

Senate Bill 278

By: Senators Harrell of the 40th and Watson of the 11th

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 require corn masa flour and wet corn  
3 masa products to contain certain amounts of folic acid; to provide for certain labeling  
4 requirements; to authorize rules and regulations; to provide for penalties; to provide for  
5 definitions; to provide for related matters; to repeal conflicting 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 adding a new article to read as follows:

10 "ARTICLE 19

11 26-2-470.

12 This article shall be known and may be cited as the 'Corn Masa Nutrition Enhancement  
13 Act.'

S. B. 278

- 1 -

14 26-2-471.

15 As used in this article, the term:

16 (1) 'Commissioner' means the Commissioner of Agriculture.

17 (2) 'Corn masa flour' means a dry flour-like food product made from corn that has been  
18 treated with slaked lime or otherwise undergoes a process known as nixtamalization.

19 (3) 'Cottage food operator' means a person who produces cottage food products only for  
20 sale directly to a consumer who does not offer such food products or components of such  
21 food products for resale.

22 (4) 'Cottage food product' means a food product not requiring temperature control for  
23 safety which is produced in an individual's primary domestic residence using  
24 noncommercial equipment, including, but not limited to, baked goods, jams, jellies, and  
25 preserves.

26 (5) 'Food product' shall have the same meaning as 'food' as defined in Code Section  
27 26-2-21.

28 (6) 'Food service establishment' shall have the same meaning as set forth in Code Section  
29 26-2-370.

30 (7) 'Manufacturer' means:

31 (A) Any entity which manufactures, makes, produces, or causes to be produced corn  
32 masa flour or wet corn masa product to be sold in this state or corn masa flour or wet  
33 corn masa product that such entity intends to be sold in this state;

34 (B) The first purchaser of corn masa flour or wet corn masa product manufactured  
35 anywhere that intends to resell such corn masa flour or wet corn masa product in this  
36 state regardless of whether the original manufacturer, maker, or producer intends such  
37 corn masa flour or wet corn masa product to be sold in this state; or

38 (C) Any entity which becomes a successor of an entity described in subparagraph (A)  
39 or (B) of this paragraph.

40 (8) 'Person' means any individual, partnership, association, firm, public or private  
41 corporation, trust, or unincorporated organization. Such term shall include a  
42 manufacturer.

43 (9) 'Snack food' means a food product that is intended for immediate consumption, is  
44 typically pre-packaged in small or single-serving portions, and is primarily consumed  
45 between meals, including, but is not limited to, chips, crisps, or extruded food products.  
46 Such term shall not include a food product primarily made from corn masa flour or wet  
47 corn masa products that is bulk packaged or is commonly used as a primary ingredient  
48 in meal preparation, including, but not limited to, tortillas.

49 (10) 'Wet corn masa product' means a food product manufactured by using an alkali  
50 solution with corn kernels to transform them into nixtamal. Such term shall not include  
51 a food product made with corn masa flour.

52 26-2-472.

53 (a) Beginning on July 1, 2026, except as otherwise provided in subsection (b) of this Code  
54 section:

55 (1) All corn masa flour manufactured, sold, delivered, distributed, held, offered for sale,  
56 or used as an ingredient in the manufacture of a food product shall contain folic acid at  
57 a level of 0.7 milligrams of folic acid per pound of corn masa flour within an acceptable  
58 industry standard deviation of error;

59 (2) All wet corn masa product manufactured, sold, delivered, distributed, held, offered  
60 for sale, or used as an ingredient in the manufacture of a food product shall contain folic  
61 acid at a level of 0.4 milligrams of folic acid per pound of end product within an  
62 acceptable industry standard of deviation of error; and

63 (3) No person shall distribute, sell, or offer for sale in this state any newly manufactured  
64 corn masa flour or wet corn masa product unless such corn masa flour or wet corn masa  
65 product contains:

- 66 (A) A declaration of folic acid on the nutrition label, as required by any applicable  
67 federal law, including, but not limited to, 21 C.F.R. Section 101.9; and
- 68 (B) A declaration on the product label that such product contains corn masa flour or  
69 was manufactured through a wet corn masa manufacturing process.
- 70 (b) The provisions of subsection (a) of this Code section shall not apply to:
- 71 (1) Any person that manufactures, sells, delivers, distributes, holds, offers for sale, or  
72 uses as an ingredient in the manufacture of snack foods corn masa flour;
- 73 (2) A cottage food operator, or a supplier to any such operator, that manufactures, sells,  
74 delivers, distributes, holds, offers for sale, or uses as an ingredient in the manufacture of  
75 cottage food products corn masa flour; or
- 76 (3) A food service establishment that uses as an ingredient in the manufacture of food  
77 products corn masa flour.
- 78 (c) The Commissioner is authorized to promulgate rules and regulations as, in his or her  
79 judgment, may be necessary to carry out and implement the purposes of this article.
- 80 (d) Any person who violates this article or any orders, rules, or regulations promulgated  
81 by the Commissioner under authority of this article shall, upon conviction thereof, be  
82 subject to a fine for each and every offense in a sum not exceeding \$100.00, to  
83 imprisonment for not more than 30 days, or both."

84 **SECTION 2.**

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