless such evaluation is found by the ~~county board of health~~ local health
364 department to be deficient or questionable. If the ~~county board of health~~ local health
365 department finds such evaluation to be deficient or questionable, the ~~board~~ local health
366 department shall, within three working days of making such finding, issue a written
367 determination stating all deficiencies and all measures needed to correct the deficiencies.
368 ~~A copy of this determination shall be provided to the state director of environmental~~
369 ~~health.~~

370 (3) As used in this subsection, the term:

371 (A) 'Soil and water conservation technician' means a person employed as a soil and
372 water conservation technician by a soil and water conservation district provided for in
373 Article 2 of Chapter 6 of Title 2.

374 (B) 'Soil classifier' means a person who:

375 (i) Holds at least a bachelor of science degree from an accredited college or
376 university with a major in soil science or a related field of science. This degree shall
377 include 30 semester credit hours or equivalent quarter credit hours in the biological,
378 physical, chemical, and earth sciences with a minimum of 15 semester credit hours
379 or equivalent quarter hours in soil science courses meeting the following distribution:

380 (I) A minimum of one course in soil classification, morphology, genesis, and
381 mapping; and

382 (II) The remaining soil science credits must be in at least three of the following
383 eight categories: introductory soil science; soil fertility; soil microbiology; soil
384 chemistry; soil physics; soil management, soils and land use, or soils and the
385 environment; soil mineralogy; or a three credit maximum in independent study,
386 geology, or hydrology; and

387 (ii) Has at least four years of verifiable full-time or equivalent part-time experience
388 under the supervision of a soil classifier who has met the education and experience
389 requirements provided in this subparagraph. Such experience must be obtained after
390 meeting all educational requirements defined in this subparagraph and must have been
391 spent actively mapping, identifying, and classifying soil features and interpreting the
392 influence of soil features on soil uses including, but not limited to, conducting soil
393 investigations for determining the suitability of sites for on-site sewage management
394 systems as approved by the department's soil classifiers advisory committee; and

395 (iii) Has successfully passed a written examination pertaining to site investigations
396 for on-site sewage management systems administered or approved by the department."

397

SECTION 18.

398 Said title is further amended by revising Code Section 31-3-5.1, relating to conformity
399 prerequisite to building permit, as follows:

400 "31-3-5.1.

401 No building permit for the construction of any residence, building, or other facility which
402 is to be served by a sewage management system shall be issued by or pursuant to the
403 authority of a county governing authority unless the sewage management system
404 installation permit is in conformity with standards contained in Code Section 31-2A-11 for
405 sewage management systems. No person, firm, corporation, or other entity shall install a
406 sewage management system in violation of the provisions of Code Section 31-2A-11 or the
407 regulations of the department or a county board of health adopted pursuant to the authority
408 of Code Section 31-3-5. Each county governing authority shall provide by ordinance or
409 resolution for the enforcement of the provisions of this Code section."

410

SECTION 19.

411 Said title is further amended by revising Code Section 31-3-6, relating to rules and
412 regulations of local application, as follows:

413 "31-3-6.

414 The county board of health shall have authority to establish rules and regulations which
415 apply to all citizens and premises of the county or to specified areas and citizens therein
416 without regard to the remainder of the county. Interpretation of state regulations shall be
417 determined by the department."

418

SECTION 20.

419 Said title is further amended by revising Code Section 31-3-9, relating to office quarters and
420 equipment, as follows:

421 "31-3-9.

422 The governing body of the county shall provide the county board of health and the
423 department with quarters and equipment sufficient for its operation."

424 **SECTION 21.**

425 Said title is further amended by revising Code Section 31-3-11, relating to appointments of
426 director and staff and supervision, as follows:

427 "31-3-11.

428 (a) The county board of health ~~shall~~ may appoint as its chief executive officer a director
429 who shall be a physician licensed to practice medicine under Chapter 34 of Title 43 and
430 who otherwise meets the requirements of the rules of the State Personnel Board. The
431 director, subject to the approval of the county board of health, shall designate aides and
432 assistants pursuant to the budget adopted by the county board of health in accordance with
433 Code Section 31-3-14.

434 ~~(b) Each employee of a county board of health whose duties include enforcing those~~
435 ~~environmental health laws of this state or environmental health regulations of that board~~
436 ~~of health relating to septic tanks or individual sewage management systems shall be subject~~
437 ~~to the direction and supervision of the district director of environmental health, although~~
438 ~~the hiring and termination from employment of such employee shall be subject to the~~
439 ~~director of that county board of health. The employment activities of such employee with~~
440 ~~regard to environmental health shall be reported to the director of environmental health~~
441 ~~through the district director of environmental health at least quarterly. The director of~~
442 ~~environmental health may recommend to that director of that county board of health~~
443 ~~personnel actions, including but not limited to termination, which the director of~~
444 ~~environmental health deems appropriate for such employee's failure or refusal to comply~~
445 ~~with the direction of the director of environmental health in the carrying out of the~~
446 ~~environmental health employment duties of such employee. As used in this subsection, the~~

447 ~~term 'director of environmental health' means the director of environmental health of the~~
448 ~~Department of Public Health."~~

449 **SECTION 22.**

450 Said title is further amended by revising Code Section 31-3-12, relating to duties of director,
451 as follows:

452 "31-3-12.

453 The department shall select a district health director to oversee operations of local health
454 departments and district health offices. ~~Subject to the policies and directives of the county~~
455 ~~board of health and the policies and directives of the multiple county districts served, the~~
456 The director shall perform the functions and exercise the powers set forth in this chapter
457 except the power to adopt bylaws and to adopt rules and regulations and may delegate the
458 powers and authority conferred, or any part thereof, to one or more individuals as he or she
459 may deem appropriate. The director shall devote his or her entire time to the service of the
460 county board of health and to the multiple county districts, where created, and local health
461 departments he or she oversees and shall be subject to the oversight of the commissioner.
462 The director shall seek the advisory services of the county board of health on the public
463 health needs of the local community. He or she shall be vigilant in procuring compliance
464 ~~with its rules and regulations and~~ with Georgia health laws and rules and regulations
465 adopted thereunder that have application within the county and district. He or she shall
466 make reports to the county board of health ~~and the agency in charge of the multiple county~~
467 ~~district~~ in such manner and form and with such frequency as ~~required by it and shall also~~
468 ~~report to the department in such manner, detail, and form as the department may specify~~
469 he or she deems necessary."

470

SECTION 23.

471 Said title is further amended by revising Code Section 31-3-15, relating to establishment of
472 health districts, as follows:

473 "31-3-15.

474 The department is authorized, ~~with the consent of the boards of health and the county~~
475 ~~authorities of the counties involved,~~ to establish health districts composed of one or more
476 counties. ~~The county boards of health of the constituent counties shall, at the call of the~~
477 ~~commissioner, meet in joint session to approve the selection of a director appointed by the~~
478 ~~commissioner to serve such boards in common. A county board of health is authorized to~~
479 ~~appoint one of its members to represent the board at a joint meeting for this purpose. The~~
480 district health director shall be selected by the commissioner and shall, at a minimum, have
481 a master's degree or doctorate degree in public health and meet the requirements of the
482 rules of the State Personnel Board. The commissioner shall also select a physician who is
483 licensed to practice medicine under Chapter 34 of Title 43 and who otherwise meets the
484 requirements of the rules of the State Personnel Board to serve as the chief medical officer
485 overseeing the clinical programs within local health departments. ~~The district director shall~~
486 ~~have the same powers, duties, and responsibility as a director serving a single county board~~
487 ~~of health. To further the purposes of this Code section, county boards of health district~~
488 health directors may contract with each other for the provision of ~~multicounty~~
489 ~~between districts and also exercise any additional powers as authorized by paragraph (7)~~
490 ~~of subsection (a) of Code Section 31-3-4, and in the performance of such contracts a county~~
491 ~~board of health may utilize its employees in other counties."~~

492

SECTION 24.

493 Said title is further amended by revising Code Section 31-5-21, relating to persons who may
494 obtain inspection warrants and authorization of searches and inspections of property, as
495 follows:

496 "31-5-21.

497 The commissioner of public health or his or her delegate or the district health director of
498 ~~any county board of health~~, in addition to other procedures now or hereafter provided, may
499 obtain an inspection warrant under the conditions specified in this chapter. Such warrant
500 shall authorize the commissioner of public health or the ~~director of any county board of~~
501 ~~health~~ district health director, or the agents of any, or the Department of Agriculture, as
502 appropriate, to conduct a search or inspection of property, either with or without the
503 consent of the person whose property is to be searched or inspected, if such search or
504 inspection is one that is elsewhere authorized under the rules and regulations duly
505 promulgated under this title or any provision of law which authorizes licensure, inspection,
506 or regulation by the Department of Public Health or a local agency thereof."

507

SECTION 25.

508 Said title is further amended by revising Code Section 31-12-2, relating to reporting certain
509 diseases and neonatal abstinence syndrome, confidentiality, reporting required of
510 pharmacists, immunity from liability as to information supplied, and notification of potential
511 bioterrorism, as follows:

512 "31-12-2.

513 (a) The department is empowered to declare certain diseases, injuries, and conditions to
514 be diseases requiring notice and to require the reporting thereof to ~~the county board of~~
515 ~~health~~ and the department in a manner and at such times as may be prescribed. The
516 department shall require that such data be supplied as are deemed necessary and
517 appropriate for the prevention of certain diseases, injuries, and conditions as are determined
518 by the department. All such reports and data shall be deemed confidential and shall not be
519 open to inspection by the public; provided, however, the department may release such
520 reports and data in statistical form or for valid research purposes.

521 (a.1)(1) As used in this subsection, the term 'neonatal abstinence syndrome' means a
522 group of physical problems that occur in a newborn infant who was exposed to addictive
523 illegal or prescription drugs while in the mother's womb.

524 (2) The department shall require notice and reporting of incidents of neonatal abstinence
525 syndrome. A health care provider, coroner, or medical examiner, or any other person or
526 entity the department determines has knowledge of diagnosis or health outcomes related,
527 directly or indirectly, to neonatal abstinence syndrome shall report incidents of neonatal
528 abstinence syndrome to the department. The department shall provide an annual report
529 to the President of the Senate, the Speaker of the House of Representatives, the
530 chairperson of the House Committee on Health and Human Services, and the chairperson
531 of the Senate Health and Human Services Committee. Such annual report shall include
532 any department findings and recommendations on how to reduce the number of infants
533 born with neonatal abstinence syndrome.

534 (b) A health care provider, coroner, or medical examiner shall report to the department ~~and~~
535 ~~the county board of health~~ all known or presumptively diagnosed cases of persons
536 harboring any illness or health condition that may be caused by bioterrorism, epidemic or
537 pandemic disease, or novel and highly fatal infectious agents or toxins and that may pose
538 a substantial risk of a public health emergency. Reportable illnesses and conditions
539 include, without limitation, diseases caused by biological agents listed at 42 C.F.R. Part 72,
540 app. A (2000) and any illnesses or conditions identified by the department as potential
541 causes of a public health emergency.

542 (c) A pharmacist shall report to the department ~~and the county board of health~~ any unusual
543 or increased prescription rates, unusual types of prescriptions, or unusual trends in
544 pharmacy visits that may reasonably be believed to be caused by bioterrorism, epidemic
545 or pandemic disease, or novel and highly fatal infectious agents or toxins and that may pose
546 a substantial risk of a public health emergency.

547 (d) Any person, including but not limited to practitioners of the healing arts, submitting
 548 in good faith reports or data to the department ~~or county boards of health~~ in compliance
 549 with the provisions of this Code section shall not be liable for any civil damages therefor.
 550 (e) Whenever the department learns of any case of an unusual illness, health condition, or
 551 death, or an unusual cluster of such events, or any other suspicious health related event that
 552 it reasonably believes has the potential to be caused by bioterrorism, it shall immediately
 553 notify the Department of Public Safety and other appropriate public safety authorities."

554 **SECTION 26.**

555 Said title is further amended by revising Code Section 31-19-1, relating to responsibility for
 556 control of rabies, as follows:

557 "31-19-1.

558 ~~Each county board of health~~ The department shall have primary responsibility for the
 559 control of rabies within ~~its jurisdiction~~ this state. ~~Such boards, in addition to their other~~
 560 ~~powers, are~~ The department is empowered and required to adopt and promulgate rules and
 561 regulations for the prevention and control of such disease."

562 **SECTION 27.**

563 Said title is further amended by revising Code Section 31-19-4, relating to duty of persons
 564 to notify, as follows:

565 "31-19-4.

566 It shall be the duty of any person bitten by any animal reasonably suspected of being rabid
 567 immediately to notify the appropriate ~~county board of health~~ local health department. It
 568 shall be the duty of the owner, custodian, or person having possession and knowledge of
 569 any animal which has bitten any person or animal or of any animal which exhibits any
 570 signs of rabies to notify the appropriate ~~county board of health~~ local health department and

571 to confine such animal in accordance with rules and regulations of the ~~county board of~~
 572 ~~health~~ local health department."

573 **SECTION 28.**

574 Said title is further amended by revising Code Section 31-19-7, relating to county rabies
 575 officer, as follows:

576 "31-19-7.

577 (a) The ~~county board of health~~ district health director shall appoint a person who is
 578 knowledgeable of animals to be the county rabies control officer. It shall be the duty of the
 579 county rabies control officer to enforce this chapter and other laws which regulate the
 580 activities of dogs.

581 (b) The county governing authority of each county is authorized to levy a fee not to exceed
 582 50¢ for each dog, such fee to be collected by the veterinarian administering the antirabies
 583 vaccine required by this chapter. This fee shall be in addition to that provided for in Code
 584 Section 31-19-5. If any county has no resident veterinarian, the out-of-county veterinarian
 585 administering the antirabies vaccine and collecting the fee provided for by this Code
 586 section shall forward to the treasurer of the county of the dog owner's residence the fee
 587 prescribed by that county's governing authority.

588 (c) The fees collected under this Code section shall be used to help in paying the salary of
 589 the county rabies control officer."

590 **SECTION 29.**

591 Said title is further amended by revising Code Section 31-28-2, relating to issuance of
 592 permits, as follows:

593 "31-28-2.

594 It shall be unlawful for any person, firm, or corporation to operate a tourist court without
 595 having first obtained a valid permit therefor. Such permit shall be issued by the ~~county~~

596 ~~board of health~~ local health department or its duly authorized representative, ~~subject to~~
597 ~~supervision and direction by the Department of Public Health but, where the county board~~
598 ~~of health is not functioning, the permit shall be issued by the department.~~ A permit shall
599 be valid until suspended or revoked and shall not be transferable with respect to person or
600 location."

601 **SECTION 30.**

602 Said title is further amended by revising Code Section 31-28-3, relating to denial, suspension,
603 and revocation of permits, as follows:

604 "31-28-3.

605 The ~~county boards of health~~ department or its duly authorized agents may suspend or
606 revoke permits where the health, sanitation, and safety of the public require such action.
607 When, in the judgment of such ~~board~~ department or its duly authorized agents, it is
608 necessary and proper that such application for a permit be denied or that a permit
609 previously granted be suspended or revoked, the applicant or holder of the permit shall be
610 notified thereof in writing and shall be afforded an opportunity for hearing as provided in
611 Article 1 of Chapter 5 of this title. In the event that such application is finally denied or
612 such permit finally suspended or revoked, the applicant or holder thereof shall be given
613 notice in writing, which notice shall specifically state the reasons why the application or
614 permit has been suspended, revoked, or denied."

615 **SECTION 31.**

616 Said title is further amended by revising Code Section 31-28-4, relating to administrative
617 review of local government order, as follows:

618 "31-28-4.

619 Any person substantially affected by any final order of the ~~county board of health~~ local
620 health department denying, suspending, revoking, or refusing to renew any permit provided

621 under this chapter may secure review thereof by appeal to the department as provided in
622 Article 1 of Chapter 5 of this title."

623 **SECTION 32.**

624 Said title is further amended by revising Code Section 31-28-5, relating to standards for
625 health, sanitation, and safety, as follows:

626 "31-28-5.

627 ~~(a)~~ The Department of Public Health ~~and county boards of health~~ shall have the power to
628 adopt and promulgate rules and regulations to ensure the protection of the public health.
629 Such rules and regulations shall prescribe reasonable standards for health, sanitation, and
630 safety of tourist courts with regard to:

- 631 (1) Location, drainage, and maintenance of grounds;
- 632 (2) Size, ventilation, and maintenance of sleeping rooms, toilet and washrooms, and
633 laundry rooms, where provided;
- 634 (3) Installation of all electrical equipment and exposed electrical wiring;
- 635 (4) Heating appliances and equipment, and installation thereof;
- 636 (5) Water supply, plumbing fixtures and installations;
- 637 (6) Sewage disposal;
- 638 (7) Garbage and refuse disposal;
- 639 (8) Control of vermin;
- 640 (9) Accident prevention; and
- 641 (10) Spacing of trailer coaches and lighting of trailer parks.

642 ~~(b) County boards of health are empowered to adopt and promulgate supplementary rules
643 and regulations consistent with those adopted and promulgated by the department."~~

644

SECTION 33.

645 Said title is further amended by revising Code Section 31-40-2, relating to issuance of
646 permits to body art studios, as follows:

647 "31-40-2.

648 It shall be unlawful for any person to operate a body art studio or perform body art without
649 having first obtained a valid permit. Body art studio permits shall be issued by the ~~county~~
650 ~~board of health~~ local health department or its duly authorized representative, subject to
651 supervision and direction by the department. Body artist permits shall be issued by the
652 Department of Public Health. Permits shall be valid until suspended or revoked and shall
653 not be transferable."

654

SECTION 34.

655 Said title is further amended by revising Code Section 31-40-3, relating to denial, suspension,
656 and revocation of permits, as follows:

657 "31-40-3.

658 (a) The ~~county boards of health~~ local health department may deny, suspend, or revoke a
659 body art studio permit for a violation of this chapter or the rules and regulations
660 promulgated thereunder. When, in the judgment of such board or its duly authorized
661 agents, it is necessary and proper that such application for a permit be denied or that a
662 permit previously granted be suspended or revoked, the applicant or holder of the permit
663 shall be so notified in writing and shall be afforded an opportunity for hearing as provided
664 in Article 1 of Chapter 5 of this title. In the event that such application is finally denied or
665 such permit finally suspended or revoked, the applicant for or holder of such permit shall
666 be given notice in writing, which notice shall specifically state the reasons why the
667 application or permit has been suspended, revoked, or denied.

668 (b) The department may deny, suspend, or revoke a body artist permit for a violation of
669 this chapter or the rules and regulations promulgated thereunder, after notice to the permit

670 holder and opportunity for hearing. Such proceedings shall be conducted in accordance
671 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

672 **SECTION 35.**

673 Said title is further amended by revising Code Section 31-40-4, relating to administrative
674 review of order of county board of health, as follows:

675 "31-40-4.

676 Any person substantially affected by any final order of the ~~county board of health~~ local
677 health department denying, suspending, revoking, or refusing to renew a body artist studio
678 permit provided under this chapter may secure review thereof by appeal to the department
679 as provided in Article 1 of Chapter 5 of this title."

680 **SECTION 36.**

681 Said title is further amended by revising Code Section 31-45-4, relating to issuance of
682 permits and terms of expiration, as follows:

683 "31-45-4.

684 (a) On or after December 31, 2000, a permit shall be obtained from the ~~county board of~~
685 ~~health~~ local health department in the county in which a public swimming pool is located
686 or its duly authorized representative prior to construction or continued operation of a public
687 swimming pool. When the ownership of a public swimming pool changes or if the pool
688 is leased by the owner, it shall be the responsibility of the new owner or lessee to secure
689 a permit issued in his or her name.

690 (b) Unless suspended or revoked, a swimming pool operation permit shall be valid for the
691 period of operation specified in the application, but in no event shall it be valid for more
692 than 12 months."

693

SECTION 37.

694 Said title is further amended by revising Code Section 31-45-5, relating to operation permit
695 required for each public swimming pool, as follows:

696 "31-45-5.

697 A separate application for an operation permit must be submitted for each public swimming
698 pool. The owner or operator shall apply annually to the ~~county board of health~~ local health
699 department or its duly authorized representative for an operator's permit. A form must be
700 obtained from the ~~county board of health~~ local health department to provide:

- 701 (1) The owner's name, address, and telephone number;
- 702 (2) The operator's name, address, and telephone number;
- 703 (3) The street address of the public swimming pool;
- 704 (4) The physical location of the public swimming pool;
- 705 (5) The type of public swimming pool;
- 706 (6) The construction date, if applicable;
- 707 (7) The proposed operating dates;
- 708 (8) The type of disinfection; and
- 709 (9) The signature of the owner or a designated representative of the owner."

710

SECTION 38.

711 Said title is further amended by revising Code Section 31-45-6, relating to construction of
712 public swimming pools, as follows:

713 "31-45-6.

714 Construction of public swimming pools and additions and alterations to such pools may
715 start only upon issuance and receipt of a permit pursuant to Code Section 31-45-4 and shall
716 be in compliance with plans and data submitted in accordance with Code Section 31-45-5
717 and other data approved by the ~~county board of health~~ local health department of the
718 county in which each pool is located or its duly authorized representative."

719 **SECTION 39.**

720 Said title is further amended by revising Code Section 31-45-7, relating to notification for
721 inspection, as follows:

722 "31-45-7.

723 A permittee shall notify the ~~county board of health~~ local health department or its duly
724 authorized representative at the time of completion of the construction of a public
725 swimming pool to permit inspection before the pool is placed in operation."

726 **SECTION 40.**

727 Said title is further amended by revising Code Section 31-45-8, relating to inspections by the
728 county board of health, as follows:

729 "31-45-8.

730 Each public swimming pool shall be inspected by the ~~county board of health~~ local health
731 department to determine compliance with this chapter and with the rules and regulations
732 adopted by the Department of Public Health. Pools which open on or after April 1 and
733 which close on or before October 31 shall be inspected at least once during the period of
734 operation. All other pools shall be inspected at least twice a year."

735 **SECTION 41.**

736 Said title is further amended by revising Code Section 31-45-9, relating to suspension or
737 revocation of permit, as follows:

738 "31-45-9.

739 A permit for a public swimming pool may be suspended or revoked by the ~~county board~~
740 ~~of health~~ local health department for failure to comply with the provisions of this chapter
741 and the rules and regulations adopted by the Department of Public Health."

742 **SECTION 42.**

743 Said title is further amended by revising Code Section 31-45-11, relating to enforcement of
744 rules and regulations, as follows:

745 "31-45-11.

746 ~~Each county board of health~~ The department and its duly authorized agents are authorized
747 and empowered to enforce compliance with the provisions of this chapter and the rules and
748 regulations relating to public swimming pools adopted and promulgated by the Department
749 of Public Health and, in connection therewith, to enter upon and inspect the premises of a
750 public swimming pool at any reasonable time and in a reasonable manner."

751 **SECTION 43.**

752 Said title is further amended by revising Code Section 31-45-12, relating to inspection or
753 unregulated pools, as follows:

754 "31-45-12.

755 Notwithstanding any provision of Code Section 31-45-13 regarding the applicability of this
756 chapter to the contrary, a resident or owner of an apartment complex that is not subject to
757 regulation under this chapter or local ordinance may request that the ~~county board of health~~
758 local health department inspect a pool at such apartment complex. Upon receipt of such
759 a request, the ~~county board of health~~ local health department shall have the authority to
760 inspect such pool at any reasonable time and in a reasonable manner and issue a report on
761 the condition of such pool."

762 **SECTION 44.**

763 Code Section 43-18-75 of the Official Code of Georgia Annotated, relating to inspections,
764 suspension or revocation of license, and other disciplinary actions, is amended by revising
765 subsection (a) as follows:

766 "(a) The board shall provide for inspections from time to time, but not less frequently than
767 annually, of the premises of funeral establishments and crematories for purposes of
768 ensuring compliance with the provisions of this article and any rules or regulations issued
769 pursuant thereto, and every such firm shall submit to such inspections. The board is
770 authorized to contract with any one or more county ~~boards of health~~ health departments,
771 and each county ~~board of health~~ health department is authorized to contract with the board,
772 for the provision of inspection services on behalf of the board for purposes of this
773 subsection."

774

SECTION 45.

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