SENATE SUBSTITUTE TO HB 1175:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to authorize and regulate the production, handling, transporting, and sale of raw milk for human consumption; to provide standards for safety, cleanliness, and health for such product and animals producing it; to authorize the Commissioner of Agriculture to enforce such standards; to provide for and require permits related to producing and handling raw milk for human consumption; to provide for violations of such standards; to require release of certain records at the request of the Commissioner of Agriculture; to amend Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk and milk products, so as to provide for conforming changes; to amend Chapter 3 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of drugs, so as to authorize the use of testing equipment to determine whether a drug has been adulterated with a synthetic opioid; to provide a short title; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Raw Dairy Act."

SECTION 2.

Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, is amended by adding a new article to read as follows:

"ARTICLE 18

26-2-450.

As used in this article, the term:

(1) 'Commissioner' means the Commissioner of Agriculture of the State of Georgia.

(2) 'Department' means the Department of Agriculture of the State of Georgia.

(3) 'Grade 'A' raw milk for human consumption' means raw milk for human consumption produced by a permitted raw milk for human consumption producer, which meets all health, safety, and labeling standards of this article.

(4) 'Raw milk for human consumption' means fluid whole milk in its natural state from healthy cows, or other hoofed animals, which is intended for human consumption and has been produced under such rules and regulations as may be prescribed by or pursuant to this article.

26-2-451.

Raw milk for human consumption which is in compliance with this article and in compliance with the rules and regulations promulgated pursuant to this article may be sold, offered for sale, or delivered by the producer directly to the consuming public for the purpose of human consumption. No raw milk may be sold, offered for sale, or delivered for the purpose of human consumption for wholesale purposes or if it is not in compliance with this article or the standards or rules and regulations prescribed pursuant to this article.

26-2-452.

(a) The Commissioner is charged with the responsibility of enforcing this article.

(b) It shall be the duty of the Commissioner or his or her authorized representative:

(1) To inspect or cause to be inspected, as often as may be deemed practicable, all places where raw milk for human consumption produced, manufactured, kept, handled, stored, or sold;

(2) To prohibit the production, sale, or distribution of unclean or unwholesome raw milk for human consumption;

(3) To condemn for food purposes all unclean or unwholesome raw milk for human consumption, wherever found;

(4) To take samples anywhere of any raw milk for human consumption or imitation thereof and cause the same to be analyzed or satisfactorily tested;

(5) To weigh and test raw milk for human consumption; and

(6) To compile and publish in print or electronically annually, or at such shorter intervals as he or she may desire, statistics and information concerning all phases of the raw dairy industry in this state.

26-2-453.

The Commissioner shall have the power to adopt, amend, and repeal rules and regulations to implement and enforce this article; provided, however, that all rules and regulations shall be of uniform application; and provided, further, that all rules and regulations shall be adopted, amended, or repealed in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The rules and regulations shall include, but not be limited to, the following:

(1) Rules and regulations to provide for the labeling of raw milk for human consumption in such manner so as to indicate that said raw milk complies with this article and the rules and regulations promulgated under this article;

(2) Rules and regulations to prescribe the specifications of all glassware, including, but not limited to, bottles, pipettes, test tubes, and burrettes, and such other instruments as may be used in the testing of raw milk for human consumption; and

(3) Rules and regulations to prescribe the specifications for the installation and operation of recording thermometers on bulk farm tanks.

26-2-454.

(a) It shall be unlawful for any person who does not possess a permit from the department to manufacture, have in storage, sell or offer for sale therein, or offer to give away any raw milk for human consumption. Nothing in this article shall prohibit the storage and personal consumption of raw milk by the owner of an animal or a resident of the premises of production.

(b) Only a person who complies with the requirements of this article shall be entitled to receive and retain such a permit. Permits shall not be transferable to other persons or locations.

(c) Each producer and distributor of raw milk for human consumption shall hold a valid permit issued by the department prior to beginning operation. No permit shall be issued until all parts of the operation meet the requirements of this article.

(d) Application for all licenses and permits provided for in this article shall be made to the Commissioner on such forms as he or she may prescribe. All licenses shall be valid for a period of one year unless revoked or suspended as provided in this article. All licenses shall be renewable upon submission of all required application forms. The Commissioner may deny, refuse, suspend, or revoke any license, after notice and a hearing, for any violation of or failure to comply with this article or the rules and regulations promulgated hereunder; provided, however, that the hearing shall be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

26-2-455.

(a) Raw milk for human consumption shall be examined by the department as often as necessary to determine that it is not adulterated or misbranded. The department may, upon written notice to the owner or person in charge, place a hold order on any raw milk for human consumption that it determines, or has probable cause to believe, to be unwholesome or otherwise adulterated or misbranded. Under a hold order, raw milk for human consumption shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on raw milk for human consumption by the department, and neither such milk nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the department except on order by a court of competent jurisdiction.

(b) When the freezing point of milk is greater than -0.525 degrees Celsius, the farm shall be notified that apparently the raw milk contains added water. If a second violation of this freezing point standard occurs within two years, an observed milking or operation of processing shall be conducted and samples analyzed. The freezing point obtained from raw milk collected during the observation shall be used to determine a definite freezing point from the individual farm. A violation of the determined freezing point for a specific operation by over 3 percent within two years of setting the standard shall call for a two-day permit suspension or equivalent.

(c) When raw milk for human consumption is found to be adulterated by the presence of drugs, pesticides, herbicides, or other poisonous substances, it shall be impounded and additional samples analyzed. Raw milk for human consumption found to be adulterated shall be disposed of until analysis shows the product not to be adulterated. If testing reveals raw milk for human consumption positive for drug residues, the raw milk shall be disposed of in a manner that removes it from the human and animal food chain. The department shall immediately suspend the producer's Grade 'A' raw milk for human consumption permit, or equally effective measures shall be taken, to prevent the sale of raw

milk for human consumption containing drug residues, and a penalty shall be imposed. Future sales are prohibited until subsequent testing reveals the milk is free of drug residue. The Grade 'A' producer's permit may be reinstated to allow the sale of raw milk for human consumption when a representative sample taken from the producer's raw milk is no longer positive for drug residue. Whenever a drug residue test is positive, a recall shall be initiated and an investigation shall be made to determine the cause. The farm inspection must be completed by the department to determine the cause of the residue and actions taken to prevent future violations, including on-farm changes in procedures necessary to prevent future occurrences as recommended by the department.

26-2-456.

(a) All Grade 'A' raw milk for human consumption shall be bottled, packaged, and sealed at the same location where produced.

(b) All bottles, containers, and packages enclosing raw milk for human consumption shall be labeled in accordance with the applicable requirements of the Federal Food, Drug, and Cosmetic Act as amended, the Nutrition Labeling and Education Act (NLEA) of 1990 and regulations developed thereunder, the Code of Federal Regulations, and in addition shall comply with the applicable requirements of this Code section.

(c) All bottles, containers, and packages enclosing raw milk for human consumption shall be conspicuously marked with:

(1) The words 'Grade A Raw' on the exterior surface. Acceptable locations shall include the principal display panel, the secondary or informational panel, or the cap or cover;

(2) The identity of the farm where packaged. This identity shall include the name, address, and permit number;

(3) The following information statement, in print no smaller than 12 point font, shall be included on the package: 'Warning: This is a raw milk product that is not pasteurized and may increase the risk of foodborne illness'; and

(4) The common name of the hoofed mammal producing the milk shall precede the name of the milk when the product is made from other than cattle's milk.

(d) The department shall not permit the use of any misleading marks, words, or endorsements upon the label. The department may permit the use of registered trade designs or similar terms on the bottle cap or label, when, in its opinion, they are not misleading and are not used to obscure the required labeling. Descriptive labeling terms must not be used in conjunction with the Grade 'A' designation or name of the raw milk and must not be false or misleading.

26-2-457.

(a) Samples of raw milk for human consumption may be taken for scientific examination for public health purposes, at any reasonable time or place, and examined bacteriologically or for any other public health reason by agents of the department.

(b) Samples of raw milk for human consumption shall be collected and tested prior to a permit being issued.

(c) The department shall collect samples to obtain satisfactory pathogenic testing results prior to:

(1) Receiving a permit and beginning production or distribution; or

(2) Reinstatement of a permit that has been suspended because of positive results of testing for pathogenic organisms in association with a suspected outbreak of disease.

(d) During any consecutive six months, at least four samples of raw milk for human consumption shall be collected from each producer in at least four separate months, except when three months show a month containing two sampling dates separated by at least 20 days. These samples shall be obtained under the direction of the department or shall be taken from each producer under the direction of the department and delivered in accordance with this Code section.

(e) Required bacterial counts, somatic cell counts, and cooling temperature checks shall be performed on raw milk for human consumption. In addition, drug tests on each producer's milk shall be conducted at least four times during any consecutive six months.

(f) When multiple samples of the same raw milk for human consumption are collected from the same producer from multiple tanks on the same day, the laboratory results shall be averaged arithmetically by the department and recorded as the official results for that day. This is applicable for bacterial, including standard plate count and coliform, somatic cell count, and temperature determinations only.

(g) Whenever two of the last four consecutive bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures, taken on separate days exceed the standard for the milk required by this article, the department shall send a certified or hand-delivered written notice thereof to the person concerned. This notice shall be in effect so long as two of the last four consecutive samples exceed the standard. An additional sample shall be taken within 21 days of the sending of such notice, but not before the lapse of three days. Immediate suspension of permit shall be implemented whenever the standard is violated by three of the last five bacterial counts, somatic cell counts, coliform determinations, or cooling temperatures.

(h) When sampling for pathogenic organisms is conducted in association with a suspected outbreak of disease, and the samples test positive for pathogenic organisms, the department shall immediately suspend the permit. The permit shall remain suspended until a representative sample containing a minimum of two consecutive milkings are found to be free of pathogenic organisms.

(i) Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the latest edition of Standard Methods for the Examination of Dairy Products (SMEDP) of the American Public Health Association, and the latest edition of Official Methods of Analysis (OMA) of the Association of Official Agricultural

Chemists (AOAC) International. Such procedures, including the certification of sample collectors, and examinations shall be evaluated in accordance with the Evaluation of Milk Laboratories.

(j) All violations of bacteria, somatic cell counts, coliform, and cooling temperature standards shall be followed promptly by inspection to determine and correct the cause.

26-2-458.

(a) All Grade 'A' raw milk for human consumption shall be produced to conform with the following chemical, bacteriological, and temperature standards of this Code section:

(1) Raw milk for human consumption shall be cooled to 10 degrees Celsius or less within four hours or less, of the commencement of the first milking, and to 7 degrees Celsius or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10 degrees Celsius. All finished, processed, and packaged raw milk for human consumption shall be maintained at 7 degrees Celsius or less after processing, during storage, and during transportation;

(2) Individual producer milk shall not exceed bacteria limits of 20,000 per mL;

(3) No positive results on drug residue detection methods required by the department;

(4) Individual producer milk shall not exceed a somatic cell count of 500,000 per mL, except individual producer goat milk shall not exceed 1,000,000 per mL;

(5) Coliform counts shall not exceed 10 per milliliter; and

(6) Individual producer milk shall not contain any organisms of Escherichia coli, including, but not limited to, the 0157:H7 strain, Salmonella, Listeria monocytogenes, or Campylobacter. Pathogenic testing for such organisms shall be conducted with samples taken by the department:

(A) Quarterly;

(B) Prior to permitting; and

(C) In association with any outbreak of a foodborne disease.

(b) No process or manipulation other than appropriate refrigeration shall be applied to raw milk for human consumption for the purpose of removing or deactivating microorganisms.

26-2-459.

All Grade 'A' raw milk for human consumption shall be produced to conform with the following sanitation requirements of this Code section:

(1) Lactating animals which show evidence of the secretion of milk with abnormalities in one or more quarters, based upon bacteriological, chemical, or physical examination, shall be milked last or with separate equipment and the milk shall be discarded;

(2) Lactating animals that have been treated with, or have consumed, chemical, medicinal or radioactive agents, which are capable of being secreted in the milk and which, in the judgment of the department, may be deleterious to human health, shall be milked last or with separate equipment and the milk disposed of as the department may direct;

(3) Milk from lactating animals being treated with medicinal agents, which are capable of being secreted in the milk, shall not be offered for sale for such period as is recommended by the attending veterinarian or as indicated on the package label of the medicinal agent;

(4) Milk from lactating animals treated with or exposed to insecticides not approved for use on dairy animals by the United States Environmental Protection Agency shall not be offered for sale;

(5) The department may require additional tests for the detection of milk with abnormalities as it deems necessary;

(6) Bloody, stringy, off-colored milk, or milk that is abnormal to sight or odor shall be handled and disposed of as to preclude the infection of other lactating animals and the contamination of milk utensils;

(7) Lactating animals secreting milk with abnormalities shall be milked last or in separate equipment which effectively prevents the contamination of the wholesome supply. Milking equipment used on animals with abnormalities in their milk shall be maintained clean to reduce the possibility of re-infecting or cross-infection of the dairy animals;

(8) Equipment, utensils, and containers used for the handling of milk with abnormalities shall not be used for the handling of milk to be offered for sale, unless they are first cleaned and effectively sanitized;

(9) Processed animal waste derivatives used as a feed ingredient for any portion of the total ration of the lactating dairy animal shall:

(A) Be properly processed in accordance with at least those requirements contained in the Model Regulations for Processed Animal Wastes developed by the Association of American Feed Control Officials; and

(B) Not contain levels of deleterious substances, harmful pathogenic organisms, or other toxic substances which are secreted in the milk at any level that may be deleterious to human health; and

(10) Unprocessed poultry litter and unprocessed recycled animal body discharges shall not be fed to lactating dairy animals.

26-2-460.

(a) All raw milk for human consumption within the State of Georgia shall be from healthy animals. Raw milk from unhealthy animals shall not be offered for sale, be given away, or combined with other milk.

(b) All animals producing raw milk for human consumption shall be tested for brucellosis and tuberculosis every 12 months. Animals showing positive by lesions or a positive test shall be reported to the department, and:

(1) Shall be separated, and kept separate, from the remainder of the herd;

(2) A certificate, identifying each animal, signed by a licensed veterinarian and the director of the laboratory making the test, shall be filed with the department;

(3) Shall be retested by a licensed veterinarian at a frequency specified by the United States Department of Agriculture (USDA), and test results shall be filed with the department; and

(4) Disposition of diseased animals shall be conducted in accordance with guidelines published by the USDA and shall be reported to the department.

(c) For diseases other than brucellosis and tuberculosis, the department shall require such physical, chemical, or bacteriological tests as it deems necessary. The diagnosis of other diseases in dairy animals shall be based upon the findings of a licensed veterinarian. Any diseased animal disclosed by such test shall be disposed of as the department directs.

(d) Animals shipped into Georgia for the purpose of milking shall be tested for tuberculosis and brucellosis within 30 days prior to being brought into the state. Brucellosis testing shall not be required for any cattle that have been vaccinated for brucellosis and are under 30 months of age.

(e) Records supporting the tests required in this Code section shall be available to the department and be validated with the signature of a licensed veterinarian.

26-2-461.

Each producer of raw milk for human consumption shall develop and maintain procedures for the notification of regulatory officials, consumer notification, and product recall, and shall implement any of these procedures as necessary with respect to any product for which the producer or the department knows or has reason to believe circumstances exist that may adversely affect its safety for the consumer. If the department determines, based upon representative samples, risk analysis, information provided by the producer, and other information available to the department, that the circumstances present an imminent hazard to the public health and that a form of consumer notice or product recall can effectively

avoid or significantly minimize the threat to public health, the department may order the producer to initiate a level of product recall or, if appropriate, issue a form of notification to customers. The producer shall be responsible for disseminating the notice in a manner designed to inform customers who may be affected by the problem.

26-2-462.

(a) The Commissioner shall be charged with the enforcement of this article and shall have the power and authority, in connection with this and other provisions dealing with milk, food, or food products, to revoke or cancel the permit or license of any person doing business in this state who violates the laws of this state or the rules and regulations made pursuant thereto.

(b) The enforcement methods authorized by this article shall be cumulative of those provided otherwise by law, and the same are not superseded by this article.

26-2-463.

(a) Any person operating under this article shall furnish, upon the request of the Commissioner, such data and statistics as he or she may require.

(b) All persons operating under this article shall keep complete and accurate records of their operations, and the Commissioner shall have free access to all such records.

26-2-464.

Any person, firm, or corporation subject to this article or the other milk laws of this state who violates any of said provisions or any valid rules and regulations made thereunder may be enjoined from such continued violation. The Commissioner is authorized to apply for, and for cause shown the superior court having jurisdiction of the defendant in any such action may grant, injunctive relief, by interlocutory injunction, permanent injunction, or temporary restraining order, as the circumstances may warrant. The proceeding may be

maintained notwithstanding the pendency of any civil action and notwithstanding the pendency of or conviction in a criminal proceeding arising from the same transaction. Such action may be maintained without bond. The purpose of this Code section is to create a statutory cause of action by way of injunction, and the Commissioner is authorized to bring such proceedings in the same form and manner and in the same court as other equitable proceedings may be brought. This remedy is not exclusive but is cumulative of other remedies afforded to protect the consuming public from unwholesome products which are economic frauds.

26-2-465.

It shall be unlawful:

(1) To handle raw milk for human consumption in unclean or unsanitary places or in an unsanitary manner;

(2) To keep, store, or prepare for market any raw milk for human consumption in the same building or enclosure where any hide or fur or any cow, horse, nontraditional livestock, hog, or other livestock is kept;

(3) To handle or ship raw milk for human consumption in unclean or unsanitary vessels;

(4) To expose raw milk for human consumption to flies or to any contaminating influence likely to convey pathogenic or other injurious bacteria;

(5) To use or possess any branded or registered raw milk for human consumption can or container for any purpose other than the handling, storing, or shipping of raw milk for human consumption; provided, however, that no person other than the rightful owner thereof shall use or possess any can, bottle, or other receptacle if such receptacle shall be marked with the brand or trademark of the owner. Nothing in this paragraph shall prohibit the temporary possession by a business involved in the normal processing, distribution, or retail sale of dairy products of any can, bottle, or other receptacle which

is marked with the brand or trademark of another person or entity prior to its return to the rightful owner in the normal course of business, or if purchased from the rightful owner;

(6) To sell or offer for sale raw milk for human consumption that is not pure and fresh and handled with clean utensils;

(7) To sell or offer for sale raw milk for human consumption from diseased or unhealthy animals or which was handled by any person suffering from or coming in contact with persons affected with any contagious disease;

(8) To sell or offer for sale any raw milk for human consumption which shall have been exposed to contamination or into which shall have fallen any unsanitary articles or any foreign substance which would render the raw milk unfit for human consumption; or

(9) To sell or offer for sale raw milk for human consumption which do not comply with the standards and requirements of this article or the rules and regulations promulgated hereunder.

26-2-466.

Any person who violates this article shall be guilty of a misdemeanor.″

SECTION 3.

Article 7 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to milk and milk products, is amended by revising Code Section 26-2-231, relating to definitions, as follows:

″26-2-231.

(a) As used in this article, the term:

(1) 'Commissioner' means the Commissioner of Agriculture for the State of Georgia.

(2) 'Cream tester' means any person who performs the act of sampling or testing milk, cream, or other dairy products, the test of which is to be used as a basis for making payment for said products.

(3) 'Dairy manufacturing plants' means creameries, condenseries, public dairies, butter factories, cheese factories, ice cream factories, and other like factories, and any other concerns that manufacture dairy products for sale at either retail or wholesale; provided, however, that the term dairy manufacturing plant shall not include a retail frozen dessert packager which is otherwise permitted as a food service establishment pursuant to Article 13 of this chapter.

(4) 'Department' means the Department of Agriculture of the State of Georgia.

(5) Reserved.

(6) Reserved.

(7) 'Manufactured milk products' means those milk products, including condensed, evaporated, concentrated, sterilized, or powdered milk, made from raw whole milk for manufacturing purposes and processed in such a manner and under such conditions as to remove or sterilize, as far as is possible, any contaminated matter contained in the raw milk from which the products were manufactured, under such rules and regulations as may be prescribed to ensure that result.

(8) Reserved.

(9) Reserved.

(10) 'Person' means any individual, partnership, firm, company, or corporation.

(11) 'Public dairies' means any place where milk and cream are purchased from producers and sold or kept for sale, either at wholesale or retail.

(12) 'Raw whole milk for manufacturing purposes' means fluid whole milk in its natural state from healthy cows, which milk has not been produced and handled in compliance with the requirements for Grade A milk.

(13) Reserved.

(14) 'Ungraded milk' means all fluid whole milk in its natural state, which milk fails to meet the requirements of Grade A milk ~~or~~, raw whole milk for manufacturing purposes

as defined in this article, or raw milk for human consumption, as provided for in Article 18 of this chapter.

(b) Unless otherwise defined in this article, the following words shall have the meanings respectively ascribed to them in the May, 2001, Amended Version of the Grade A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service — Food and Drug Administration and supplements thereto:

(1) 'Grade A buttermilk';

(2) 'Grade A chocolate milk';

(3) 'Grade A milk, pasteurized';

(4) 'Grade A modified solids milk';

(5) 'Grade A skim milk';

(6) 'Grade A whole milk';

(7) 'Pasteurization'; and

(8) 'Raw cow's milk.'

(c) Unless otherwise defined in this article, the following words shall have the meanings respectively ascribed to them in 'Frozen Desserts,' 21 C.F.R. Sec. 135.3, 21 C.F.R. Sec. 135.110 — 135.160 (1979):

(1) 'Ice cream';

(2) 'Frozen custard';

(3) Reserved;

(4) 'Sherbet'; and

(5) 'Water ices.'"

SECTION 4.

Said article is further amended by revising Code Section 26-2-242, relating to standards and requirements as to sale of milk and milk products generally, labeling, and sale of ungraded milk, raw whole milk, condensed or evaporated milk, as follows:

"26-2-242.

(a) Milk and milk products which are in compliance with this article and in compliance with the rules and regulations promulgated pursuant to this article may be sold, offered for sale, or delivered to the consuming public for the purpose of human consumption, provided the container in which the milk or milk product is sold, offered for sale, or delivered has affixed thereto or printed thereon labels approved by the Commissioner. No milk or milk product may be sold, offered for sale, or delivered for the purpose of human consumption if it is not in compliance with this article or the standards or rules and regulations prescribed pursuant to this article unless such product complies with the standards and requirements of Article 18 of this chapter and the rules and regulations promulgated thereunder.

(b) The sale, offering for sale, or delivery of ungraded milk is prohibited except as provided in Article 18 of this chapter.

(c) No raw whole milk for manufacturing purposes may be offered for sale in this state to anyone except processors and manufacturers properly licensed and inspected to manufacture and process manufactured milk products.

(d) It shall be unlawful to sell, keep for sale, or offer for sale any condensed or evaporated milk, concentrated milk, sweetened condensed milk, sweetened evaporated milk, sweetened concentrated milk, sweetened evaporated skimmed milk, or any of the fluid derivatives of any of them, to which shall have been added any fat or oil other than milk fat, either under the name of the products or articles or the derivatives thereof, or under any fictitious or trade name whatsoever."

SECTION 5.

Said article is further amended by revising subsection (b) of Code Section 26-2-243, relating to intermingling of Grade A milk or milk products with other grades, inspections, permit requirements, and enforcement powers of Commissioner, as follows:

"(b) No person producing, handling, processing, manufacturing, or dealing in milk or milk products, which person produces, receives, distributes, or in any manner handles Grade A raw whole milk, Grade A pasteurized whole milk, or Grade A milk products, shall receive, store, handle, distribute, or otherwise allow raw milk for human consumption or raw whole milk for manufacturing purposes to be introduced upon the premises where the operations are conducted. At all times, such person shall be subject to inspection by the Commissioner and shall hold a Grade A permit, issued by the Commissioner, to deal in Grade A milk and Grade A milk products and shall conduct business pursuant to the laws of this state and the rules and regulations of the Commissioner made thereunder, to the end that milk products shall be handled only in the manner provided for in this article and that inferior quality milk not be sold to the consuming public as superior quality milk."

SECTION 6.

Said article is further amended by revising paragraph (12) of Code Section 26-2-249, relating to unlawful acts, as follows:

"(12) To sell or offer for sale milk, cream, butter, cheese, ice cream, or other dairy products which do not comply with the standards and requirements of this article or the rules and regulations promulgated hereunder except raw milk for human consumption which complies with the standards and requirements of Article 18 of this chapter and the rules and regulations promulgated thereunder."

SECTION 7.

The provisions of the Georgia Raw Dairy Act shall become effective on July 1, 2023.

SECTION 8.

Chapter 3 of Title 26 of the Official Code of Georgia Annotated, relating to adulterated drugs, is amended by revising Code Section 26-3-22, relating to other laws, as follows:

(a) This chapter shall be cumulative and supplemental to any and all existing laws relating to the subject matter of drugs. Specifically, nothing contained in this chapter shall be so construed as to relieve any person, firm, or corporation from complying with any requirements as prescribed by Chapter 4 of this title, Article 3 of Chapter 13 of Title 16, the "Dangerous Drug Act," Article 2 of Chapter 13 of Title 16, the "Georgia Controlled Substances Act," or Title 21 C.F.R. 210, the federal "current good manufacturing practices in manufacturing, processing, packing, or holding of drugs: general." Except that any testing equipment used to determine whether a controlled substance has been adulterated and contains a synthetic opioid shall not be considered a drug related object as defined by Article 2 of Chapter 13 of Title 16.

SECTION 9.

All laws and parts of laws in conflict with the provisions of this bill are repealed.