Thanks to the support of our member retailers, the 2022 Session of the Georgia General Assembly was a success for Georgia’s retail industry. The Georgia Retailers team worked with the Governor’s office, legislative leadership and our coalition partners to secure important improvements in policy that will help protect the industry from crime and overreach by local governments.

Governor Kemp and the General Assembly also joined other states in providing tax relief to families and individuals in the form of an immediate tax refund for 2022 and a tax cut from 5.75% to 4.99% which is phased in over the next nine years. They also addressed rising gas prices through a temporary suspension of the gas tax that took effect in March. With a record state budget of $32 billion, there was still room to fully fund the state formula for K-12 education as well as provide teachers and state employees with a raise.

While state leaders will now turn their attention to elections, Georgia Retailers will be busy this Summer and Fall preparing for the 2023 Session when issues such as EV charging for convenience stores, authorizing pharmacy technicians to give vaccinations and additional changes to Georgia’s tax policy are likely to be addressed.

What follows is a summary of the legislation that Georgia Retailers was actively monitoring and lobbying. Please don’t hesitate to reach out to the team with any questions. It is a pleasure to serve the retail industry and we thank you for your membership and support.

R. Scott Shalley
President & CEO
ORGANIZED RETAIL CRIME

SB 332 – Online Marketplace Transparency
Sen. John Albers (R-Roswell)

Georgia joined multiple states in proposing and passing a state level version of the INFORM Act. This legislation will serve as a deterrent to organized retail crime by giving consumers and our law enforcement agencies more information about the groups that are using internet marketplaces to fence stolen goods. SB 332 requires online marketplaces to collect basic information such as a working telephone number, business address and bank account information from third parties who sell over $5000 in new, unused goods through the marketplace. Once $20,000 in sales is reached, the third party would also have to provide a direct contact for the seller on the website that could be displayed either prior to or after the sale is made. That direct contact could be a phone number, e-mail address or chat function.

The bill passed the House with only four dissenting votes and received a unanimous vote in the Senate. SB 332 is expected to be signed by the Governor in the next few weeks following review by his office.

Between the passage of the Organized Retail Crime bill in 2021 and the INFORM Act this session, Georgia Retailers has helped provide law enforcement with the tools they need to combat the scourge of mass shoplifting that puts retail employees and the public in danger as well as costing the industry millions of dollars.

Members of the Georgia Retailers are already working with Attorney General Chris Carr’s office in a coordinated effort to put these tools to use.
TORT/LAWSUIT REFORM

HB 961 – Apportionment of Damages in Single-Defendant Lawsuits
Rep. Chuck Efstracion (R – Dacula)

This legislation allows for the apportionment of damages in single-defendant lawsuits for injury to person or property and allows evidence of the fault of nonparties in a case to be presented in those cases. Apportionment is available in current law in cases with multiple defendants, but single-party cases where another party may bear partial responsibility were being treated as if the defendant held all of the responsibility for the injury due to a recent Supreme Court case.

HB 961 passed the House of Representatives and Senate by unanimous votes and is currently under bill review in the Governor’s office.

LOCAL ORDINANCES

SB 331 – Protecting Georgia Businesses and Workers Act
Sen. John Albers (R-Roswell)

SB 331 is important legislation that safeguards retail and other business establishments from attempts by cities and counties to intrude in management decisions related to employee hours or scheduling through local ordinances. It also preempts local governments from regulating employee output during work hours. The bill does not prevent local governments from setting these rules for their own employees or for contractors who provide services to the local government. Local governments retain the ability to limit the hours that a business may operate by ordinance as well.

The legislation passed both chambers by party line votes. The bill awaits the Governor’s signature following bill review.
ENERGY LEGISLATION

RETAIL SALE OF ELECTRICITY FOR VEHICLE CHARGING

HB 1133 – No PSC Jurisdiction Over Retail Sale of Electricity for Vehicle Charging
Rep. Mike Cheokas (R-Americus)

HB 1133 would have clarified that the retail sale of electricity by convenience stores, retailers or others for the sole purpose of recharging vehicle batteries would not be subject to the jurisdiction of the state Public Service Commission. The bill was assigned to the House Energy Utilities and Telecommunications Committee where it received two hearings but was not voted on by the committee.

The committee instead opted to move forward with the more comprehensive language in HB 1322 (below).

HB 1322/SB 492 – Deployment of Electric Vehicle Charging Equipment
Rep. Alan Powell (R-Hartwell)/Sen. Jeff Mullis (R-Chickamauga)

These two bills were introduced at the urging of the convenience store association as the industry begins to plan its transition into a low carbon future. The bills would have required investor-owned electric companies to create a new rate and tariff structure for the provision of power for resale for the purpose of recharging electric vehicles and would have limited electric companies from assessing “demand charges.” The bills also would have required electric companies to set up independent subsidiaries if they wanted to get into the retail EV charging business. These provisions were vigorously opposed by the electric companies.

HB 1322 was passed out of the House Energy, Utilities and Telecommunications Committee following multiple hearings. The bill was not brought to the floor for a vote following the Senate’s decision to hold SB 492 and pass SR 463 (below), a study committee resolution to allow more time for the various stakeholders to negotiate as well as to provide members of the General Assembly with more information on this complex topic.
ENERGY LEGISLATION

RETAIL SALE OF ELECTRICITY FOR VEHICLE CHARGING

SR 463 – Joint Study Committee on Electrification of Transportation
Sen. Steve Gooch (R-Dahlonega)

The announcement shortly before Session that Rivian was building a factory in Northeast Georgia created new interest in the state public charging infrastructure as evidenced by the bills described above. While ultimately none of them made it across the finish line, the subject remains an important one that will receive attention this summer thanks to the Joint Study Committee on Electrification of Transportation that was passed as a response to the intense debate on the subject. The committee will include the Chairs of the House and Senate Transportation Committees as well as the House Energy, Utilities and Telecommunications Committee and the Senate Regulated Industries Committee.

A report from the committee that may include recommended legislative language is due by December 1st of this year.

SOLAR

HB 1083 – Net Metering
Rep. Ed Setzler (R-Acworth)

There were multiple net metering bills introduced in the 2022 Session, all with the same goal of expanding rooftop solar in the state. HB 1083 was the legislation that was given the most time in committee although the bill was not brought to a vote.

The legislation would have required net monthly metering by the utility at the property level. Electric companies opposed this legislation for multiple reasons. They argued that net metering shifts costs to other customer classes and that, by applying the law to the property as opposed to the structure, the bill would have permitted small scale solar farms to be created under a net metering regime.
BUSINESS MANDATES THAT FAILED TO ADVANCE

SB 394 – GA Computer Data Privacy Act
Sen. Greg Dolezal (R-Cumming)

SB 394 generated a great deal of discussion and angst within the business community following its introduction in January. While the bill carried an exemption for businesses that made less than 50% of their revenue from selling consumers’ personal information, the language in the wide-ranging legislation would have created a private right of action against businesses that failed to comply with the law in addition to civil penalties and did not include a notice-and-cure provision.

The Georgia Retailers joined other business groups in expressing concern with those provisions to Senate leadership. The Senate Science and Technology Committee took no action on SB 394.

HB 995/HB 197 – Require Employers to Allow Sick Leave to Care for Immediate Family Members

The state passed legislation requiring employers who had sick leave policies to allow employees to use up to five days of that leave time to care for immediate family members during the height of COVID. This legislation was limited to employers with 25 or more employees and the law is to sunset in 2023.

HB 995 would have been a major change to state mandated employee benefits as it would require all employers regardless of head count to provide at least five days of sick leave. Additionally, it would have made the care for immediate family member provision a permanent feature of that policy.

HB 197 was a scaled back version of HB 995 as it sought to expand the eligibility of the care provision to any business that had 18 or more employees and to extend the sunset to 2025.

No action was taken on either of these bills.
BUSINESS MANDATES THAT FAILED TO ADVANCE

**SB 388/HB 116 – Increase Minimum Wage**  
Sen. Lester Jackson (D-Savannah)/Rep. Dewey McClain (D-Lilburn)

SB 388 would set an annual automatic increase for the minimum wage and tie it to the Consumer Price Index. The bill would also apply the minimum wage to some employees who are currently exempt including domestic employees, farm employees and employees whose compensation consists wholly or partially of gratuities.

HB 116 would have raised the state minimum wage to $15 and removed the same exemptions as SB 388 above.

Neither bill was heard in committee and no votes were taken.

**HB 391 – Require Anti-Bullying Policies and Education in the Workplace**  
Rep. Mandisha Thomas (D-Atlanta)

This legislation would require businesses with 10 or more employees to develop and implement a written anti-bullying policy which must include procedures for reporting and taking corrective action to eliminate bullying. The bill would also mandate that companies pay for and document anti-bullying education for each of their employees and to review their policy every 18 months.

HB 391 was not granted a hearing and did not advance.
HB 636 – Paid Rest Breaks Mandated for Employees; Penalties for Not Providing
Rep. William Boddie (D-East Point)

HB 636 would have required employers to provide a minimum uninterrupted 10-minute rest break to each employee for every four hours worked. Failing to do so would result in the employer owing that employee wages equivalent to one hour of work. Interrupting the 10-minute work break would result in the employee being owed a half-hour of wages.

The bill did not move out of committee.

HB 1152 – Require Merchants to Accept Cash for Purchases
Rep. Mesha Mainor (D-Atlanta)

HB 1152 required retailers to accept cash for purchases. Stores that do not keep cash for change would have been required to give the customer store credit if they could not make change for a customer transaction. The bill exempted online purchases but was unclear on whether a delivery service would fall under the new rules. Merchants that violated the law would be subject to a class action lawsuit with damages being the greater of actual damages or $10.00 per violation.

The House Agriculture and Consumer Affairs Committee, which is chaired by Rep. Robert Dickey who was the second signer on the bill, passed the bill out of committee.

The Rules Committee did not bring the bill to the floor for a vote by the full House.
OTHER BILLS OF INTEREST

**SB 319 – Chairman John Meadows/Georgia Constitutional Carry Act of 2021**

Sen. Jason Anavitarte (R-Dallas)

SB 319 removes the requirement that a Georgia citizen must have a weapons carry permit to carry a handgun in the state. The law applies only to those who would be eligible to apply and receive a permit i.e., a citizen 21 years of age or older with no felony convictions and who has not been declared mentally incompetent or hospitalized as an inpatient at a mental health or drug treatment center in the preceding five years.

The legislation does not change where a person may carry a firearm or the rights of private property owners or their lessees to determine who, if anyone, may carry on their property. Individuals who refuse to leave private property when asked to by the owner or management due to carrying a weapon is guilty of trespassing and is subject to arrest and a fine.

Governor Kemp made passing constitutional carry one of his priorities for the 2022 Session and signed the bill into law on April 12th.