

Senate Bill 427

By: Senators Tillery of the 19th, Setzler of the 37th and Burns of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 10 and 26 of the Official Code of Georgia Annotated, relating to commerce
2 and trade and food, drugs, and cosmetics, respectively, so as to provide for disclosure
3 requirements for advertisements for legal services and for drugs; to provide for related
4 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
8 amended in Part 4 of Article 15 of Chapter 1, relating to false advertising, by revising
9 paragraph (4) of subsection (b) of Code Section 10-1-424.1, relating to false solicitation in
10 media of legal services, as follows:

11 "(4)(A) Otherwise failing to disclose or otherwise provide qualifying language that
12 accurately reflects the legal services, abilities, practice areas, scope of work, success
13 rate, claim or case management and oversight, or fees of a person in compliance with
14 subparagraph (B) of this paragraph.

15 (B) The disclosure and qualifying language provided for in subparagraph (A) of this
16 paragraph shall meet the following requirements:

- 17 (i) For each solicitation that involves the use, in whole or in part, of visual media,
18 such disclosure and qualifying language:
- 19 (I) Shall be in writing and completed in each written language used in the
20 remainder of the solicitation;
- 21 (II) Shall be located within a solid line in the shape of a rectangle, the area of which
22 comprises no less than 50 percent of the total visible space of such solicitation;
- 23 (III) Shall include, in at least 16 point Helvetica font, the text 'IMPORTANT
24 DISCLOSURE'; and
- 25 (IV) No other text included in such solicitation shall be larger than the text required
26 in subdivision (III) of this division; and
- 27 (ii) For each solicitation that involves the use of audible media but does not involve
28 the use of any visual media, such disclosure and qualifying language shall:
- 29 (I) Be announced, articulated, spoken, or otherwise rendered completely using the
30 same audible volume, the same rate of speaking as measured in words per minute,
31 and each spoken language as used in the remainder of such solicitation;
- 32 (II) Include and commence with the announcement 'important disclosure'; and
33 (III) Comprise no less than 50 percent of the total running time of such solicitation."

34 **SECTION 2.**

35 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
36 is amended in Chapter 3, relating to standards, labeling, and adulteration of drugs and
37 cosmetics, by adding a new Code section to read as follows:

38 "26-3-13.1.

39 (a) Each advertisement of a drug in this state shall include within such advertisement the
40 following disclosure: "False or misleading advertising of drugs is illegal in Georgia. If a
41 drug advertisement is false or misleading in any particular, the advertisement is considered
42 to be COMPLETELY FALSE under Georgia law, according to O.C.G.A Section 26-3-13."

43 (b) The disclosure provided for in subsection (a) of this Code section shall meet the
44 following requirements:

45 (1) For each advertisement that involves the use, in whole or in part, of visual media,
46 such disclosure:

47 (A) Shall be in writing and completed in each written language used in the remainder
48 of the advertisement;

49 (B) Shall be located within a solid line in the shape of a rectangle, the area of which
50 comprises no less than 50 percent of the total visible space of the advertisement;

51 (C) Shall include, in at least 16 point Helvetica font, the text 'IMPORTANT
52 DISCLOSURE'; and

53 (D) No other text included in the advertisement shall be larger than the text required
54 in subparagraph (C) of this paragraph; and

55 (2) For each advertisement that involves the use of audible media but does not involve
56 the use of any visual media, such disclosure shall:

57 (A) Be announced, articulated, spoken, or otherwise rendered completely using the
58 same audible volume, the same rate of speaking as measured in words per minute, and
59 each spoken language as used in the remainder of the advertisement;

60 (B) Include and commence with the announcement 'important disclosure'; and

61 (C) Comprise no less than 50 percent of the total running time of such advertisement."

62 **SECTION 3.**

63 This Act shall become effective on July 1, 2024.

64 **SECTION 4.**

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