

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 681:

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 Code Section  
10 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 fundraising 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 SECTION 2.

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

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

58 (A) Is is an authorized part of and occurs upon the site of a fair, or festival, or special  
 59 event which:

60 ~~(A)(i)~~ Is sponsored by a political subdivision of this state or by an organization  
 61 exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or

62 under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section  
63 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;  
64 ~~(B)(ii)~~ Lasts 120 hours or less; and  
65 ~~(C)(iii)~~ When sponsored by such an organization, is authorized to be conducted  
66 pursuant to a permit issued by the municipality or county in which it is conducted; or  
67 (B) Is an authorized part of a fundraising activity conducted by a public or private  
68 school or by a religious, charitable, or similar nonprofit organization, in which one or  
69 more permitted food service establishments sells or distributes edible products prepared  
70 by such food service establishment in accordance with the requirements of this article."

71 **SECTION 3.**

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