

House Bill 405 (AS PASSED HOUSE AND SENATE)

By: Representatives Hitchens of the 161st, Lumsden of the 12th, Rogers of the 10th, Powell of the 32nd, Tanner of the 9th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia
2 Annotated, relating to the emergency powers of the Governor, so as to require the Georgia
3 Emergency Management and Homeland Security Agency to establish a state-wide system
4 to facilitate the transport and distribution of essentials in commerce during a state of
5 emergency declared by the Governor; to provide for a definition; to provide for the
6 certification of organizations and business entities that would be engaged in such
7 transportation and such distribution; to provide for privileges for employees and agents of
8 such organizations and business entities; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Part 1 of Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated,
13 relating to the emergency powers of the Governor, is amended by adding a new Code section
14 to read as follows:

15 "38-3-58.

16 (a) As used in this Code section, the term 'essentials' means goods that are consumed or
17 used as a direct result of a state of emergency declared by the Governor or that are
18 consumed or used to preserve, protect, or sustain life, health, safety, or economic
19 well-being.

20 (b) Notwithstanding Code Section 38-3-56, the Georgia Emergency Management and
21 Homeland Security Agency shall establish a state-wide system to facilitate the transport
22 and distribution of essentials in commerce during a state of emergency declared by the
23 Governor for the purpose of meeting the needs of the residents of this state during such an
24 emergency and to ensure the continuing economic resilience of communities impacted by
25 such an emergency.

26 (c) In conformance with subsection (b) of this Code section, such system shall provide for
27 a certification of organizations and business entities that facilitate, or are likely to facilitate,
28 the transport or distribution of essentials where such certification shall apply to all
29 employees or agents of such organizations and business entities who, as designated by such
30 organizations and business entities, are employed to facilitate the transport or distribution
31 of essentials. In providing for such certification, the Georgia Emergency Management and
32 Homeland Security Agency:

33 (1) May provide for a preemergency or postemergency certification;

34 (2) May rely on information provided for by bona fide employers in this state about the
35 jobs performed by their employees relating to essentials;

36 (3) Shall create easily recognizable indicia of certification to assist the efforts of local
37 officials in determining the employees and agents of such organizations and business
38 entities which are certified pursuant to this Code section; and

39 (4) May provide for an electronic certification process and an electronic distribution of
40 the recognizable indicia of certification.

41 (d) Except as provided for in this Code section, the Georgia Emergency Management and
42 Homeland Security Agency shall not require any organization, business entity, or
43 individual to obtain any additional certification or to fulfill any additional requirement to
44 transport or distribute essentials in commerce during a state of emergency declared by the
45 Governor.

46 (e) Notwithstanding any established curfew, a designated employee or agent of an
47 organization or business entity certified pursuant to this Code section may enter or remain
48 in a curfew area beyond the restrictions of the curfew for the limited purpose of facilitating
49 the transport or distribution of essentials. Nothing in this Code section shall be construed
50 to prohibit the Georgia Emergency Management and Homeland Security Agency or local
51 officials from specifying a permissible route of ingress or egress or from denying access
52 to an area in order to preserve, protect, or sustain the life, health, safety, or economic
53 well-being of a person or property or from granting access as otherwise deemed necessary.

54 (f)(1) The Georgia Emergency Management and Homeland Security Agency may
55 suspend or revoke certification granted pursuant to this Code section as a result of any
56 violation or abuse of this certification. If the suspension is based on a reported violation
57 or abuse, the Georgia Emergency Management and Homeland Security Agency shall
58 investigate the reported violation or abuse in a timely manner.

59 (2) If the Georgia Emergency Management and Homeland Security Agency suspends or
60 revokes a certification, such agency shall communicate the cause of the suspension or
61 revocation to the certified organization or business entity as provided for in subsection (c)
62 of this Code section. If the suspension is based on a reported violation, the Georgia

63 Emergency Management and Homeland Security Agency shall investigate the reported
64 violation in a timely manner to determine whether the reported violation occurred."

65 **SECTION 2.**

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