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

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

CHAPTER 50

31-50-1.
(a) The Board of Regents of the University System of Georgia shall cause to be designed, developed, implemented, and administered a cannabidiol or cannabidiol-containing product research program to develop rigorous data that will inform and expand the scientific community's understanding of potential treatments for persons under 18 years of age with medication-resistant epilepsies.
(b) Such program shall adhere to the regulatory process established by the federal Food, Drug, and Cosmetic Act, as well as other federal laws and regulations governing the development of new medications containing controlled substances.
31-50-2.
To the extent permissible under this chapter, such program shall be designed to permit the voluntary enrollment of all persons under 18 years of age having medication-resistant epilepsies who are residents of this state and who:

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

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

31-50-3.
(a) For purposes of this chapter, the board of regents may act through a unit of the University System of Georgia, a nonprofit corporation research institute, or both.

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

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

31-50-4.
(a) The board of regents or its authorized agent shall collaborate with a designated supplier of cannabidiol or cannabidiol-containing product to develop a clinical trial protocol to study cannabidiol or cannabidiol-containing products in the treatment of persons under 18 years of age with medication-resistant epilepsies, which trial shall be conducted at one or more locations in this state. The supplier shall be required to supply a source of cannabidiol or cannabidiol-containing product that has been standardized and tested in keeping with such standards.

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

31-50-5.
Any public record, as defined by Code Section 50-18-70, produced pursuant to this chapter shall be exempt from disclosure to the extent provided by Code Section 50-18-72.
31-50-6. All activities undertaken pursuant to this chapter shall be subject to availability of funds appropriated to the board of regents or otherwise made available for purposes of this chapter.

31-50-7. (a) Patient participants and their parents or legal guardians, designated employees of the board of regents, program agents and collaborators and their designated employees, and suppliers of cannabidiol or cannabidiol-containing product to the program and their designated employees shall be immune from state prosecution for possession, distribution, sale, purchase, administration, and any other use of a substance otherwise prohibited or regulated under Chapter 13 of Title 16 which is present in a cannabidiol-containing product authorized for purposes of this chapter. A patient authorized under this chapter and program and his or her parent or legal guardian shall not possess an amount of cannabidiol or cannabidiol-containing product in excess of the amount prescribed under the authority of this chapter. The amount prescribed shall be maintained in the container in which it was placed at the time the prescription was filled. Physician, clinical research, pharmacy, and pharmacist participants in the program shall be immune from state prosecution for possession, distribution, sale, purchase, administration, and any other use of a substance otherwise prohibited or regulated under Chapter 13 of Title 16 which is present in a cannabidiol-containing product authorized for purposes of this chapter. Any possession, distribution, sale, purchase, administration, or other use not authorized for purposes of this chapter shall be punishable under Chapter 13 of Title 16, relating to controlled substances and dangerous drugs, or Chapter 4 of Title 26, relating to pharmacists and pharmacies, as applicable.

(b) For purposes of subsection (a) of this Code section, the board of regents or its agent which administers the program authorized under this chapter shall provide appropriate certificates, suitable for carrying on their persons or display, as applicable, to patient participants and their parents or legal guardians, designated employees of the board of regents, program agents and collaborators and their designated employees, suppliers of cannabidiol or cannabidiol-containing product to the program and their designated employees, and physician, clinical research, pharmacy, and pharmacist participants in the program as proof of authorization to possess, distribute, sell, purchase, administer, and otherwise use cannabidiol or cannabidiol-containing product as authorized for purposes of this chapter.
The board of regents may establish fees for program participants in such amounts as are reasonable to offset program costs.

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

This chapter shall stand repealed on July 1, 2019.

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

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