

House Bill 475 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 18th, Yearta of the 152nd, Franklin of the 160th, Scoggins of the 14th, and Barrett of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to revise, modernize, correct errors
2 or omissions in, and reenact the statutory portion of said Code, as amended, in furtherance
3 of the work of the Code Revision Commission; to repeal portions of said Code, or Acts in
4 amendment thereof, which have become obsolete, have been declared to be unconstitutional,
5 or have been preempted or superseded by subsequent laws; to codify principles of law
6 derived from decisions of the state Supreme Court; to provide for other matters relating to
7 revision, reenactment, and publication of said Code; to provide for effect in event of
8 conflicts; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 *Volume 6*

12 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended in:

13 (1) Code Section 9-9-28, relating to arbitration agreements to be in writing and definitions,
14 in subparagraph (c)(1)(A), by replacing "e-mail" with "email".

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15 (2) Code Section 9-9-69, relating to arbitrators - oath and affidavit, in subsection (b), by
16 inserting a quotation mark at the beginning and end of the form.

17 **SECTION 2.**

18 *Volume 18*

19 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended in:

20 (1) Code Section 21-2-50, relating to powers and duties and prohibition against serving
21 in fiduciary capacity, in paragraph (a)(11), by deleting the comma following "in each year".

22 (2) Code Section 21-2-92, relating to qualifications of poll officers, service during
23 municipal election or primary, and Student Teen Election Participant (STEP) program, in
24 paragraph (a)(1), by deleting "shall be" preceding "able to read,".

25 (3) Code Section 21-2-225, relating to confidentiality of original registration applications,
26 limitations on registration data available for public inspection, data made available by
27 Secretary of State, and membership in nongovernmental entity for purpose of sharing and
28 exchanging information to improve accuracy and efficiency of voter registration systems,
29 in subsection (b), by replacing "e-mail" with "email".

30 (4) Code Section 21-2-232, relating to removal of elector's name from list of electors, in
31 paragraph (b)(2), by replacing "sends a notice" with "send a notice".

32 (5) Code Section 21-2-381, relating to making of application for absentee ballot,
33 determination of eligibility by ballot clerk, furnishing of applications to colleges and
34 universities, and persons entitled to make application, in subdivision (a)(1)(C)(iii)(II), by
35 replacing "Be contained" with "Contained" and in subdivision (a)(1)(C)(iii)(III), by
36 replacing "Be printed" with "Printed".

37 (6) Code Section 21-2-381.2, relating to state write-in absentee ballots for certain electors,
38 in subsection (e), by inserting a comma following "electors".

39 (7) Code Section 21-2-498, relating to precertification tabulation audits, in
40 paragraph (a)(1), by replacing "is when" with "means".

41 (8) Code Section 21-5-7.1, relating to technical defects in filings, determination, notice to
42 the subject of the complaint and opportunity to correct the defect, administrative fee, and
43 dismissal of complaints where best efforts have been made to complete a filing, in
44 paragraph (1), by replacing "e-mail" with "email" both times the term appears.

45 (9) Code Section 21-5-14, relating to email address reporting requirements and exceptions,
46 in subsections (a) and (b), by replacing "e-mail" with "email".

47 (10) Code Section 21-5-33, relating to disposition of contributions, in
48 subparagraphs (b)(1)(A) and (d)(2)(A), by inserting "Section" following "U.S.C.".

49 **SECTION 3.**

50 *Volume 20*

51 Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended in:

52 (1) Code Section 24-13-96, relating to exemption of witnesses from arrest and service of
53 process, in subsection (a), by inserting a comma following "shall not" and "such
54 summons".

55 **SECTION 4.**

56 *Volume 21*

57 (a) Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety,
58 is amended in:

59 (1) Code Section 25-3-3, relating to the provision of assistance during emergencies to
60 federal agencies or officers and state or political subdivisions, by deleting "as defined by
61 Article 7 of Chapter 5 of Title 32".

62 (2) Code Section 25-10-2, relating to prohibited fireworks activities and application of
63 noise ordinances, in paragraph (b)(2), by replacing "Code Sections 40-5-100 through
64 40-5-104" with "Chapter 5 of Title 40."

65 (3) Code Section 25-11-6, relating to inspector's licenses for fire protection sprinkler
66 contractors, in subsections (a) and (c), by replacing "fire protection sprinkler system
67 inspector" with "fire protection system inspector" and in paragraph (b)(2), by replacing
68 "fire protection sprinkler inspector" with "fire protection system inspector".

69 (b) Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and
70 cosmetics, is amended in:

71 (1) Code Section 26-2-21, relating to definitions regarding adulteration and misbranding
72 of food, in paragraph (a)(5), by replacing "This term" with "Such term" and in
73 paragraph (a)(9), by replacing "United States Pharmacopoeia" with "United States
74 Pharmacopeia".

75 (2) Code Section 26-2-22, relating to prohibited acts regarding adulteration and
76 misbranding of food, in paragraph (4), by replacing "Code Section 26-2-37" with "Code
77 Section 26-2-27".

78 (3) Code Section 26-2-62, relating to definitions regarding meat inspections generally, in
79 division (1)(B)(v) and paragraph (20), by replacing "Code Sections 26-2-100 through
80 26-2-115" with "Part 3 of this article".

81 (4) Code Section 26-2-83, relating to withdrawal of meat inspection service, in the
82 introductory language of subsection (a) and subsection (b), by replacing "Code
83 Sections 26-2-100 through 26-2-115" with "Part 3 of this article" each time the phrase
84 appears.

85 (5) Code Section 26-2-213.1, relating to applicability to individuals and entities governed
86 by federal acts, by replacing "federal Meat Inspection Act" with "Federal Meat Inspection
87 Act" and by replacing "federal Poultry Products Inspection Act" with "Federal Poultry
88 Products Inspection Act".

- 89 (6) Code Section 26-2-440, relating to definitions regarding cooperation in implementation
90 of Federal Food Safety Modernization Act, in paragraph (3), by replacing "federal Food
91 Safety Modernization Act" with "Federal Food Safety Modernization Act".
- 92 (7) Code Section 26-2-441, relating to designation of the cooperating agency, in
93 subsection (a), by replacing "commissioner" with "Commissioner".
- 94 (8) Code Section 26-2-454, relating to permit required regarding standards, labeling, and
95 adulteration of food, in subsections (a) and (b), by replacing "person who" with "person
96 that".
- 97 (9) Code Section 26-2-456, relating to bottling, packaging, and sealing raw milk, and
98 labeling, in paragraph (c)(2), by replacing "This identity" with "This identifying
99 information".
- 100 (10) Code Section 26-3-2, relating to definitions of standards, labeling, and adulteration
101 of drugs and cosmetics, in the introductory language of paragraph (5), by inserting "of
102 subsection (a)" preceding "of Code Section 26-3-8" and in subparagraph (6)(A) and
103 paragraph (12), by replacing "United States Pharmacopoeia" with "United States
104 Pharmacopeia".
- 105 (11) Code Section 26-3-7, relating to when a drug or device is deemed adulterated, in
106 paragraph (2), by replacing "United States Pharmacopoeia" with "United States
107 Pharmacopeia" each time the phrase appears.
- 108 (12) Code Section 26-3-8, relating to when a drug or device is deemed misbranded, in
109 paragraph (a)(7), by replacing "United States Pharmacopoeia" with "United States
110 Pharmacopeia" each time the phrase appears.
- 111 (13) Code Section 26-3-13, relating to when a drug, device, or cosmetic advertisement is
112 deemed false, in subsection (b), by replacing "any effect in" with "any effect on".
- 113 (14) Code Section 26-3-22, relating to other laws unaffected by the "Georgia Drug and
114 Cosmetic Act," in subsection (a), by replacing "general.' Except that any" with "general';
115 provided, however, that any".

116 (15) Code Section 26-4-5, relating to definitions regarding pharmacists and pharmacies
117 generally, in paragraph (17), by replacing "Federal Food" with "United States Food" each
118 time the term appears.

119 (16) Code Section 26-4-60, relating to grounds for suspension, revocation, or refusal to
120 grant licenses, in divisions (a)(11)(A)(vi) and (a)(11)(B)(iii), by replacing "Federal Drug
121 Administration" with "United States Food and Drug Administration".

122 (17) Code Section 26-4-115, relating to wholesale drug distributors, registration, fees,
123 reports of excessive purchases, penalty for violations, and the transfers of drugs, in
124 paragraph (b)(2), by replacing "federal Drug Enforcement Administration" with "United
125 States Drug Enforcement Administration".

126 SECTION 5.

127 *Volume 29A*

128 (a) Title 41 of the Official Code of Georgia Annotated, relating to nuisances, is amended in:

129 (1) Code Section 41-1-7, relating to treatment of agricultural facilities and operations and
130 forest land as nuisances, in subsection (d), by inserting a comma following "private".

131 (b) Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is
132 amended in:

133 (1) Code Section 42-2-4, relating to department created, by repealing and reserving said
134 Code section.

135 (2) Code Section 42-5-58, relating to prohibition against corporal punishment, use of
136 handcuffs, leg chains, and other restraints, and permissible punishment generally, in
137 subsection (a), by inserting "that" following "however,".

138 (3) Code Section 42-8-35.2, relating to special term of probation, when imposed,
139 revocation, and suspension, in subsection (a), by inserting a comma following "that".

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SECTION 6.

Volume 38

142 (a) Title 49 of the Official Code of Georgia Annotated, relating to social services, is
143 amended in:

144 (1) Code Section 49-2-11, relating to acceptance and disbursement of federal aid,
145 compliance with conditions, and use of appropriations for matching funds, in
146 subsection (e), by replacing "type welfare" with "type of welfare".

147 (2) Code Section 49-2-14, relating to record search for conviction data on prospective
148 employees, in subsection (c), by replacing "any conviction data" with "its conviction data"
149 and by replacing "there is no such finding" with "it has made no such finding" and in
150 subsection (d) by replacing "or determining the fitness" with "a determination regarding
151 the fitness".

152 (3) Code Section 49-4-21, relating to photo requirement on electronic benefits transfer
153 cards for food stamps, is amended by deleting the subsection (a) designation and by
154 deleting subsection (b), which is obsolete.

155 (4) Code Section 49-4-30, relating to the short title of the "Old-Age Assistance Act," by
156 inserting "shall be known and" following "article".

157 (5) Code Section 49-4-50, relating to the short title of the "Aid to the Blind Act," by
158 inserting "shall be known and" following "article".

159 (6) Code Section 49-4-185, relating to sanctions against recipient for failure to comply, in
160 subsection (a), by inserting "may" following "department".

161 (7) Code Section 49-4-192, relating to establishment of pilot LEARNFARE program, in
162 paragraph (a)(2), by replacing "certificate of high school equivalency (GED)" with "state
163 approved high school equivalency (HSE) diploma".

164 (8) Code Section 49-5-7, relating to development and administration of public child
165 welfare and youth services, in subsection (d), by replacing "Article 5" with "Article 9".

166 (9) Code Section 49-10-5, relating to Behavioral Health Care Workforce Data Base,
167 definitions, established, and minimum data set, in paragraph (b)(1), by replacing "work
168 force" with "workforce".

169 (b) Title 50 of the Official Code of Georgia Annotated, relating to state government, is
170 amended in:

171 (1) Code Section 50-5-13, relating to extent, premiums, deductibles, benefit amounts,
172 reserves, excess coverage for self-insurance programs, incentive programs authorized, and
173 deduction of unpaid amounts, by replacing "workers' compensation trust fund" with
174 "Workers' Compensation Trust Fund".

175 (2) Code Section 50-5-67, relating to competitive bidding procedures, methods of
176 soliciting bids, required conditions for competitive sealed proposals, clarification, contract
177 awards, negotiation of contracts, certificate of independent price determination, and
178 receiving electronic bids, in subsection (g), by replacing "Internet" with "internet" both
179 times the term appears.

180 (3) Code Section 50-5-84.2, relating to companies owned by China, limitation on state
181 contracts, certification with bid, and false certification, in paragraph (a)(3), by replacing
182 "Government" with "government".

183 (4) Code Section 50-5-144, relating to the transfer to charitable institutions or public
184 corporations by negotiated sale and conditions, in subsection (b), by replacing "best
185 interests" with "best interest".

186 (5) Code Section 50-6-4, relating to special examinations, audits, and vulnerability
187 assessments, by replacing "Internet" with "internet".

188 (6) Code Section 50-7-50, relating to definitions regarding the Savannah-Georgia
189 Convention Center Authority, generally, by replacing "For the purposes of this Code
190 section, the following definitions shall apply:" with "As used in this article, the term:".

191 (7) Code Section 50-7-70, relating to legislative findings, definitions, criteria and
192 application processes, fees, directional road signs, and rules and regulations, in
193 paragraph (b)(1), by replacing "onsite attractions" with "on-site attractions".

194 (8) Code Section 50-8-31, relating to definitions regarding legislative findings pertaining
195 to regional commissions, in paragraph (20), by replacing "council member" with
196 "councilmember" both times the term appears.

197 (9) Code Section 50-8-34, relating to councils of regional commissions, membership,
198 terms of membership, voting, officers, and powers, in the introductory language of
199 subsection (b), paragraph (b)(3), and subsection (e), by replacing "council members" with
200 "councilmembers" and in paragraph (b)(4), by replacing "council member" with
201 "councilmember" both times the term appears.

202 (10) Code Section 50-8-35, relating to general powers of regional commissions, in
203 paragraph (f)(3), by replacing "council member" with "councilmember".

204 (11) Code Section 50-9-1, relating to the short title of the "Georgia Building Authority
205 Act," by inserting "shall be known and" following "chapter".

206 (12) Code Section 50-10-1, relating to the short title of the "Georgia Development
207 Authority Act," by inserting "shall be known and" following "chapter".

208 (13) Code Section 50-18-72, relating to when public disclosure not required, in
209 paragraph (a)(33), by replacing "pursuant to Code Sections 47-1-14 and 47-7-127" with
210 "pursuant to Code Section 47-1-14".

211 **SECTION 7.**

212 *Miscellaneous*

213 The Official Code of Georgia Annotated is further amended in:

214 (1) Code Section 7-1-682, relating to exemption from licensing requirements, in
215 paragraph (5), by replacing "Bank" with "Banking".

- 216 (2) Code Section 7-1-701.1, relating to exemption from licensing requirements, in
217 paragraph (4), by replacing "Bank" with "Banking".
- 218 (3) Code Section 15-11-70, relating to "risk and needs assessment" defined, establishment
219 of family treatment court division, procedures, fees, and acceptance of grants or donations,
220 in the introductory language of paragraph (a)(2), by replacing "dependancy" with
221 "dependency".
- 222 (4) Code Section 15-21-179, which is repealed, by reserving said Code section.
- 223 (5) Code Section 16-11-101.1, relating to furnishing pistol or revolver to person under the
224 age of 18 years, in paragraph (a)(2), by deleting "subsection (a) of".
- 225 (6) Code Section 16-12-218, relating to no eligibility for tax credit, by deleting
226 "48-7-40.33,".
- 227 (7) Code Section 20-2-154.1, relating to alternative education programs, alternative charter
228 schools, intent, description, requirements, designation, funding, and effectiveness, in
229 subparagraph (l)(2)(A), by deleting "shall" following "Code Section 20-2-2063,".
- 230 (8) Code Section 32-9-4, relating to designation of special or exclusive use travel lanes and
231 use of such lanes, in subsection (a.1), by deleting ", as defined in Code Section 40-2-72,".
- 232 (9) Code Section 36-66-3, relating to definitions regarding zoning procedures, in
233 subparagraph (4)(F), by replacing "subparagraphs" with "subparagraph".
- 234 (10) Code Section 36-66-4, relating to hearings on proposed zoning decisions, notice of
235 hearing, nongovernmental initiated actions, reconsideration of defeated actions, and
236 procedure on zoning for property annexed into municipality, in subsection (a), by replacing
237 "subparagraphs" with "subparagraph".
- 238 (11) Code Section 45-20-16, relating to rules for accrual of leave, holidays, and
239 compensation for closing of state offices, utilization of accumulated sick leave, conversion
240 to and use of personal leave, disapproval, and contesting and reacquisition of sick leave,
241 in subsection (e), by replacing "subsection (d)" with "subsection (b)".

242 (12) Code Section 48-7-20, relating to individual tax rates, credit for withholding and other
243 payments, and applicability to estates and trusts, in paragraph (b)(2), by deleting "The tax
244 shown to be due by the tables shall be computed on the bases of the standard deduction and
245 the tax rates specified in paragraph (1) of this subsection. Insofar as practicable, the tables
246 shall produce a tax approximately equivalent to the tax imposed by paragraph (1) of this
247 subsection."

248 (13) Code Section 48-7-29.16, relating to tax credits for contributions to student
249 scholarship organizations, in paragraphs (f)(3) and (f)(4), by replacing "paragraph (1.2)"
250 with "paragraph (1.1)".

251 (14) Code Section 48-7-40.33, which is repealed, by designating said Code section as
252 reserved.

253 (15) Code Section 48-7-41, which is repealed, by designating said Code section as
254 reserved.

255 (16) Code Section 48-13-50.3, relating to additional nightly tax levied on public
256 accommodations, collection and remittance by innkeepers, exemptions, use of funds from
257 additional taxes, and provisions for termination, by designating paragraph (a)(3) as
258 paragraph (a)(4) and by designating paragraph (a)(4) as paragraph (a)(3), respectively,
259 placing said paragraphs in alphabetical order.

260 (17) Code Section 53-3-6, relating to issuance of citation and publication of notice and
261 mailing of petition to tax commissioner, in paragraph (c)(1), by replacing "date and time
262 for objections to be filed shown in the citation" with "date and time shown in the citation
263 for objections to be filed".

264 **SECTION 8.**265 *Reenactment*

266 (a) In accordance with subsection (c) of Code Section 28-9-5, the following portions
267 included in the Official Code of Georgia Annotated published under authority of the state by
268 LEXIS Publishing, including all 2022 supplements and revised volumes thereof, are hereby
269 reenacted, and such reenactment shall have the effect of adopting and giving force and effect
270 of law to the following portions as contained in such supplements and volumes:

271 (1) Statutory text; and

272 (2) Arrangement and numbering system, including, but not limited to, title, chapter, article,
273 part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision
274 numbers and designations.

275 (b) The following portions included in the Official Code of Georgia Annotated published
276 under authority of the state by LEXIS Publishing, including all 2022 supplements and revised
277 volumes thereof, are specifically not enacted or reenacted, have no binding authority, bear
278 no weight or effect, and shall not be construed to have the imprimatur of the General
279 Assembly or the State of Georgia:

280 (1) Case annotations;

281 (2) Research references, including, but not limited to:

282 (A) Law reviews;

283 (B) Collateral references to secondary sources;

284 (C) Opinions of the Georgia Attorney General;

285 (D) Advisory opinions of the State Bar; and

286 (E) Cross-references;

287 (3) Captions;

288 (4) Catchlines;

289 (5) Headings;

- 290 (6) Title and chapter analyses;
- 291 (7) History lines;
- 292 (8) Repeal lines;
- 293 (9) Editorial notes;
- 294 (10) Amendment notes;
- 295 (11) Code Commission notes;
- 296 (12) Effective date notes;
- 297 (13) Tables;
- 298 (14) User's Guide;
- 299 (15) General Index;
- 300 (16) Volume indices;
- 301 (17) Indices related to local and special laws;
- 302 (18) Conversion tables;
- 303 (19) The United States Constitution;
- 304 (20) The Georgia Constitution;
- 305 (21) Rules and regulations of state agencies, departments, boards, commissions, or other
- 306 entities;
- 307 (22) Material in brackets or parentheses and editorial, delayed effective date, effect of
- 308 amendment, or other similar notes within the text of a Code section which have been added
- 309 by the publisher in order to explain or to prevent a misapprehension concerning the
- 310 contents of the Code section; and
- 311 (23) Any other matter published in the Official Code of Georgia Annotated which is not
- 312 included in subsection (a) of this section.
- 313 (c) The reenactment of the portions of the Official Code of Georgia Annotated by
- 314 subsection (a) of this section shall not affect, supersede, or repeal any Act of the General
- 315 Assembly, or portion thereof, which is not contained in the Official Code of Georgia
- 316 Annotated and which was not repealed by Code Section 1-1-10, specifically including those

317 Acts which have not yet been included in the text of the Official Code of Georgia Annotated
318 because of effective dates which extend beyond the effective date of the Code or the
319 publication date of the Code or its supplements. This subsection shall not apply to any Act
320 or portion thereof which was superseded due to conflict as provided by subsection (b) of
321 Code Section 28-9-5.

322 (d) The provisions contained in Sections 1 through 7 of this Act and in the other Acts
323 enacted at the 2022 regular session of the General Assembly of Georgia shall supersede the
324 provisions of the Official Code of Georgia Annotated ratified and reenacted by subsection (a)
325 of this section.

326 (e) In the event of a conflict between a provision in Sections 1 through 7 of this Act and a
327 provision of another Act enacted at the 2023 regular session of the General Assembly, the
328 provision of such other Act shall control over the conflicting provision in Sections 1
329 through 7 of this Act to the extent of such conflict.

330

SECTION 9.

331

Repealer

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