

Senate Bill 185

By: Senators Tippins of the 37th, Unterman of the 45th, Millar of the 40th, Thompson of the 14th, Miller of the 49th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 provide for a program of clinical trials of cannabidiol or cannabidiol-containing products for
3 use in treating certain residents of this state under 18 years of age who have
4 medication-resistant epilepsies; to provide for immunity from criminal prosecution; to
5 provide for related matters; to provide effective dates; to provide for automatic repeal; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
10 a new chapter to read as follows:

11 "CHAPTER 50

12 31-50-1.

13 (a) The Board of Regents of the University System of Georgia shall cause to be designed,
14 developed, implemented, and administered a cannabidiol or cannabidiol-containing product
15 research program to develop rigorous data that will inform and expand the scientific
16 community's understanding of potential treatments for persons under 18 years of age with
17 medication-resistant epilepsies.

18 (b) Such program shall adhere to the regulatory process established by the federal Food,
19 Drug, and Cosmetic Act, as well as other federal laws and regulations governing the
20 development of new medications containing controlled substances.

21 31-50-2.

22 To the extent permissible under this chapter, such program shall be designed to permit the
23 voluntary enrollment of all persons under 18 years of age having medication-resistant
24 epilepsies who are residents of this state and who:

25 (1) Have been residents of this state for the 24 month period immediately preceding their
26 entry into the program; or

27 (2) Have been residents of this state continuously since birth if they are less than 24
28 months old at the time of their entry into the program.

29 31-50-3.

30 (a) For purposes of this chapter, the board of regents may act through a unit of the
31 University System of Georgia, a nonprofit corporation research institute, or both.

32 (b) Any nonprofit corporation research institute approved by the board of regents to
33 participate in the program established under this chapter shall be required to have the
34 necessary experience, expertise, and infrastructure to implement such research in
35 accordance with accepted scientific and regulatory standards.

36 (c) The board of regents and its authorized agent may enter into such agreements, among
37 themselves and with other parties, as are reasonable and necessary to implement the
38 provisions of this chapter.

39 31-50-4.

40 (a) The board of regents or its authorized agent shall collaborate with a designated supplier
41 of cannabidiol or cannabidiol-containing product to develop a clinical trial protocol to
42 study cannabidiol or cannabidiol-containing products in the treatment of persons under 18
43 years of age with medication-resistant epilepsies, which trial shall be conducted at one or
44 more locations in this state. The supplier shall be required to supply a source of cannabidiol
45 or cannabidiol-containing product that has been standardized and tested in keeping with
46 such standards.

47 (b) The board of regents or its authorized agent shall require the supplier of cannabidiol
48 or cannabidiol-containing product to commit personnel and other resources to such
49 collaboration and to supply cannabidiol or cannabidiol-containing product for a
50 collaborative study under reasonable terms and conditions to be agreed upon mutually.

51 31-50-5.

52 Any public record, as defined by Code Section 50-18-70, produced pursuant to this chapter
53 shall be exempt from disclosure to the extent provided by Code Section 50-18-72.

54 31-50-6.

55 All activities undertaken pursuant to this chapter shall be subject to availability of funds
56 appropriated to the board of regents or otherwise made available for purposes of this
57 chapter.

58 31-50-7.

59 (a) Patient participants and their parents or legal guardians, designated employees of the
60 board of regents, program agents and collaborators and their designated employees, and
61 suppliers of cannabidiol or cannabidiol-containing product to the program and their
62 designated employees shall be immune from state prosecution for possession, distribution,
63 sale, purchase, administration, and any other use of a substance otherwise prohibited or
64 regulated under Chapter 13 of Title 16 which is present in a cannabidiol-containing product
65 authorized for purposes of this chapter. A patient authorized under this chapter and
66 program and his or her parent or legal guardian shall not possess an amount of cannabidiol
67 or cannabidiol-containing product in excess of the amount prescribed under the authority
68 of this chapter. The amount prescribed shall be maintained in the container in which it was
69 placed at the time the prescription was filled. Physician, clinical research, pharmacy, and
70 pharmacist participants in the program shall be immune from state prosecution for
71 possession, distribution, sale, purchase, administration, and any other use of a substance
72 otherwise prohibited or regulated under Chapter 13 of Title 16 which is present in a
73 cannabidiol-containing product authorized for purposes of this chapter. Any possession,
74 distribution, sale, purchase, administration, or other use not authorized for purposes of this
75 chapter shall be punishable under Chapter 13 of Title 16, relating to controlled substances
76 and dangerous drugs, or Chapter 4 of Title 26, relating to pharmacists and pharmacies, as
77 applicable.

78 (b) For purposes of subsection (a) of this Code section, the board of regents or its agent
79 which administers the program authorized under this chapter shall provide appropriate
80 certificates, suitable for carrying on their persons or display, as applicable, to patient
81 participants and their parents or legal guardians, designated employees of the board of
82 regents, program agents and collaborators and their designated employees, suppliers of
83 cannabidiol or cannabidiol-containing product to the program and their designated
84 employees, and physician, clinical research, pharmacy, and pharmacist participants in the
85 program as proof of authorization to possess, distribute, sell, purchase, administer, and
86 otherwise use cannabidiol or cannabidiol-containing product as authorized for purposes of
87 this chapter.

88 31-50-8.

89 The board of regents may establish fees for program participants in such amounts as are
90 reasonable to offset program costs.

91 31-50-9.

92 The board of regents may adopt such rules and regulations as are reasonable and necessary
93 for purposes of this chapter.

94 31-50-10.

95 This chapter shall stand repealed on July 1, 2019."

96 **SECTION 2.**

97 For purposes of promulgating rules and regulations, this Act shall become effective upon its
98 approval by the Governor or upon its becoming law without such approval. For all other
99 purposes, this Act shall become effective on July 1, 2015.

100 **SECTION 3.**

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