

Senate Bill 420

By: Senators Jones of the 10th, Karinshak of the 48th, Harbison of the 15th, Sims of the 12th, Jackson of the 2nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 26-2-25 of the Official Code of Georgia Annotated, relating to  
2 licensing of food sales establishments, so as to direct the Department of Agriculture to  
3 establish rules and regulations relating to the public use of restroom facilities in food sales  
4 establishments; to provide that if a food sales establishment permits members of the public  
5 to use its restroom facilities, it must do so without discriminating on the basis of race, color,  
6 religion, national origin, sex, disability, or age and must maintain the restrooms in a clean  
7 and serviceable condition; to provide for penalties for noncompliance; to provide that no  
8 food sales establishment shall be required to permit members of the public to use its restroom  
9 facilities; to provide for related matters; to provide for an effective date; 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 Code Section 26-2-25 of the Official Code of Georgia Annotated, relating to licensing of  
14 food sales establishments, is amended by adding a new subsection to read as follows:

15 "(d) The Department of Agriculture shall establish rules and regulations relating to public  
16 use of restroom facilities, including:

17 (1) A statement providing that in the event a food sales establishment allows persons  
18 other than employees of the food sales establishment to access restroom facilities,  
19 including but not limited to handwashing sinks and toilets, the food sales establishment  
20 shall not discriminate on the basis of race, color, religion, national origin, sex, disability,  
21 or age relating to access to said restroom facilities of the food sales establishment;

22 (2) A requirement that in the event a food sales establishment allows persons other than  
23 employees of the food sales establishment to access restroom facilities, including but not  
24 limited to handwashing sinks and toilets, said restroom facilities shall be maintained in  
25 a clean and serviceable condition;

26 (3) A provision that in the event a food sales establishment allows persons other than  
27 employees of the food sales establishment to access restroom facilities, including but not  
28 limited to handwashing sinks and toilets, said restroom facilities shall be subject to  
29 inspection by the Department of Agriculture, the Department of Public Health, and the  
30 county boards of health, acting as duly authorized agents of the Department of Public  
31 Health;

32 (4) A provision requiring food sales establishments that do not allow persons other than  
33 employees of the food sales establishment to access restroom facilities, including but not  
34 limited to handwashing sinks and toilets, to provide public notice in a conspicuous and  
35 appropriate place near the entrance of the food sales establishment that restroom facilities  
36 are not available for public use;

37 (5) Provisions for penalties for noncompliance with the rules and regulations established  
38 pursuant to this subsection, including but not limited to a penalty for aggravated  
39 noncompliance that suspends the food sales establishment from participation in sign  
40 programs offered by the Georgia Department of Transportation until such time as the  
41 food service establishment is deemed compliant following an inspection provided for in  
42 the rules and regulations established pursuant to this subsection; and

43 (6) A statement that nothing in the rules and regulations established pursuant to this  
44 subsection shall be deemed to require that food sales establishments allow persons other  
45 than employees of the food sales establishments to access restroom facilities, including  
46 but not limited to handwashing sinks and toilets."

47 **SECTION 2.**

48 This Act shall become effective on July 1, 2020.

49 **SECTION 3.**

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