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House Bill 704

By: Representatives Pezold of the 133<sup>rd</sup>, McCall of the 33<sup>rd</sup>, Frye of the 118<sup>th</sup>, Caldwell of the 20<sup>th</sup>, and Beverly of the 143<sup>rd</sup>

## A BILL TO BE ENTITLED AN ACT

- 1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to
- 2 provide for industrial hemp cultivation; to provide for definitions; to provide for procedures,
- 3 conditions, and limitations; to amend Chapter 12 of Title 16 of the Official Code of Georgia
- 4 Annotated, relating to offenses against public health and morals, so as to provide for the
- 5 possession of industrial hemp under certain circumstances; to provide for definitions; to
- 6 provide for penalties; to provide for related matters; to repeal conflicting laws; and for other
- 7 purposes.

## 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

- 10 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
- adding a new chapter to read as follows:
- 12 "<u>CHAPTER 23</u>
- 13 <u>2-23-1.</u>
- 14 As used in this chapter, the term:
- 15 (1) 'Agricultural pilot program' means a program established for the purpose of study of
- the growth, cultivation, or marketing of industrial hemp in compliance with the standards
- 17 <u>established by this chapter.</u>
- 18 (2) 'Department' means the Department of Agriculture.
- 19 (3) 'Industrial hemp' means the plant Cannabis sativa L. and any part of such plant,
- 20 whether growing or not, with a delta-0 tetrahydrocannabinol concentration of not more
- 21 <u>than 0.3 percent on a dry weight basis.</u>
- 22 (4) 'Institution of higher education' means an entity defined in Section 101 of the Higher
- Education Act of 1965, as amended, 20 U.S.C. Section 1001.

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24	(5) 'Person' means any individual, partnership, association, fiduciary, corporation, or
25	organized group of persons, whether or not incorporated. Such term shall not include an
26	institution of higher education.
27	<u>2-23-2.</u>
28	Any person who cultivates an industrial hemp crop of any size shall obtain a license from
29	the department. In order to obtain an industrial hemp license, the grower shall agree that
30	the department has the right to inspect the hemp crop for compliance. The department shall
31	oversee and annually license any person who wishes to produce industrial hemp. The
32	department shall charge a fee for the issuance of such in an amount sufficient to cover the
33	administrative costs of the department in relation to the agricultural pilot program. Failure
34	to obtain a license prior to growing industrial hemp shall be considered a violation of
35	subsection (b) of Code Section 16-12-191 and a felony.
36	2-23-3.
37	Pursuant to Section 7606 of H.R. 2642, the Agricultural Act of 2014, the department may
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	approve an institution of higher education to grow or cultivate industrial hemp for purposes
39	of research conducted under an agricultural pilot program approved by the department.
40	<u>2-23-4.</u>
41	(a) Sites used to grow or cultivate industrial hemp in this state shall be certified by and
42	registered with the department.
43	(b) The department shall promulgate such rules and regulations to carry out the provisions
44	of this chapter within 120 days of the effective date of this chapter.
45	(c) The department may apply for and receive any federal funds or grants to conduct such
46	pilot program pursuant to the authorizing federal law and regulations."
47	SECTION 2.
48	Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
49	public health and morals, is amended by adding a new article to read as follows:
50	"ARTICLE 8
51	<u>16-12-190.</u>
52	As used in this article, the term 'industrial hemp' means the plant Cannabis sativa L. and

any part of such plant, whether growing or not, with a delta-0 tetrahydrocannabinol

concentration of not more than 0.3 percent on a dry weight basis. 54

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55	<u>16-12-191.</u>
56	(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
57	person to possess or have under his or her control industrial hemp if:
58	(A) Such person has obtained a license with the Department of Agriculture as set forth
59	in Code Section 2-23-2; or
60	(B) Such substance is part of a study by an institution of higher education as provided
61	for in Code Section 2-23-3.
62	(2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses
63	or has under his or her control industrial hemp without complying with subparagraph (A)
64	or (B) of paragraph (1) of this subsection shall be punished as for a misdemeanor.
65	(b) Notwithstanding any provision of Chapter 13 of this title, any person who cultivates.
66	distributes, dispenses, sells, or possesses with the intent to distribute industrial hemp
67	without a license issued by the Department of Agriculture under Code Section 2-23-2 shall
68	be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for
69	not less than one nor more than ten years, a fine not to exceed \$50,000.00, or both."

70 SECTION 3.

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