

House Bill 996

By: Representatives Carpenter of the 4th, Scoggins of the 14th, Hill of the 3rd, Smith of the 18th, and Jasperse of the 11th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as change and provide for additional exceptions to the "Dietetics Practice Act,"
3 to allow individuals credentialed in the field of nutrition to provide advice, counseling, or
4 evaluations in matters of food, diet, or nutrition under certain circumstances; to provide for
5 conforming cross-references; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
10 is amended by revising Code Section 43-11A-18, relating to exceptions to the "Dietetics
11 Practice Act," as follows:

12 "43-11A-18.

13 Nothing in this chapter shall be construed to affect or prevent:

14 (1) A student enrolled in an approved academic program in dietetics from engaging in
15 the practice of dietetics under the supervision of a dietitian; or a dietetic technician,

16 certified dietary manager, or dietetic aide in a health care facility from providing nutrition
17 services under the supervision of or in consultation with a dietitian;

18 (2) A dietitian who is serving in the armed forces of the United States or any other
19 federal agency from engaging in the practice of dietetics, provided that such practice is
20 related to service or employment;

21 (3) Persons licensed to practice the professions of dentistry, medicine, osteopathy,
22 chiropractic, nursing, or pharmacy from engaging in the practice of dietetics when
23 incidental to the practice of their profession, except that such persons may not use the title
24 'dietitian';

25 (4) A nonresident registered dietitian from practicing dietetics in this state for five days
26 without a license or up to 30 days per year with licensure from another state if the
27 requirements for licensure are substantially equal to the requirements contained in this
28 chapter;

29 (5) Employees of a department, agency, or division of state, county, or local government
30 from engaging in the practice of dietetics within the discharge of official duties when
31 such practice is directed by or in consultation with a dietitian licensed under this chapter;

32 (6) Persons who were engaged in dietetic practice prior to July 1, 1994, but the
33 prohibition of Code Section 43-11A-16 shall apply to such persons on and after July 1,
34 1995;

35 (7) Persons who provide weight control services, provided the weight control program
36 has been reviewed by, consultation is available from, and no program change can be
37 initiated without the prior approval of either a dietitian licensed under this chapter, a
38 dietitian licensed in another state which has licensure requirements which are
39 substantially equal to the requirements contained in this chapter, or a registered dietitian;

40 (8) Persons from marketing or distributing food, ~~disseminating information on food, food~~
41 ~~materials, dietary or food supplements, or minerals or herbs, including but not limited to~~
42 ~~operators and employees of health food stores or other licensed businesses which sell~~

43 ~~such products, provided that such persons shall not engage in the oral or written~~
44 ~~explanation of the historical use, benefit, or preparation of such products which is~~
45 ~~intentionally deceptive or fraudulent, and such persons shall not furnish specific nutrition~~
46 ~~information related to such products which is deceptive or fraudulent. Persons products,~~
47 ~~including, but not limited to dietary products that have been approved by the United~~
48 ~~States Food and Drug Administration or from engaging in the explanation and education~~
49 ~~of customers regarding the use of such products; provided, however, that such persons~~
50 ~~included in this paragraph shall not use the title 'dietitian' and shall not designate~~
51 ~~themselves by any other term or title which implies that such persons are licensed under~~
52 ~~this chapter;~~

53 (10) The free dissemination of literature or any person from furnishing general nutrition
54 information as to the use of food, food materials, or dietary supplements;

55 (11) A person credentialed in the field of nutrition from providing advice, counseling,
56 or evaluations in matters of food, diet, or nutrition to the extent that such acts are within
57 the scope of practice listed by the credentialing body and do not constitute medical
58 nutrition therapy; provided, however, that no such person shall call himself or herself a
59 dietitian unless he or she is licensed under this chapter.

60 ~~(9)~~(12) The practice of the tenets of any religion, sect, or denomination whatsoever,
61 provided that a member of such religion, sect, or denomination shall not use the title
62 'dietitian' and shall not designate himself or herself by any other term or title which
63 implies that such member is engaged in dietetic practice; or

64 ~~(10)~~(13) Persons with a master's or doctorate degree from any regionally accredited
65 college or university with a major course of study in human nutrition, food and nutrition,
66 dietetics, food systems management, or nutrition education, or persons with a doctorate
67 degree from a regionally accredited college or university with a major course of study in
68 nutritional biochemistry, provided that such persons shall not use the title 'dietitian.'"

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SECTION 2.

70 Said title is further amended by revising paragraph (5) of Code Section 43-34-316, relating
71 to exceptions relative to genetic counseling, as follows:

72 "(5) Any person using genetic data for purposes of nutritional counseling who is licensed
73 as a dietitian under Chapter 11A of this title or exempt from such licensure pursuant to
74 paragraph ~~(10)~~(13) of Code Section 43-11A-18."

75

SECTION 3.

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