House Bill 1 (COMMITTEE SUBSTITUTE) (AM)
By: Representatives Peake of the 141st, Gravley of the 67th, Kaiser of the 59th, Ramsey of the 72nd, McCall of the 33rd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to public health and morals, so as to provide for the possession of low THC oil under certain circumstances; to provide for definitions; to provide for penalties; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create a registration within the Department of Public Health for patients or their caregivers who are authorized to possess low THC oil; to define certain terms; to provide for registration cards; to provide for procedure; to create the Georgia Commission on Medical Cannabis; to provide for membership; to provide for procedures; to provide for duties and responsibilities; to provide for an automatic repeal; to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions of torts, so as to provide for limited liability for health care institutions and health care providers that permit the possession, administration, or use of low THC oil by a patient or caregiver on their premises in accordance with the laws of this state; to provide for a short title; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

This Act shall be known and may be cited as the "Haleigh's Hope Act."

SECTION 1-2.

Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, is amended by adding a new article to read as follows:

"ARTICLE 8
16-12-190.
As used in this article, the term 'low THC oil' means an oil that contains cannabidiol and
not more than 5 percent by weight of tetrahydrocannabinol.

16-12-191.
(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
person to possess or have under his or her control 20 fluid ounces or less of low THC oil
if:
   (A) Such person is registered with the Department of Public Health as set forth in
       Code Section 31-2A-18;
   (B) Such person has in his or her possession a registration card issued by the
       Department of Public Health; and
   (C) Such substance is in a pharmaceutical container labeled by the manufacturer
       indicating the percentage of tetrahydrocannabinol therein.
(2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses
or has under his or her control 20 fluid ounces or less of low THC oil without complying
with subparagraphs (A), (B), and (C) of paragraph (1) of this subsection shall be punished
as for a misdemeanor.
(b) Notwithstanding any provision of Chapter 13 of this title, any person having possession
of or under his or her control more than 20 fluid ounces of low THC oil but less than 160
fluid ounces of low THC oil or who manufactures, distributes, dispenses, sells, or possesses
with the intent to distribute low THC oil shall be guilty of a felony, and upon conviction
thereof, shall be punished by imprisonment for not less than one nor more than ten years,
a fine not to exceed $50,000.00, or both.
(c) Notwithstanding any provision of Chapter 13 of this title, any person who sells,
manufactures, delivers, brings into this state, or has possession of 160 or more fluid ounces
of low THC oil shall be guilty of the felony offense of trafficking in low THC oil and, upon
conviction, shall be punished as follows:
   (1) If the quantity of low THC oil is at least 160 fluid ounces but less than 31,000
       ounces, by imprisonment for not less than five years nor more than ten years and a fine
       not to exceed $100,000.00;
   (2) If the quantity of low THC oil is at least 31,000 fluid ounces but less than 154,000
       ounces, by imprisonment for not less than seven years nor more than 15 years and a fine
       not to exceed $250,000.00; and
   (3) If the quantity of low THC oil is 154,000 or more fluid ounces, by imprisonment for
       not less than ten years nor more than 20 years and a fine not to exceed $1 million."
PART II

SECTION 2-1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Article 2A, relating to the Department of Public Health, by adding a new Code section to read as follows:


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

(1) 'Board' means the Georgia Composite Medical Board.

(2) 'Caregiver' means the parent, guardian, or legal custodian of a patient who is less than 18 years of age or the legal guardian of an adult patient.

(3) 'Condition' means:

(A) Cancer;

(B) Amyotrophic lateral sclerosis;

(C) Seizure disorders;

(D) Multiple sclerosis;

(E) Crohn's disease;

(F) Mitochondrial disease;

(G) Fibromyalgia;

(H) Parkinson's disease; or

(I) Sickle cell disease.

(4) 'Department' means the Department of Public Health.

(5) 'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.

(6) 'Physician' means an individual licensed to practice medicine pursuant to Article 2 of Chapter 34 of Title 43.

(7) 'Registry' means the Low THC Oil Patient Registry.

(b) There is established within the department the Low THC Oil Patient Registry.

c) The purpose of the registry is to provide a registration of individuals or their caregivers who have been issued registration cards. The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to patients and caregivers. Only patients and caregivers residing in this state shall be eligible for registration under this Code section.

(d) On and after September 1, 2015, the department shall issue a registration card to individuals or their caregivers when a patient has been certified to the department by his or her physician as being diagnosed with a condition and has been authorized by such physician to use low THC oil as treatment for such condition. The board shall establish procedures and promulgate rules and regulations to assist physicians in providing required
uniform information relating to certification and any other matter relating to the issuance of certifications. In promulgating such rules and regulations, the board shall require that physicians have a doctor-patient relationship when certifying a patient as needing low THC oil and physicians shall be required to be treating a patient for the specific condition requiring such treatment. The board shall require physicians to issue quarterly reports to the board. Such reports shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition; patient clinical responses; patient compliance; patient response to treatment; patient side effects; and drug interactions.

(e) Information received and records kept by the department for purposes of administering this Code section shall be confidential; provided, however, that such information shall be disclosed:

(1) Upon written request of a patient or caregiver registered pursuant to this Code section; and

(2) To peace officers for the purpose of:

(A) Verifying that an individual in possession of a registration card is registered pursuant to this Code section; or

(B) Determining that an individual in possession of low THC oil is registered pursuant to this Code section.⁴

PART III

SECTION 3-1.

Said title is further amended by adding a new chapter to read as follows:

CHAPTER 50

31-50-1. (a) There is created the Georgia Commission on Medical Cannabis.

(b) As used in this chapter, the term 'commission' means the Georgia Commission on Medical Cannabis.

31-50-2. (a) The commission shall consist of 16 members. The director of the Governor's Office for Children and Families, the director of the Georgia Bureau of Investigation, the director of the Georgia Drugs and Narcotics Agency, the commissioner of agriculture, and the Governor's executive counsel shall be permanent members of the commission. The
permanent members of the commission may designate another individual to serve in his
or her stead. The remaining members of the commission shall be appointed by the
Governor on or before July 1, 2015. The remaining members shall be:

(1) Two members of the Senate;
(2) Two members of the House of Representatives;
(3) A board certified oncologist;
(4) A board certified epitologist;
(5) A board certified neurologist;
(6) A pharmacist;
(7) An attorney employed by the Prosecuting Attorneys' Council of the State of Georgia
or a prosecuting attorney;
(8) A sheriff; and
(9) A police chief.

(b) In the event of death, resignation, disqualification, or removal for any reason of any
member of the commission, the vacancy shall be filled in the same manner as the original
appointment, and the successor shall serve for the unexpired term.

(c) Membership on the commission shall not constitute public office, and no member shall
be disqualified from holding public office by reason of his or her membership.

(d) The Governor shall designate a chairperson of the commission from among the
members, which chairperson shall serve in that position at the pleasure of the Governor.
The chairperson shall only vote to break a tie. The commission may elect such other
officers and committees as it considers appropriate.

(e) The commission, with the approval of the Governor, may employ such professional,
technical, or clerical personnel as deemed necessary to carry out the purposes of this
chapter. The commission may create committees from among its membership as well as
appoint other persons to serve in an advisory capacity to the commission in implementing
this chapter.

(f) The commission shall be attached for administrative purposes only to the Governor's
Office for Children and Families in accordance with Code Section 50-4-3. The Governor's
Office for Children and Families may use any funds specifically appropriated to it to
support the work of the commission.

31-50-3.

(a) The commission may conduct meetings at such places and times as it deems necessary
or convenient to enable it to exercise fully and effectively its powers, perform its duties,
and accomplish the objectives and purposes of this chapter. The commission shall hold
meetings at the call of the chairperson.
(b) A quorum for transacting business shall be a majority of the members of the commission.

(c) Any legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the commission who are state officials, other than legislative members, or state employees shall receive no compensation for their services on the commission, but shall be reimbursed for expenses incurred in the performance of their duties as members of the commission in the same manner as reimbursements are made in their capacity as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments.

31-50-4.

(a) The commission shall have the following duties:

(1) To establish comprehensive recommendations regarding the potential regulation of medical cannabis in this state. Such recommendations shall include, without limitations, specification of the department or departments to have responsibility for the oversight of a state-sanctioned system related to medical cannabis. A detailed report, which shall be submitted no later than December 31, 2015, including a review of the conditions, needs, issues, and problems related to medical cannabis and any recommended action or proposed legislation which the commission deems necessary or appropriate shall be provided to the executive counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the House Committee on Appropriations, the Senate Appropriations Committee, the House Committee on Judiciary, Non-civil, and the Senate Judiciary, Non-civil Committee; and

(2) To evaluate and consider the best practices, experiences, and results of legislation in other states with regard to medical cannabis.

(b) The commission shall have the following powers:

(1) To evaluate how the laws and programs affecting medical cannabis should operate in this state;

(2) To request and receive data from and review the records of appropriate state agencies to the greatest extent allowed by state and federal law;

(3) To authorize entering into contracts or agreements through the commission's chairperson necessary or incidental to the performance of its duties;

(4) To establish rules and procedures for conducting the business of the commission; and
(5) To conduct studies, hold public meetings, collect data, or take any other action the commission deems necessary to fulfill its responsibilities.

(c) Subject to the availability of funds, the commission shall be authorized to retain the services of attorneys, consultants, subject matter experts, economists, budget analysts, data analysts, statisticians, and other individuals or organizations as determined appropriate by the commission.

31-50-5.

This chapter shall stand repealed on June 30, 2016.”

PART IV
SECTION 4-1.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions of torts, is amended by adding a new Code section to read as follows:

“51-1-29.6.

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

(1) ‘Caregiver’ shall have the same meaning as set forth in Code Section 31-2A-18.

(2) 'Health care institution' shall have the same meaning as set forth in Code Section 51-1-29.5.

(3) 'Health care provider' means any person licensed, certified, or registered under Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 35, 39, or 44 of Title 43 or Chapter 4 of Title 26.

(4) 'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.

(b) A health care institution shall not be subject to any civil liability, penalty, licensing sanction, or other detrimental action and a health care provider shall not be subject to any civil liability, penalty, denial of a right or privilege, disciplinary action by a professional licensing board, or other detrimental action for allowing a patient or caregiver to possess, administer, or use low THC oil on the premises of a health care institution or offices of a health care provider provided that the possession of such substance is in accordance with the laws of this state.”

PART V
SECTION 5-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
SECTION 5-2.

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