

The Senate Committee on Agriculture and Consumer Affairs offered the following substitute to SB 278:

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 20

11 26-2-490.

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

14 26-2-491.

15 As used in this article, the term:

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

17 (2) 'Corn masa' means a dough-like food product made from corn that has been soaked
18 in water and lime or otherwise undergoes a process known as nixtamalization.

19 (3) 'Corn masa flour' means a dry flour-like food product made from corn masa.

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

23 (5) 'Cottage food product' means a nonpotentially hazardous food product which is
24 produced in an individual's primary domestic residence using noncommercial equipment,
25 including, but not limited to, baked goods, jams, jellies, and preserves.

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

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

30 (8) '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 (9) 'Nonpotentially hazardous food product' means a food product that does not require
41 temperature control for safety because it is not capable of supporting the rapid growth of
42 pathogenic or toxigenic microorganisms or the growth and toxin production of
43 Clostridium botulinum.

44 (10) 'Person' means any individual, partnership, association, firm, public or private
45 corporation, trust, or unincorporated organization. Such term shall include a
46 manufacturer.

47 (11) 'Snack food' means a food product that is intended for immediate consumption,
48 including, but not limited to, chips, crisps, or extruded food products. Such term shall not
49 include a food product primarily made from corn masa flour or wet corn masa products
50 that is bulk packaged or is commonly used as a primary ingredient in meal preparation,
51 including, but not limited to, tortillas.

52 (12) 'Wet corn masa product' means a food product made primarily from corn masa
53 manufactured through a vertically integrated or wet masa manufacturing process, but
54 excludes products made with corn masa flour.

55 26-2-492.

56 (a) Beginning on July 1, 2027, except as otherwise provided in subsection (b) of this Code
57 section:

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

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

66 (3) No person shall distribute, sell, or offer for sale in this state any newly manufactured
67 corn masa flour or wet corn masa products unless such corn masa flour or wet corn masa
68 products contains:

69 (A) A declaration of folic acid on the nutrition label, as required by any applicable
70 federal law, including, but not limited to, 21 C.F.R. Section 101.9; and

71 (B) A declaration on the product label that such product contains corn masa.

72 (b) The provisions of subsection (a) of this Code section shall not apply to:

73 (1) Any person that manufactures, sells, delivers, distributes, holds, offers for sale, or
74 uses corn masa flour as an ingredient in the manufacture of snack foods;

75 (2) A cottage food operator, or a supplier to any such operator, that manufactures, sells,
76 delivers, distributes, holds, offers for sale, or uses corn masa as an ingredient in the
77 manufacture of cottage food products; or

78 (3) A food service establishment that uses corn masa as an ingredient in the manufacture
79 of food products.

80 (c) The Commissioner is authorized to promulgate rules and regulations as may be
81 necessary to carry out and implement the provisions of this article.

82 26-2-493.

83 Any person who violates this article or any rule or regulation promulgated by the
84 Commissioner pursuant to this article shall be guilty of a misdemeanor and shall be
85 punished by confinement for not more than 12 months, a fine of not more than \$1,000.00,
86 or both."

87 **SECTION 2.**

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