

House Bill 1014

By: Representatives Bell of the 75th, Ridley of the 22nd, Barnes of the 86th, Hagan of the 156th,
and Sharper of the 177th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to student health, so as to prohibit private and public primary and
3 secondary schools from serving or selling, or allowing a third party to serve or sell, food or
4 beverages that contain certain synthetic dyes; to amend Article 2 of Chapter 2 of Title 26 of
5 the Official Code of Georgia Annotated, relating to adulteration and misbranding of food,
6 so as to prohibit the addition of specific ingredients in food and the selling any food under
7 an invented name when it does not contain some ingredient suggested by such name or
8 contains only an inconsiderable quantity; to provide for definitions; to provide for an
9 exception; to provide for effective dates; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
14 relating to student health, is amended by adding a new Code section to read as follows:

15 "20-2-779.5.

16 (a) As used in this Code section, the term;

17 (1) 'CAS Reg. No.' means an internationally recognized identifier assigned by the
18 Chemical Abstracts Service Registry, a division of the American Chemical Society.

19 (2) 'Synthetic dye' means:

20 (A) Blue 1 (CAS Reg. No. 3844-45-8);

21 (B) Blue 2 (CAS Reg. No. 860-22-0);

22 (C) Green 3 (CAS Reg. No. 2353-45-9);

23 (D) Red 3 (CAS Reg. No. 16423-68-0);

24 (E) Red 40 (CAS Reg. No. 25956-17-6);

25 (F) Yellow 5 (CAS Reg. No. 1934-21-0); or

26 (G) Yellow 6 (CAS Reg. No. 2783-94-0).

27 (b) Beginning January 1, 2027, no private or public primary or secondary school shall
28 serve or sell, or allow a third party to serve or sell, any food or beverage that contains
29 synthetic dye on school grounds during the regular school day or as part of a school meal
30 program.

31 (c) A school described in subsection (b) of this Code section may permit the sale of food
32 items that do not comply with this Code section as part of a school fundraising event if the
33 sale of those items takes place off of and away from school premises or the sale of those
34 items takes place on the school premises at least one-half hour after the end of the school
35 day."

36 **SECTION 2.**

37 Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to
38 adulteration and misbranding of food, is amended by revising Code Section 26-2-22, relating
39 to prohibited acts, as follows:

40 "26-2-22.

41 The following acts and the causing thereof within this state are prohibited:

- 42 (1) The manufacture, sale or delivery, holding, storage, or offering for sale of any food
43 that is adulterated or misbranded;
- 44 (2) The adulteration or misbranding of any food;
- 45 (3) The receipt in commerce of any food that is adulterated or misbranded and the
46 delivery or proffered delivery thereof for pay or otherwise;
- 47 (4) The sale, delivery for sale, holding for sale, or offering for sale of any article in
48 violation of Code Section 26-2-27;
- 49 (5) The dissemination of any false advertisement;
- 50 (5.1) The sale of any food under an invented name when it does not contain some
51 ingredient suggested by such name or contains only an inconsiderable quantity;
- 52 ~~(5.1)~~(5.2) The failure to comply with testing, reporting, or record-keeping requirements
53 provided by or pursuant to Code Section 26-2-27.1;
- 54 (6) The refusal to permit entry or inspection, or to permit the taking of a sample, as
55 authorized by Code Section 26-2-36;
- 56 (7) The giving of a guaranty or undertaking, which guaranty or undertaking is false,
57 except by a person who relied on a guaranty or undertaking to the same effect signed by,
58 and containing the name and address of, the person residing in the State of Georgia from
59 whom he or she received in good faith the food;
- 60 (8) The removal or disposal of a detained or embargoed article in violation of Code
61 Section 26-2-38;
- 62 (9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any
63 part of the labeling of or the doing of any other act with respect to a food, if such act is
64 done while such article is held for sale and results in such article being adulterated or
65 misbranded;
- 66 (10) Forging, counterfeiting, simulating, or falsely representing, or without proper
67 authority using any mark, stamp, tag, label, or other identification device authorized or
68 required by regulations promulgated pursuant to this article; and

69 (11) The operation of a food sales establishment in violation of Code Section 26-2-25."

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SECTION 3.

71 Said article is further amended by revising Code Section 26-2-26, relating to when food
72 deemed adulterated, as follows:

73 "26-2-26.

74 (a) As used in this Code section, the term 'CAS Reg. No.' means an internationally
75 recognized identifier assigned by the Chemical Abstract Service Registry, a division of the
76 American Chemical Society.

77 (b) A food shall be deemed to be adulterated if:

78 (1) It bears or contains any poisonous or deleterious substance which may render it
79 injurious to health; but, in case the substance is not an added substance, such food shall
80 not be considered adulterated under this paragraph if the quantity of such substance in
81 such food does not ordinarily render it injurious to health;

82 (2) It bears or contains any added poisonous or added deleterious substance which is
83 unsafe within the meaning of Code Section 26-2-27. In regard to pesticide residues, a
84 food shall be deemed to be adulterated and unsafe if it bears a pesticide residue in excess
85 of a tolerance established by the United States Environmental Protection Agency under
86 the Federal Food, Drug, and Cosmetic Act or if it bears a residue of a pesticide for which
87 no tolerance has been established or is currently in effect for that food, if such residue
88 appears at a level which is readily quantifiable by methods of assay for pesticide residues
89 employed by the Commissioner on the date of the assay;

90 (3) It consists in whole or in part of a diseased or contaminated, filthy, putrid, or
91 decomposed substance or if it is otherwise unfit for food;

92 (4) It has been produced, prepared, packed, or held under unsanitary conditions whereby
93 it may have become contaminated with filth or whereby it may have been rendered
94 diseased, unwholesome, or injurious to health;

- 95 (5) It is the product of a diseased animal or an animal that has died otherwise than by
96 slaughter or an animal that has been fed upon the uncooked offal from a slaughterhouse;
- 97 (6) Its container is composed in whole or in part of any poisonous or deleterious
98 substance which may render the contents injurious to health;
- 99 (7) Any valuable constituent has been in whole or in part omitted or abstracted
100 therefrom;
- 101 (8) Any substance has been substituted wholly or in part therefor;
- 102 (9) Damage or inferiority has been concealed in any manner;
- 103 (10) Any substance has been added thereto or mixed or packed therewith so as to
104 increase its bulk or weight or reduce its quality or strength or make it appear better or of
105 greater value than it is;
- 106 (11) It is confectionary and it bears or contains any alcohol or nonnutritive article or
107 substance except harmless coloring, harmless flavoring, harmless resinous glaze not in
108 excess of four-tenths of 1 percent, harmless natural wax not in excess of four-tenths of
109 1 percent, harmless natural gum, and pectin, provided that this paragraph shall not apply
110 to any confection containing less than one-half of 1 percent by volume of alcohol derived
111 solely from the use of flavoring extracts or to any chewing gum by reason of its
112 containing harmless nonnutritive masticatory substances; ~~or~~
- 113 (12) It bears or contains a coal-tar color other than one from a batch which has been
114 certified under authority of the federal act; or
- 115 (13) Beginning January 1, 2028, if it contains any added substance or ingredients which
116 are poisonous or injurious to a natural person's health, including butylated
117 hydroxyanisole; propylparaben; Blue 1 (CAS Reg. No. 3844-45-8); Blue 2 (CAS Reg.
118 No. 860-22-0); Green 3 (CAS Reg. No. 2353-45-9); Red 3 (CAS Reg. No. 16423-68-0);
119 Red 40 (CAS Reg. No. 25956-17-6); Yellow 5 (CAS Reg. No. 1934-21-0); or Yellow 6
120 (CAS Reg. No. 2783-94-0)."

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SECTION 4.

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