



Date: December 13, 2018

Action: Notice of Intent to repeal Chapter 40-8 entitled *Information and Education Farmers and Consumers Market Bulletin* and adopt Chapter 40-8 entitled *Farmers and Consumers Market Bulletin*

To all interested parties:

Pursuant to the Official Code of Georgia Annotated, O.C.G.A. §§ 2-2-9 and 50-13-4, notice is hereby given that the Georgia Department of Agriculture will be accepting written comments regarding the repeal of Chapter 40-8 entitled *Information and Education Farmers and Consumers Market Bulletin* and the adoption of Chapter 40-8 entitled *Farmers and Consumers Market Bulletin*. The Department will be accepting written comments from December 13, 2018, to close of business (4:30 p.m. EST) on January 17, 2019.

Synopsis, Main Features, and Differences:

Repeal of Chapter 40-8 entitled *Information and Education Farmers and Consumers Market Bulletin*

The Department proposes to repeal Chapter 40-8 entitled *Information and Education Farmers and Consumers Market Bulletin*. The Chapter's modernization requires significant amendments; therefore, the Department has elected to simplify the process and fully repeal and replace the Chapter.

Adoption of proposed Chapter 40-8 entitled *Farmers and Consumers Market Bulletin*

The Department proposes to adopt Chapter 40-8 entitled *Farmers and Consumers Market Bulletin* and structure the new rule as follows:

Subject 40-8-1 entitled *General*

Rule 40-8-1-.01 entitled *Definitions*

Rule 40-8-1-.02 entitled *Publication of Periodical*

Rule 40-8-1-.03 entitled *Editor's Authority*

Rule 40-8-1-.04 entitled *Responsibility*

Subject 40-8-2 entitled *Classified Notices*

Rule 40-8-2-.01 entitled *Requirements and Restrictions for Classified Notices*

Rule 40-8-2-.02 entitled *Publication of Classified Notices*

Subject 40-8-3 entitled *Display Advertisements*.

Rule 40-8-3-.01 entitled *Display Advertisement Availability and Design*

Adoption of proposed Rule 40-8-1-.01 entitled *Definitions*

The Department proposes to define relevant terms in an effort to increase rule clarity.

Adoption of proposed Rule 40-8-1-.02 entitled *Publication of Periodical*

The Department proposes to set forth the *Farmers and Consumers Market Bulletin's* purpose.

Adoption of proposed Rule 40-8-1-.03 entitled *Editor's Authority*

The Department proposes to establish the Editor as the final authority for all editorial decisions. The Department proposes to label the following as editorial decisions:

- The decision to promulgate advertising guidelines;
- The decision to contract with agricultural businesses and organizations for the placement of display advertisements;
- The decision to allocate the maximum number of words allowed in classified notices of any particular category and the decision to edit any notices exceeding this limitation;
- The decision to designate certain issues for emphasis on a particular category or group of categories;
- The decision to include articles or announcements of interest to the agricultural industry;
- The decision to refuse publication of classified notices and display advertisements that fail to conform to the proposed rules or guidelines promulgated under these proposed rules, that violate other Departmental rules, that violate Georgia or Federal law, or that are submitted by any person who has unresolved complaints or numerous complaints filed regarding previous notices; and
- The decision to set publication deadlines.

Adoption of proposed Rule 40-8-1-.04 entitled *Responsibility*

The Department proposes to establish responsibility and liability guidelines. The Department may refuse to publish advertisements from advertisers who do not, in the Editor's opinion, use fair and ethical business practices in their transactions with the public. The Department may also refuse to publish advertisements which include profanity or material deemed inappropriate by the Editor.

The Commissioner, Department, and Editor will not accept responsibility for any advertisements or errors; nor will they assure the quality or fitness for purpose of the services or goods advertised.

All advertisers are solely responsible for ensuring compliance with all applicable federal, state, and local laws, rules, and regulations relating to the sale or use of their advertised services or goods.

Adoption of proposed Rule 40-8-2-.01 entitled *Requirements and Restrictions for Classified Notices*

The Department proposes to establish requirements and restrictions for classified notices. The major features of these requirements and restrictions can be summarized under the following subheadings:

- General Scope – All classified notices must relate directly to the agricultural industry or be a product of the industry. The Department proposes to establish criteria for determining whether an item or service falls within the intended scope.
- Business and Real Estate Professional Restriction – Classified notices are not permitted for businesses or real estate professionals; however, an individual connected with a business or real estate profession may advertise items that he or she owns and that are not directly associated with the business or commercial operations.
- Submission Requirements – Each classified notice submitted for publication must meet specific criteria set by the Department. These criteria relate to the legibility and categorization of the submission. A signed certification statement must also be included.
- Legal Requirements – Any item for sale or service offered in a classified notice must conform to all applicable laws and regulations regarding sale and movement.
- License and Permit Requirements – An advertiser must hold all required licenses and permits for any product or service advertised, and all applicable licenses and permits must remain valid throughout the advertising run.
- Testing Requirements – An advertiser must appropriately test any product which requires testing, and the results of this test must remain valid throughout the product’s advertising run.
- Documentation Requirements – An advertiser must appropriately document any product which requires documentation, and the documentation must remain valid throughout the product’s advertising run.
- Additional Restrictions – The Department proposes to adopt content-specific requirements and restrictions that will apply to handicrafts, farm labor, farm land, farm equipment, farm services, livestock, pets, and timber.

Adoption of proposed Rule 40-8-2-.02 entitled *Publication of Classified Notices*

The Department proposes to limit classified notices to one classified notice in an issue of the *Bulletin* per individual subscriber, absent the Editor’s advance special authorization. Following approval, classified notices will be published in only two issues per submission, absent special

authorization following a written request. If extended publication is permitted, a new classified notice must be submitted after a four-issue publication period.

Adoption of proposed Rule 40-8-3-.01 entitled *Display Advertisement Availability and Design*

The Department proposes to allow publication of display advertisements promoting goods or services benefitting or relating to the agricultural industry. Display advertisements deemed acceptable will be published in exchange for a specified monetary contribution on a first come, first served basis. The Editor will establish the uniform size options correlating with the various contribution levels.

Comment Period and Additional Information

The Department will be accepting written comments from December 13, 2018, to close of business (4:30 p.m. EST) on January 17, 2019. Comments will be considered on January 18, 2019. Please submit written comments to:

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Chief Communication Officer
Georgia Department of Agriculture
19 Martin Luther King, Jr. Drive, S.W., Room 330
Atlanta, Georgia 30334
Telephone Number: 404-656-3689
Fax Number: 404-463-4389

Interested parties may call or submit a written request to obtain a copy of the proposed rules. A copy of the synopsis and proposed rules may be downloaded from the Georgia Department of Agriculture website at www.agr.georgia.gov.

This notice is given in compliance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-4.