

Agriculture & Consumer Affairs Committee Members

2006 Term

Senator John Bulloch, (11th) **Chairman**

3554 Bulloch Rd.

Ochlocknee, GA 31773

Senator Ralph Hudgens (47th) **Vice-Chairman**

P.O. 534

Comer, GA 30629

Senator Brian Kemp, (46th) **Secretary**

P.O. Box 5187

Athens, GA 30604

Senator Greg Goggans, (7th)

1300 Hampton Road

Douglas, GA 31533

Senator Steve Henson, (41st)

2643 Sterling Acres Drive

Tucker, GA 30084

Senator Chip Pearson, (51st)

P.O. Box 38

Dawsonville, GA 30534

Senator J.B. Powell, (23rd)

228 Church Street

Blythe, GA 30805

Senator Ed Tarver, (22nd)

3118 Natalie Circle

Augusta, GA 30909

Agriculture & Consumer Affairs Committee

Rules 2006 Term

1. These Committee Rules of Operation shall be constant with Senate Rule 2-1.5 (d) regarding the establishment of Rules of Operation
2. Quorum of the Committee shall be Five (5) members.
3. The Chairman shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
4. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full committee at such time as shall be designated by the Chairman.
5. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report in writing, setting forth succinctly the reasons for their dissent.
7. These rules may be amended upon a motion duly made and subsequently approved by a quorum of the Committee in a meeting called by the Chairman.
8. A bill, resolution, or other matter will be considered only after presentation by its principal author or a legislator whom he designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be the one whose name appeared first in the list of authors.
9. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to the hearing.
10. Where these rules are silent on a specific issue, the Rules of the Senate, as adopted, shall govern. (Senate Rule 2.1.5 {d})

Agriculture and Consumer Affairs Committee
January 26, 2006
Room 123 Capitol

Members present: Bulloch (11) Chairman Pearson (51)
Hudgens (47) Vice-Chairman Powell (23)
Kemp (46) Secretary Tarver (22)
Goggans (7)

Senator Bulloch called the meeting to order at 1:05 PM. He welcomed everyone to the meeting and introduced his support staff consisting of Leah Tatum-Dick, his Administrative Assistant and the Committee Recording Secretary, Brian Knight, Committee Aide, Gina Vose, Committee Intern, Angie Fiese, Senate Research, Elizabeth Wilson, Senate Information and Wayne Allen, Legislative Counsel. He then introduced and welcomed the newest committee member, Senator Ed Tarver; explaining he replaced former committee member and former Senator, Charles Walker

SB 329 (Heath, 31st) Wood Removal; timber buyers to maintain a bond; terms/conditions; penalties; Senator Bulloch introduced the bill and assigned it to a sub-committee consisting of Senator Hudgens, Senator Goggans with Senator Pearson as Chairman.

SB 380 (Kemp, 46th) Agricultural Commodity Commission; equines; definitions; change provisions; Senator Kemp introduced his bill explaining that it is a tool the commission can use for research and for promotional purposes. Senator Bulloch assigned it to a sub-committee consisting of Senator Pearson, Senator Powell with Senator Kemp as Chairman.

Senator Bulloch introduced Dean Scott Angle, Dean of the UGA College of Agriculture, explaining he came to Georgia with his Doctorate from the University of Missouri and was previously an Associate Dean for the University of Maryland. He also had Mark Eason, Chief Financial Officer for the college stand up and be recognized. Dean Angle stated the UGA College of Agriculture is among the top ten in the U.S. It is #4 in Agricultural research, #2 in scientific publications, has one of the best extension programs and, in his opinion, has the best 4H Program in the country. He went on to say there were concerns that he hoped to address including the fact that, with only 1200 students, the college is not meeting the needs of the state agriculture workforce. His discussion included his new transfer policy, more out-of-classroom experiences planned and more opportunities for student to go overseas for at least a week for work experience. He touched on Griffin's Academic problem and the Governor's proposed \$500,000 for that campus and the 2 agriculture course studies already introduced there. He discussed the FY 06' Supplemental Budget proposal which includes \$3000,000 for the UGA Agricultural Experiment Stations for maintenance and operations, \$525,000 for a Bio-

Refinery to address concerns about fuel cost for the agricultural industry and turns waste products into an industry that will give the U.S. a competitive advantage over other countries. He also discussed the FY 07' Budget proposal which includes a capital outlay of \$5 million for the Athens Animal and Dairy Science Livestock Facility, \$700,000 for the UGA Agricultural Experiment Stations maintenance and operations to be divided 50% to Tifton, 40% to Griffin and 10% to Athens. Also included is \$300,000 for continued support for Specialists and Extension Agents and \$286,000 for Agents to address animal and poultry wastes and \$100,000 for the 4H Agents. Senator Hudgens asked if any of the requested funds will be used to for a new roof for the dining hall at Rock Eagle. Dean Angle responded that there were some small funds already available to repair the old hall and it will be used for other functions but a new dining hall is to be built. He stated their FY 08' budget contained \$1.2 million for cabin replacement at Rock Eagle along with maintenance and operations costs. Dean Angle went on to discuss his long-range goals which include the potential for renewable energy sources using agricultural products. Senator Bulloch commented on the need for available, affordable supply of fuel that can be manufactured from agriculture products. He pointed out that Georgia was perfectly situated for that market because of our renewable energy sources, reasonable soils, sunlight and water. He also commented on the large geographical representation of the committee members from throughout Georgia. Tarver asked the average enrollment at Clemson. Dean Angle replied approximately 3500 and that included NC State and all Pre-med majors. Senator Goggans asked how students are admitted. Dean angle replied that freshmen are admitted first, based on GPA, then transfer students. The college usually has their enrollment completed before they reach students with a 3.7 so they and students with a 3.5 or 3.3 GPA are usually unable to be admitted to the college. He also said that there was a problem with the acceptance letters being received late by potential students; after they already made the decision to go to another school. He is implementing a new program and has 200 slots for a new admittance program and the college will be sending the acceptance letters out earlier. He closed by stating he wants to get the message out that the college teaches much more than "milking cows!" He said his long-term goal is to be a top 10 public funded University that remains true to its land-grant roots. Senator Bulloch thanked him for addressing the committee.

There being no further bills before the committee, the meeting was adjourned at 1:55 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 2, 2006

Room 125 Capitol

Members present:	Bulloch (11) Chairman	Henson (41)
	Hudgens (47) Vice-Chairman	Pearson (51)
	Kemp (46) Secretary	Powell (23)
	Goggans (7)	Tarver (22)

Senator Bulloch called the meeting to order at 3:31 PM. He welcomed everyone to the meeting.

SB 441 (Bulloch, 11th) Milk; milk products; standards and requirements; change certain provisions; Senator Bulloch introduced the bill explaining it is a simple housekeeping bill that only adjusts a date for Grade A pasteurized milk and mild products as it refers to national guidelines approved by the Federal Department of Agriculture. This change was requested by the Georgia Department of Agriculture. Senator Powell made a motion to **Do Pass**, seconded by Senator Hudgens. The bill passed unanimously.

SB 447 (Goggans, 7th) Georgia Agriculture Commodities Promotion Act; create Georgia Blueberry Commission; Joe Cornelius Jr. and Joe Cornelius III of Manor, GA introduced the bill at the request of Senator Goggans. Joe Cornelius Jr. explained bill created the GA Blueberry commission whose primary goal is to promote the growth of high quality blueberries in the state and to raise money to supplement research by UGA. It will also promote an identity for Georgia grown blueberries by introducing a new Georgia grown label. He pointed out that consumers like continuity i.e. products with the same label each year. That Kroger and Publix have familiar labels but most of their blueberries come from South America. He explained the bill regulates how the money is to be spent. The Commission would be self-governing and self-promoting. He explained how the commission would be set-up, funded and the requirements of membership. Senator Goggans suggested a change to the 3 year affirmation but this was not pursued. Senator Powell stated that the 2,000 lb limit is low. He asked how does the legislation impact the 'small patch' growers. Senator Bulloch responded that the bill pertains only to processed blueberries. Senator Powell asked if bill impacts roadside markets. Senator Bulloch answered that the bill pertains only to processed blueberries. Joe Cornelius III replied also, stating that 'U-Pick' operations are excluded. Senator Powell asked about roadside markets. Senator Bulloch explained that only processed blueberries with over 2,000 lbs of product are affected. Senator Hudgens asked if the assessment is paid by the producer or the processor and if there was any intention of future expansion to include the 'U-Pick' sellers. Senator Bulloch explained that the assessment is subtracted at the processing plant and that there was no intention to include the smaller growers as they do not make the same investment even though all growers will benefit from the research. Senator Tarver asked how much research is being done

now. Joe Cornelius Jr. responded a lot but that there is a shrinking pot of money available for future research. Senator Tarver asked if an assessment is made but not paid would that grower be taken to court. Senator Bulloch explained that assessments will not be billed, that the assessment is taken out of the money owed by the processor to the producer at the time the blueberries are processed. Senator Pearson asked how much is grown and how much money is represented in growth. Joe Cornelius III. responded that there has been a drastic increase in acreage because we are looking at a shift in land use. He gave the example of tobacco farmers now growing blueberries instead. He went on to say that, money-wise, it is around 30 to 40 million dollars and growing. Senator Bulloch added that this only pertains to growers producing 1 ton or more and that 30 to 40 million dollars is about 19 ½ million pounds. He stated that the blueberry industry, as a whole, has a much larger profit than this because the ‘pick-your-own’ crops are not included in this amount. Senator Kemp asked if the initial commissioners are appointed by the Agriculture Chairmen and, once done, would there be elections. Joe Cornelius Jr. responded that yes, the initial appointments would be made by the Chairmen of both the House and Senate Agriculture and Consumer Affairs Committees after which there would be elections. Senator Hudgens asked if we are considering blueberries that have been frozen or stored. That he saw nothing that referred to cold storage so he wanted to know if the assessment would apply when crops taken out of cold storage. Senator Bulloch responded that all blueberries are processed prior to freezing so the assessment is taken prior to freezing. Tommy Irvin, Commissioner of Agriculture spoke in support of the commission and urged the bill’s passage. Senator Henson asked why the Georgia Blueberry Commission was being set-up this way. That is was unusual. Joe Cornelius III responded that the commission would be comprised of farmers who are accountable for everyone they represent. They believed they were making it as efficient and exclusive as they could; that this is a particular and new industry in Georgia and they believe it is a progressive step to capitalize on the potential for growth. Commissioner Irvin also spoke up and stated it is always good to support commodity commissions and, although the proposal is strange, he feels it will work. Senator Hudgens made a motion to **Do Pass**, seconded by Senator Kemp. The motion passed unanimously.

HB 999 (Maddox, 172nd) **Veterinarians and veterinary technicians; certain requirements; change provisions;** Representative Maddox introduced the bill explaining it is a clean-up bill to language from the Veterinary Practice Act passed 3 to 4 years ago. It makes changes to a number of definitions with regard to veterinarians and veterinary technicians. He explained due to the shortage of Veterinary Technicians and Veterinary Assistants the bill is extending the grandfather clause to 2009. Dr. Lee Myers, GA Department of Agriculture spoke in support of the bill. She explained that her department reviewed and approved the changes. She also stated that the bill had the support of the Georgia Veterinary Medicine Association, many of the members being present to show their support. Senator Henson made a motion to **Do Pass**, seconded by Senator Goggans. The bill passed unanimously.

SB 380; (Kemp, 46th) Agricultural Commodity Commission; equines; definitions; change provisions Senator Bulloch called upon Senator Kemp to give an update since this bill was assigned to a sub-committee on January 26. Senator Kemp explained that they are gathering input from the equine industry and are considering funding the commodity commission with a specialty car tag. He stated that more study is needed and they would continue to work with Dr. Lee Myers, GA Department of Agriculture.

There being no further business before the committee, the meeting was adjourned at 4:25 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 14, 2006

Room 307 CLOB

Members present: Bulloch (11) Chairman Powell (23)
Kemp (46) Secretary Tarver (22)
Henson (41)

Senator Bulloch called the meeting to order at 9:05 AM. He welcomed everyone to the meeting explaining it is a public hearing for SB 478.

SB 478 (Balfour 9) Georgia Cigarette Fire Safety and Firefighter Protection Act; prohibit the sale of cigarettes unless meet certain standards; Senator Balfour presented his bill explaining that this bill would require that all cigarettes sold in Georgia must be certified by the Safety Fire Commissioner. Senator Henson arrived at 9:11 AM. Senator Balfour explained that the cigarettes would contain at least 2 bands or rings that would cause the cigarette to stop burning if it is set down or not “puffed” through the ring. He stated that a high number of fires, injuries and deaths were caused by cigarettes and requested the committee’s support of the bill. Senator Powell asked about any additional costs associated with the production of these cigarettes. Senator Balfour responded that as more of the cigarettes were produced the cost would be significantly reduced. Senator Tarver asked about legislation in other states. Senator Balfour responded that California passed similar legislation in the last six months and New York passed it a year and a half ago. Senator Balfour went on to say that it is obvious that it will save lives but it was too soon to have any actual data. Senator Tarver asked what the burn time is but Senator Balfour did not know the answer to that question. Senator Henson asked if there was any risk of the additional chemicals leading to additional cancers in smokers. Senator Balfour replied that the product is approved in New York, California and also in the entire country of Canada. Jim Tudor, GA Association of Convenience Stores, spoke against the bill. Members of his association represent 150 counties and that the sales of cigarettes represent 33% of their business. They do not endorse smoking but it is legal and an important part of their sales. He explained that only New York has the legislation currently in effect and their research shows that the number of brands available for sale has decreased as there are tremendous developmental costs involved. There are also issues with the taste of the cigarettes. Convenience stores in areas adjacent to New York state lines have noted increased sales. Internet sales have also increased. Customers aren’t purchasing the new cigarettes in large numbers. Distribution costs are significant. His association believes that the proper solution should be national, not state by state. The state by state solution is driving customers to the internet and taking tax revenues with them. They are not against the idea of a safe cigarette but it should not just pertain to the state of Georgia. He urged the committee not to hurt Georgia retailers. Senator Kemp asked how taxation works for internet sales. Jim Tudor responded that taxes are not paid. Senator Tarver asked about additional safety for

smokers...were the new cigarettes safer? Jim Tudor responded that he did not know. Jim Gould, RJ Reynolds, testified against the bill also. He said, from a manufacturer's prospective, cigarette fires would not be stopped; that the increase in tax could outweigh the benefit of stopping fires; that RJ Reynolds has been involved in research for a safer cigarette since the 1990's. He stated information out of New York suggests the statewide trend of decreasing fires has ended. There were 2105 fires before the law went into effect with 2102 fires the year after. The New York Fire Department, for half the state of New York, has reported a 10% increase in careless smoking fires in recent years. People now have a false sense of security. He also pointed out that cigarettes burned in artificial conditions did not reflect real world conditions. He believed more research was needed. That the Harvard School of Public Health tested 5 brands and found increases in CO₂, increase in every carcinogen and an increase in naphthalene. 45.8 % of customers noticed changes in taste so many of them are turning to Indian Reservations, going out of the state, and the internet to purchase their favorite brands. Also, New York State has noted a 2% decrease in tax revenues without an increase in taxes to replace the lost monies. RJ Reynolds believes it is premature to go forward. Senator Tarver asked if there was in fact no safety benefit for smokers but rather a safety risk. Jim Gould responded that they only had 1 ½ years of data from New York which shows that the law has not been effective so far. Senator Tarver asked about the CO₂ levels and the increase of carcinogens. Jim Gould responded that this was a question for the Surgeon General but he believed if we interfere with the way a cigarette burns, it will burn less efficiently and emit dirtier smoke. Don Cargill, Phil Morris, stated they support legislation at the Federal level and that 'boutique' cigarettes will result from trying to legislate on a state by state bases. He also pointed out that anything that burns and is handled carelessly will start fires. Rusty Kidd, RJ Reynolds, brought cigarettes to show the committee saying these are safer cigarettes and have been available for purchase. RJ Reynolds believes the consumers should have a choice; that less government is better government. He went on to say just the same as guns and cars do not kill people, sparklers and cigarettes do not cause fires. It is the people using them that do. Senator Bulloch (speaking of the cigarettes Rusty Kidd was holding) pointed out they did not meet the requirements of the current bill. Rusty Kidd responded that he was correct. Andrew Lloyd, American Cancer Society, stated they joined Senator Balfour and firefighters everywhere in supporting this bill. One fourth of all fire deaths are caused by cigarettes. He believed that the Federal vs. State argument is valid but says we cannot dispute that safer cigarettes would reduce deaths. Senator Henson said he was concerned about more carcinogenic materials in the cigarettes. Andrew Lloyd replied that studies show that the 4 most dangerous carcinogens are not increased and that the small increase in chemicals is not significant in relation to the danger of the product itself. Senator Henson asked if the decrease in cigarette sales in New York is indicative of decreased consumption or is it indicative of increased sales across state lines and through the internet. Andrew Lloyd responded that he believed the smoke-free air laws in New York translate to a decrease in consumption. Senator Henson asked about percentage of decrease but Andrew Lloyd replied there was no real study which breaks it down. Senator Bulloch asked which other states have

recently passed this type of legislation. Andrew Lloyd replied Pennsylvania, Vermont and Massachusetts in addition to the 2 already discussed (New York and California.) Senator Bulloch requested statistics showing the number of fire deaths per state and if he had copies of studies showing the higher amount of chemicals when smoked. Andrew Lloyd responded he will try to get that information to him at a later date. Jane Dean, American Lung Association, spoke in support of the bill saying they believe it helps prevent deaths and serious injuries. Senator Henson asked if she had any supporting documentation. She replied that she would try to get some to him. D. Gordon Draves, Georgians Against Smoking Pollution, spoke in support of the bill. He stated he spoke with U.S. Congressman Joe Moakley from Massachusetts who said Congress does not like the bill regardless of the high number of deaths each year. He said that the Harvard School of Public Health looked at 14 toxins which are found in both types of cigarettes and found 5 compounds were slightly higher in New York but that was no evidence of increased carcinogenic risks. Dr. Healy, American Revenue Association, spoke support of the bill. He stated statistics show 386 million dollars in property damage and 1000 deaths per year. Canadian studies show that 40% of fire deaths from smoking are not smokers. 3 in 6 victims are innocent bystanders. He is concerned with the passive effects of smoking as well as fire effects. He stated that John Oxendine, Insurance Commissioner, as well as Alan Shuman, Chief State Fire Marshall supported this bill along with EMTS and Firefighters. Cigarettes are products that cause fires and kill and injure people. Senator Bulloch requested scientific data which Andrew Lloyd replied he would try to reproduce the information from the Harvard Study and give it to the committee. Senator Balfour spoke in closing. He said it is mixing apples and oranges when saying that 40% of sales are through the internet. Taxes in New York are driving people to the internet! He finds it ironic that the cigarette industry is concerned about health since there is no such thing as a healthy cigarette. He stated when reviewing statistics you must remember as numbers get low, the chances of decreasing any further are lowered. The same rule applies to increasing numbers. Also, he stated numbers are going down every 20 years. He pointed out that local entities are passing laws so it is likely that there would be no state law without this phenomenal. He said he was hopeful that, with more states passing legislation, we will eventually have a Federal ordinance.

Senator Bulloch thanked everyone for attending and said he looked forward to receiving the promised data and to future discussion on this issue.

There being no further business the meeting was adjourned at 9:58 AM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 16, 2006

Room 125 Capitol

Members present:	Bulloch (11) Chairman	Goggans (7)
	Hudgens (47) Vice-Chairman	Pearson (51)
	Kemp (46) Secretary	Tarver (22)

Senator Bulloch called the meeting to order at 1:05 PM. He welcomed everyone to the meeting.

SB 229 (Rogers 21st) Animal Fighting/Baiting Act; dogfighting; provisions; punishment; Senator Rogers introduced this bill, explaining that it was first introduced during the 2005 Legislative Session and that the intent of the bill is to prohibit intentionally causing any fighting or baiting of animals well as training, purchasing, selling, transporting, transferring, breeding or equipping an animal to fight. The bill also prohibits betting anything of value on animal fighting and even being present at this type of activity. He explained that under the current law a person must be caught in the act. The trapping of animal fighting or even injured or dead dogs is not enough to prosecute. Also, there is no provision to prosecute spectators in the current law so it makes it that much harder for law enforcement to determine who is in charge at a dog fight; everyone can claim to be a spectator. Senator Hudgens asked why cockfighting was excluded; that he believed that was horrific and had no place in civilized society. Senator Rogers said that he believed that also but felt that it would stir up more opposition against this bill so he wished to tackle dogfighting first and leave cockfighting to another day and another bill. Senator Kemp asked about the prosecution of a child spectator. Senator Rogers said that the intent of that provision was really to encourage the spectators to assist in the prosecution of the person/persons staging the event. Senator Tarver stated he concurred with Senator Kemp; that he felt that they couldn't rely on DA's not to prosecute children if they were not specifically excluded. Senator Rogers said he was willing to change the bill. Senator Hudgens asked what age should they consider as a minor child; that there was a difference between an underage child being brought by a parent or guardian and a teenager with a license who drove himself or herself to the event. Senator Tarver made a motion to amend the language to exclude minors. Senator Pearson pointed out that they could be creating a loop hole for children to fight dogs; that they did not want to create a new breed of criminal. Senator Hudgens suggested excluding minor children under age 15. Senator Tarver withdrew his motion. Senator Hudgens made a motion to present a committee substitute and add the language "other than a minor child under the age of 15" seconded by Senator Tarver. The amendment passed unanimously. Senator Hudgens made a motion to **Do Pass by Committee Substitute**, seconded by Senator Pearson. The bill passed unanimously.

There being no further business before the committee, the meeting was adjourned at 1:48 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

February 21, 2006

Room 310 CLOB

Members present: Bulloch (11) Chairman Powell (23)
Hudgens (47) Vice-Chairman Tarver (22) Pearson (51)

Senator Bulloch called the meeting to order at 10:06 AM. He welcomed everyone to the meeting explaining it is a public hearing for SB 511. He also pointed out that each committee member was given handouts from 3 representatives from the hemp industries and there were additional copies available for anyone that wanted them.

SB 511 (Fort 39th) Controlled Substances; define terms; ban sale of marijuana/hemp flavored candy; provide penalties; Senator Fort stated 'dope' candy is a very serious problem. It is made from marijuana derivatives and is a gateway product that leads to other drugs. Hydro Blunt and Chronic Candy is being marketed aggressively to children in Metro Atlanta and throughout the state and is more obscene, in his opinion, than the Joe Camel advertisements in past years. Children can go into their local convenience store and buy potato chips, soda and dope candy. Senator Fort presented a substitute bill that prohibits the sale of this candy. He said he wants to send a message to the people who produce or sell this candy. The first offence is a misdemeanor while the second offence is a felony. He explained the reason for the substitute is that he does not want to affect the legal Hemp industry. They sell a legal product and he did not intend his bill to infringe on this existing industry. Senator Bulloch asked if there were any questions from the committee members. Senator Hudgens asked what was the legal fix. Senator Bulloch answered that Legislative Council would go over that part of the bill. Senator Tarver said he believed that line 3 and line 14 were different. Should this be fixed? Senator Fort said he didn't believe so; that Legislative Council would explain. Senator Hudgens said that Marijuana is already illegal in Georgia. Does this candy have marijuana in it? Senator Fort said the Hemp industry says they are using illegal marijuana, not legal hemp. He said that you cannot take 100 % of the active agent (TCP) out of the marijuana. He also went on to say that the candy has not been tested by the FDA. He believes this bill will allow testing to be done. Senator Hudgens asked if a young person had the candy, would a drug sniffing dog identify it? Senator Fort answered that he did not know but would try to find out. Rick Ruskell, Office of Legislative Counsel said there was a problem with the original bill concerning its application to all hemp oils or hemp parts. Senator Powell arrived at 10: 16 A.M. Rick Ruskell went on to say under the original bill the legal Hemp industry would be outlawed in Georgia. Since hemp does not contain TCP, the bill was written so as to change the code section so it will not apply to products or foods manufactured with or containing non-psychoactive hemp oils or hemp parts. He believes the language is now clear; that marijuana candy will not fit this description as it does not contain non-psychoactive hemp. Senator Tarver asked if the candy is flavored with cannabis oil. Rich Ruskell answered that the Hemp industry says yes. He went on

to say that the bill tries to keep the definition of “non hemp” but at the bottom of the bill there is a clarification of ‘non-psychoactive hemp. Jim Tudor, Georgia Association of Convenience Store, explained that Senator Fort contacted him about a year ago about the product. His association has about 200 different stores including Golden Pantry and BP. None of the stores his association represents sells this candy. That they don’t even sell candy cigarettes, Kathy Kuzava, Georgia Food Industry Association stated she represents the small independent stores as well as larger chains such as Kroger and Publix and some of the wholesalers. None of their membership sells this product. Loren Eischeld, GA Parent Teachers Association, Chairperson for Youth Services, says the Georgia PTA supports this bill as millions of children are negatively affected by these products. The National PTA supports all bills regarding this issue. She believes that children view this product as cool and adult-like. Using drugs and alcohol is not appropriate for young people. She urged passage of this bill. Senator Fort said he appreciated the input from the hemp industry and he would continue to keep them up to speed. He thanked the representatives from the convenience stores for discouraging the sale of this product but pointed out that there are stores which are still marketing this product. We need to send the message out that we will not tolerate a culture of drugs in our community. Senator Bulloch responded that he was also concerned with the effect these products have on young people. He commended Senator Fort for bringing forth this legislation. Senator Pearson asked how many places in Georgia are selling these products. Senator Fort said that the products are being sold in Georgia but he was not sure about the actual number of places selling it. He said there was a place at the mall selling it but the people selling it have been shadowy. Senator Pearson asked if the candy is being marketed as marijuana candy. Senator Fort responded that the candy is being marketed as hemp candy but that on websites, marijuana leaves are shown as well as other drug related items. Senator Tarver asked where the products are manufactured. Senator Fort replied Germany and Denmark and then imported to the U.S. Senator Pearson asked what is the percentage of THC? Senator Fort replied that this is a question for the DA or the FDA. He had no idea. Senator Hudgens said that this bill, SB 511, will not prevent people from shipping this product into the state of Georgia correct? Senator Fort answered that they will be able to bring the product into the state but will not be able to sell it. Senator Hudgens asked if these products could be purchased over the internet. Senator Fort replied yes so this is certainly a Federal issue as well. Senator Bulloch asked if this was the same type of fix as other states were trying. Senator Fort replied no, that our fix is unique. He believed it could become a roll model for other states. Senator Bulloch thanked everyone for attending the meeting and told Senator Fort he appreciated all his hard work on this bill. He stated he would put it on the agenda for a vote in a future Agriculture and Consumer Affairs Committee meeting.

There being no further business the meeting was adjourned at 10:47 AM.

/s/ Senator John Bulloch, Chairman

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee

March 1, 2006

Room 450 Capitol

Members present:

Bulloch (11) Chairman	Henson (41)
Hudgens (47) Vice-Chairman	Pearson (51)
Kemp (46) Secretary	Powell (23)
Goggans (7)	Tarver (22)

Senator Bulloch called the meeting to order at 2:35 PM. He welcomed everyone to the meeting. Senator Pearson and Senator Goggans arrived at 2:36 PM.

SB 380 (Kemp, 46th) Agricultural Commodity Commission; equines; definitions; change provisions; Senator Kemp presented a substitute bill which creates an agricultural commodity commission for equines. He explained that a few small changes had been made at the suggestion of the Georgia Department of Agriculture Veterinarian, Dr. Lee Meyers and others at the sub-committee meetings, including Senator Pearson. He also stated he met with Commissioner Tommy Irvin, Georgia Department of Agriculture to discuss the bill and the suggested changes. Senator Pearson left at 2:46 PM. Senator Kemp went on to say that the Commission will be funded with a special license “horse” tag costing \$25.00 with an additional \$1.00 processing fee to help tag agents cover the costs of the specialty plates. None of the specialty tags will be issued until there have been at least 1,000 applications during the 2 year application period. If an amendment to the State Constitution authorizing the dedication of revenue from the sale of the special license plates to support the commission is not ratified at the general election in 2006, this legislation will be repealed on January 1, 2007 and no license plate will be issued. Senator Kemp made a motion to **Do Pass By Committee Substitute**, seconded by Senator Henson. The bill passed unanimously.

HB 1213 (McCall 30th) Poultry; disposal; provide; Representative McCall said the purpose of this bill is to do everything possible to prevent an outbreak of the Avian Flu. To accomplish this, the bill prohibits the killing of chickens on the premises of the broker, or sales establishment other than for humane euthanasia or disease control. It also requires disposal of dead animals in a pit or incinerator. He stated the language had been approved of by the Commissioner Tommy Irving, Georgia Department of Agriculture. Senator Henson asked if the Agriculture Department would be allowed to make additional changes as needed. Representative McCall replied yes. Senator Henson made a motion to **Do Pass**, seconded by Senator Kemp. The motion passed unanimously.

There being no further business before the committee, the meeting was adjourned at 2:50 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee
March 7, 2006
Room 450 Capitol

Members present: Bulloch (11) Chairman Pearson (51)
Hudgens (47) Vice-Chairman Powell (23)
Kemp (46) Secretary Tarver (22)
Goggans (7)

Senator Bulloch called the meeting to order at 3:42 PM. He welcomed everyone to the meeting.

SB 511 (Fort 39th) Controlled Substances; define terms; ban sale of marijuana/hemp flavored candy; provide penalties; Senator Fort introduced a substitute bill explaining that he used ‘an abundance of caution’ to protect the legal hemp industry while preventing the sale of marijuana/hemp flavored candy. He noted there was considerable discussion already during the previous committee public hearing on February 21, 2006 but he would answer any additional questions. There were none. Senator Tarver made a motion to **Do Pass By Committee Substitute**, seconded by Senator Powell. The bill passed unanimously.

SB 588 (Rogers, 21st) Social Security Numbers; prohibit the use/display of; Senator Rogers presented a substitute explaining that the bill deals with the public display or posting of individual social security numbers including sending it over the internet. He stated the substitute was created to deal with concerns from a clerk of superior courts’ office regarding their liability when required to publicly post an individual’s social security number. He believes this substitute clears up that concern. The bill also includes circumstances under which the law will not be applicable. Senator Hudgens asked if this has to do with dying. Senator Rogers replied that just deals with the code section, it has nothing to do with dying. Senator Pearson arrived at 3:50 PM. Kirby Thompson, Equifax, stated that this was a good bill. His company could live with it and they were supportive of all attempts to stop identity fraud. Danny Orrock, Georgia Watch, said he supported this bill. Senator Hudgens made a motion to **Do Pass By Committee Substitute**, seconded by Senator Kemp. The bill passed unanimously.

SB 613 (Senator Bulloch 11th) Farmers’ Markets; provide safety/security; law enforcement on the premises; Senator Bulloch presented the bill explaining that the Atlanta Farmers Market is bigger than a small town and required its own 4 man law enforcement department. Senator Goggans arrived at 3:51. He stated that this was a necessary piece of legislation and that Commissioner Tommy Irvin, GA Department of Agriculture was in favor of the bill. He also said there was a bill just like this one in the

House and that everyone he talked to was in favor of the bill. Senator Kemp made a motion to **Do Pass**, seconded by Senator Hudgens. The bill passed unanimously.

There being no further bills before the committee, the meeting was adjourned at 3:54 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee
March 21, 2006
Senate Mezzanine, Capitol

Members present: Bulloch (11) Chairman Henson (41)
Hudgens (47) Vice-Chairman Powell (23)
Kemp (46) Secretary Tarver (22)

Senator Bulloch called the meeting to order at 4:35 PM. He welcomed everyone to the meeting.

HB 1404 (McCall, 30th) Commissioner of Agriculture; farmers' market; change provisions; Senator Bulloch introduced the bill explaining it is identical to SB 613 which was passed by this committee during the last meeting. The bill allows for the creation of a police force under the direction of the Department of Agriculture. The police force already exists but the Attorney General's Office indicates that this is not permitted. Both bills dealing with this problem are being moved in order to insure passage of 1 of them. Senator Kemp made a motion to **Do Pass**, seconded by Senator Tarver. The bill passed unanimously.

HB 1380 (Graves, 12th) Food; adulteration and misbranding; provide certain exemptions; Representative Graves presented a substitute bill, explaining that it's intent is to allow people to sell home prepared food being subjected to inspection by the state. Representative Graves added that this is intended to protect people who prepare and sell food recreationally or as a hobby at roadside stands, festivals or for charitable fundraising events. He pointed out that most of the people at these events know who they are buying from since they are their friends and neighbors. The bill also requires the seller to label the goods as 'homemade and not subject to state inspection.' Senator Hudgens asked why the bill includes language referring to the size of the print on outdoor advertising signs for pecans. Senator Bulloch said there was a problem in the large signs advertising a very low price for pecans such as \$1.99, but they were actually selling pecan meal or granules, not shelled pecan halves or pieces. Senator Henson asked what is meant by hazardous foods. Senator Bulloch replied that the USDA has a list of foods that are listed as potentially hazardous and the Department of Agriculture used the same guidelines. Senator Hudgens commented that the committee substitute reduces the gross income to \$2,000 or less per year. He asked Representative Graves if he was sure he wanted to do this. Representative Graves replied yes. Senator Kemp asked if this and 'hazardous foods' were the only things changed. Senator Bulloch replied that the word 'pieces' was also a change. Senator Henson asked about enforcing the dollar limit. Senator Bulloch replied that it would be hard to enforce anything. Representative Graves said he had received some concerns from producers at packaging companies but the bill pertains to someone who is baking goods that are not to be sold through retail stores. He went on to say that although this will be difficult to regulate, who do you know sells goods with a

license; everyone violates Georgia's law. Senator Tarver asked if churches have to report to the Department of Agriculture. Representative Graves answered that, under the current law, the answer was yes but the bill would exempt them so long as sales are for charitable purposes. Senator Bullock commented that it was his belief that churches are already exempt. Mike Vasquer, Georgia Restaurant Association, offered an amendment which would change the way restaurant grades are displayed within the restaurant. Senator Kemp asked if he was correct in believing that this amendment has nothing to do with the grading scale, only where it is posted. Mike Vasquer replied that he is correct. Senator Henson asked if page 2 line 23 is to be crossed out. Mike Vasquer replied that lines 16-19 are to be scratched. Senator Bullock asked Jeff Lanier, Legislative Council, to add the amendment to the Senate committee substitute to create a new substitute. Senator Henson made a motion to accept the new Senate substitute, seconded by Senator Hudgens. The new Senate substitute was unanimously accepted. Cameron Smoak, GA Department of Agriculture spoke against the bill. He said the U.S. has the safest food supply in the world. He believed there are good intentions behind this bill but people selling their homemade products to the public may not have the knowledge they need to provide a safe product. He went on to say the AG Department in conjunction with UGA was working to educate the public on the proper way to process food. He said they were worried about botulism among other problems from improper canning of food. He also pointed out it would be incredibly difficult to enforce the dollar amount but if the bill passed they would give it their best effort. Senator Henson asked if other states had this type of exemption. Cameron Smoak replied that he believed New York and Kentucky did. Senator Powell asked how does the substitute bill affect the Department of Agriculture. Cameron Smoak replied that it pertains to the Health Department, not the Department of Agriculture. Senator Hudgens asked if he was opposed to [HB 1380](#) even with the changes caused by the Senate substitute. Cameron Smoak replied yes he was still opposed to the bill. Robert Mitchell, poultry farmer spoke against the bill. He said that Georgia had a good system in place already. He pointed out that the guidelines are set for the sake of safety. Anyone buying jams and jellies should know the levels of substances being added. He stated that any food can become hazardous as soon as the lid hits the jar. It is important to educate the public. 1 jar can be deadly. Things such as the anaerobic condition should be checked; the product may not have been cooked the proper length of time making it a perfect breeding ground for botulism. He ended by saying that the Georgia Department of Agriculture does a good job of sanitation, record keeping and educating the public. Senator Bulloch asked if reducing the amount of allowable sales from \$7,500 to \$2,000 make him feel better about the bill. Robert Mitchell responded no, 1 jar improperly prepared can be deadly. Senator Bulloch commented that people selling home canned goods to send their children to 4H Camp will do so regardless of the law. Dr. James Daniels, UGA Department of Food Science, spoke against the bill. He explained that his department works with people to get them licensed to sell food to the public. He said that approximately 1 out of 15 or 1 out of 20 products needs to be adjusted. He feels that the same rules should apply, whether a can comes from an old lady canning in her home kitchen or from Campbell's. He pointed out that many people

are deathly allergic to peanuts so all use of them should be clearly marked. Senator Henson made a **motion to table the bill**, seconded by Senator Powell. Senators Tarver, Powell and Henson voted yes with Senators Hudgens and Kemp opposed. The motion is carried and the bill is laid on the table.

HB 983 (Chambers 81st) Petroleum products; sale of; certain acts; prohibit; Representative Chambers gave out 2 handouts to the committee members. She presented a committee substitute explaining that it deals with the 'phase-out' of MTBE gasoline. She stated that MTBE is a very pollutant chemical that is added to gasoline that, once the fuel is burned, the MTBE remains and binds with water. There are nine states that have already ban MTBE gasoline. She believes a 'phase-out' paves the way for ethanol based gasoline. Rich Cobb, Georgia Petroleum Council, spoke in support of the bill. He represents the gas manufactures. He said that MTBE is currently being phase-out across the U.S. He stated that reformulated gasoline is not being marketed in Georgia. Senator Henson asked what is the difference between regulated and reformulated. Rich Cobb replied that clean air requires reformulated gasoline. In Georgia there is a Co2 problem and an ozone problem. We want to have a good, stable regional supply of gasoline. North Carolina phase-out is effective in 2008, Tennessee in 2006 and Alabama in 2009. He believed that this bill will bring consistency and urged its support. Senator Bulloch asked if it is legal to manufacture products which contain MTBE today. Rich Cobb replied yes it is but he believed it needed to be looked at in conjunction with other states and what they are doing. Senator Bulloch remarked that the original bill pertained to 1 of 2 pipelines. He said he would not want to pass a bill which has effects such as those seen recently with Hurricane Katrina. Also he does not want to pass something which has harmful effects on manufacturers. He believed Georgia needs to keep a good constant supply of fuel but he does not want Georgia to become a dumping ground. He felt he must consider the bill since it may put Georgia into consistency with other states. Senator Henson said he hoped the industry will continue to work for cleaner, better air. Rich Cobb replied that Georgia fuel is the cleanest in the country according to the EPA. Lewis Massey, Massy Bowers, spoke against the bill. He represents a manufacturer of MTBE. He pointed out that MTBE raises the oxygen content in gasoline and is actually good for air quality. He went on to say there is a reduction in air toxins with MTBE gasoline. He believes it is not necessary to interfere with the free market because MTBE will eventually be phased-out. He felt that Georgia should not be forced to give up its gasoline especially with current gas prices. He felt Georgia should not do anything which affects the supply of gasoline and increase the price. He stated that Colonial Pipeline will continue to ship MTBE gasoline on a case-by-case base as needed. He went on to say a government mandated phase-out will put Georgia in a precarious position. He recommended allowing a group, either the Governor's Task Force or the Senate Agriculture and Consumer Affairs Committee, to conduct a study and then make a recommendation to the General Assembly. He stated that only 2 southeastern states have passed this ban and only Kentucky has the legislation in effect but they are not on a pipeline. He also pointed out the US Congress did not ban MTBE when they debated the

energy bill in 2005. Senator Henson asked why is MTBE so dangerous. Lewis Massey responded that MTBE is not the most toxic component in gasoline. It clings to soil less and tends to be at the leading edge of the plume. Senator Hudgens asked if he agreed that [HB 983](#) didn't really do anything. He said that the Board of Natural Resources is the only group with authorization. This bill only urges the Board of Natural Resources to adopt these regulations, isn't that true. Lewis Massey said he is correct. This bill is an effort to the BNR look at the issue. He believed more studies are needed. He went on to say that allowing MTBE to be used does not interfere with ethanol being introduced, the two can coexist. He asked why eliminate MTBE as an option. It makes up only 1% of regular gasoline and 5 to 10% of premium. Senator Bulloch remarked that many oil companies are switching to ethanol on their own. Senator Henson interjected that North Carolina is not doing it till 2008. Senator Hudgens asked if MTBE boosted performance. Lewis Massey replied that it is an octane enhancer. Both ethanol and MTBE are used in a similar fashion. Senator Bulloch said that GFA is comfortable with the language of the substitute but he felt they needed to make sure the supply for gasoline is adequate for the citizens of Georgia. Representative Chambers closed the discussion by pointing out that the senate substitute does not do as much as the House version did. She felt that banning MTBE will have no free market impact because this gasoline is not sold in Georgia but she felt it is necessary to send the message that we want to use products produced in Georgia. Senator Hudgens pointed out that the product is not currently sold in Georgia. Representative Chambers responded that they should be taking a regional approach. Senator Bulloch asked if she has the facts to show that no MTBE gasoline is being sold today. Representative Chambers answered that gasoline has only trace amounts. Lewis Massey spoke up and said he disagreed with the Representatives' testimony because 1% of regular and 5 to 10% of premium gasoline contains MTBE. Senator Hudgens made a **motion to table** the bill, seconded by Senator Powell. The motion passed unanimously so the bill was laid on the table. Senator Kemp made the statement that it could be possible to have another meeting on Thursday if necessary.

There being no further bills before the committee, the meeting was adjourned at 6:17 PM.

/s/ Senator Brian Kemp, Secretary

/s/ Leah Tatum-Dick, Recording Secretary

Agriculture and Consumer Affairs Committee
March 23, 2006
Room 125, Capitol

Members present: Bulloch (11) Chairman Pearson (51)
Hudgens (47) Vice-Chairman Tarver (22)
Goggans (7)

Senator Bulloch called the meeting to order at 6:20 PM. He welcomed everyone to the meeting.

HB 1380 (Graves, 12th) Food; adulteration and misbranding; provide certain exemptions; Senator Pearson made a **motion** to remove the committee substitute for **HB 1380** from the table, seconded by Senator Goggans. Senators Hudgens, Goggans and Pearson voted yes with Senator Tarver voting no. The motion to remove the bill from the table passed. Senator Bulloch asked Representative Graves if he had anything to add to the previous discussion of the bill. Representative Graves said he felt this bill provides an opportunity for those who cook for a hobby to sell to the public. Senator Bulloch added that the substitute also contains language reducing the amount of allowable sales from \$7500 to \$2,000 and changes the way restaurant grades are displayed within the restaurant. Senator Hudgens make a motion to **Due Pass by Substitute**, seconded by Senator Pearson. Senators Hudgens, Goggans and Pearson voted yes with Senator Tarver voting no. The bill passed 3 to 1.

HB 983 (Chambers 81st) Petroleum products; sale of; certain acts; prohibit; Senator Hudgens made a **motion** to remove the committee substitute for **HB 983** from the table. There was no second. **HB 983** remains on the table.

There being no further bills before the committee, the meeting was adjourned at 6:25 PM.

/s/ Senator John Bulloch , Chairman

/s/ Leah Tatum-Dick, Recording Secretary