

Senate Bill 258

By: Senators Fort of the 39th, Tate of the 38th and Thomas of the 2nd

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
2 relating to regulation of controlled substances, so as to present legislative findings; to define
3 terms; to ban the sale of marijuana or hemp flavored candy; to provide for penalties; to
4 provide an effective date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**

7 Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
8 regulation of controlled substances, is amended by adding a new Code section to read as
9 follows:

10 "16-13-30.6.

11 (a) As used in this Code section, the term:

12 (1) 'Marijuana flavored candy' means any candy that is:

13 (A) Made in whole or in part from any part of a marijuana or hemp plant;

14 (B) Advertised or held out for sale with the representation that such candy is made in
15 whole or in part of a marijuana or hemp plant; or

16 (C) Advertised or held out for sale as having the flavor of marijuana or hemp or any
17 synonym or slang term for marijuana or hemp.

18 The provisions of this paragraph notwithstanding, nothing in this Code section shall apply
19 to products or foods manufactured with or containing nonpsychoactive hemp oils or
20 nonpsychoactive hemp plant parts.

21 (2) 'Person' means any natural person, individual, corporation, unincorporated
22 association, proprietorship, firm, partnership, limited liability company, joint venture,
23 joint stock association, or other entity or business organization of any kind.

24 (b) The General Assembly finds and determines that:

25 (1) According to the '2004 Monitoring the Future Study' conducted by the University of
26 Michigan, 16.3 percent of eighth graders, 35.1 percent of tenth graders, and 45.7 percent
27 of twelfth graders reported using marijuana at least once during their lifetimes;

1 (2) According to a 2002 Substance Abuse and Mental Health Service Administration
2 report, 'Initiation of Marijuana Use: Trends, Patterns and Implications,' the younger
3 children are when they first use marijuana, the more likely they are to use cocaine and
4 heroin and become drug dependent as adults;

5 (3) Marijuana abuse is associated with many negative health effects, including frequent
6 respiratory infections, impaired memory and learning, increased heart rate, anxiety, and
7 panic attacks;

8 (4) Marijuana users have many of the same respiratory problems that are associated with
9 tobacco use;

10 (5) According to the '2001 National Household Survey on Drug Abuse,' marijuana is the
11 nation's most commonly used illicit drug, and more than 83 million Americans aged 12
12 and older have tried marijuana at least once;

13 (6) Use of marijuana has been shown to lower test scores among high school students,
14 and workers who smoke marijuana are more likely to have problems on their jobs;

15 (7) Federal, state, and local governments spend millions of dollars annually on programs
16 educating people about the hazards of drugs, and the marketing of marijuana or hemp
17 flavored candy would have an adverse impact upon these programs;

18 (8) The sale of marijuana flavored candy, including lollipops and gum drops, which
19 claim 'every lick is like taking a hit' is a marketing ploy that perpetuates an unhealthy
20 culture and should not be permitted in the State of Georgia;

21 (9) Marijuana or hemp flavored candy poses a threat to persons in the State of Georgia
22 because such products give the false impression that marijuana is fun and safe;

23 (10) Marijuana or hemp flavored candy falling into the hands of unsuspecting persons
24 may serve as a gateway to future use of marijuana and other drugs; and

25 (11) Merchants who sell marijuana flavored candy are promoting marijuana use and
26 creating new customers for drug dealers in the State of Georgia.

27 Therefore, the purpose of this law is to prohibit the purchase and sale of marijuana or hemp
28 flavored candy in the State of Georgia.

29 (c) It shall be unlawful for any person knowingly to sell, deliver, distribute, or display for
30 sale, or knowingly possess with intent to sell, deliver, distribute, or display for sale, any
31 marijuana or hemp flavored candy in the State of Georgia.

32 (d) Any person who violates subsection (c) of this Code section shall be guilty of a
33 misdemeanor for the first offense. For the second or any subsequent offense, a person
34 violating subsection (c) of this Code section shall be guilty of a felony and, upon
35 conviction thereof, shall be punished by imprisonment for not less than one nor more than
36 five years or by a fine of not less than \$1,000.00 nor more than \$5,000.00, or both."

