

The Senate Committee on Judiciary Non-Civil offered the following substitute to HB 783:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 8 of Chapter 12 and Chapter 13 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to regulation of low THC oil and controlled substances, respectively, so  
3 as to change the definition of low THC oil; to change certain provisions relating to Schedules  
4 I and IV controlled substances; to change certain provisions relating to the definition of  
5 dangerous drug; to provide for restricted dangerous drugs; to provide for a penalty for  
6 violations relating to nonprescription injectable insulin; to provide for an effective date; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

9 Article 8 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to  
10 regulation of low THC oil, is amended by revising Code Section 16-12-190, relating to a  
11 definition, as follows:  
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13 "16-12-190.

14 As used in this article, the term 'low THC oil' means an oil that contains an amount of  
15 cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol,  
16 tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and  
17 tetrahydrocannabinolic acid which does not contain plant material exhibiting the external  
18 morphological features of the plant of the genus Cannabis and an amount of cannabidiol  
19 equal to or greater than the amount of tetrahydrocannabinol."

**SECTION 2.**

20 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled  
21 substances, is amended in Code Section 16-13-25, relating to Schedule I controlled  
22 substances, by revising subparagraph (P) of and adding new subparagraphs to paragraph (3)  
23 to read as follows:  
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25 "(P) ~~Tetrahydrocannabinols which shall include, but are not limited to:~~

- 26 ~~(i) All synthetic or naturally produced samples containing more than 15 percent by~~  
 27 ~~weight of tetrahydrocannabinols; and~~
- 28 ~~(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do~~  
 29 ~~Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of~~  
 30 ~~tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant~~  
 31 ~~material exhibiting the external morphological features of the plant cannabis of the~~  
 32 ~~genus Cannabis;~~"
- 33 "(BBBB) Methoxyphencyclidine (MeO-PCP);  
 34 (CCCC) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-OH-MiPT);  
 35 (DDDD) N, $\alpha$ -dimethyl-5-benzofuranethanamine (5-MAPB);"

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### SECTION 3.

37 Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled  
 38 substances, by revising paragraph (12) as follows:

39 "(12) Any of the following compounds, derivatives, their salts, isomers, or salts of  
 40 isomers, halogen analogues, or homologues, unless specifically utilized as part of the  
 41 manufacturing process by a commercial industry of a substance or material not intended  
 42 for human ingestion or consumption, as a prescription administered under medical  
 43 supervision, or research at a recognized institution, whenever the existence of these salts,  
 44 isomers, or salts of isomers, halogen analogues, or homologues is possible within the  
 45 specific chemical designation:

- 46 (A) Naphthoylindoles;  
 47 (B) Naphthylmethyloindoles;  
 48 (C) Naphthoylpyrroles;  
 49 (D) Naphthylideneindenes;  
 50 (E) Phenylacetylindoles;  
 51 (F) Cyclohexylphenols;  
 52 (G) Benzoylindoles;  
 53 (H) Tricyclic benzopyrans;  
 54 (I) Adamantoylindoles;  
 55 (J) Indazole amides;  
 56 (K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin  
 57 -6-yl]-1-naphthalenylmethanone (WIN 55,212-2);  
 58 (L) Any compound, unless specifically excepted or listed in this or another schedule,  
 59 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with  
 60 either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is  
 61 further modified in any of the following ways:

- 62 (i) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,  
 63 haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the  
 64 ring system;
- 65 (ii) By substitution at the 3-position with an acyclic alkyl substitution; or
- 66 (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
 67 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic  
 68 structure;
- 69 ~~(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);~~
- 70 (M) ~~(1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144)~~ Indole  
 71 carboxamides;
- 72 (N) ~~[1-(5-fluoropentyl)indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl)—methanone~~  
 73 ~~(XLR11)~~ Indole carboxylates;
- 74 (O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);
- 75 (P) ~~[1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)~~  
 76 ~~methanone (A-796,260)~~ Indazole carboxylates;
- 77 (Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);
- 78 (R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);
- 79 (S) ~~1-pentyl-3-(1-adamantylamido)indole—(2NE1)~~ Indole  
 80 tetramethylcyclopropanecarbonyls;
- 81 (T) ~~1-(5-fluoropentyl)-N-(tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl)-1H-indole-3-carboxamide~~  
 82 ~~(STS-135)~~ Naphthoylbenzimidazoles;
- 83 (U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13);
- 84 (V) ~~N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide—(NNE1);~~  
 85 Naphthoylindazoles.
- 86 ~~(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide~~  
 87 ~~(ADBICA);~~
- 88 ~~(X)—(1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone~~  
 89 ~~(AM-2201 benzimidazole analog);~~
- 90 ~~(Y) Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);~~
- 91 ~~(Z) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);~~
- 92 ~~(AA) Naphthalene-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);~~
- 93 ~~(BB) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone~~  
 94 ~~(FUB-144);~~
- 95 ~~(CC) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carbox~~  
 96 ~~amide (5-fluoro-ABICA);~~
- 97 ~~(DD) 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone (THJ 018).'~~

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**SECTION 4.**

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Said chapter is further amended by revising Code Section 16-13-28, relating to Schedule IV controlled substances, as follows:

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"16-13-28.

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(a) The controlled substances listed in this Code section are included in Schedule IV.

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Unless specifically excepted or unless listed in another schedule, any material, compound,

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mixture, or preparation which contains any quantity of the following substances, including

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its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and

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salts of isomers is possible within the specified chemical designation, included as having

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a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

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~~(0.5) Alfaxalone;~~

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(1) ~~Alprazolam~~ Alfaxalone;

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(1.5) Armodafinil;

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(2) Barbitol;

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(2.1) Bromazepam;

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(2.15) Butorphanol;

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~~(2.2) Camazepam;~~

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(2.25) Carisoprodol;

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(2.3) Cathine;

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(3) Chloral betaine;

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(4) Chloral hydrate;

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(5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

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(5.1) Clobazam;

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(6) ~~Clonazepam~~ Reserved;

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~~(7) Clorazepate;~~

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~~(7.1)(7)~~ Clotiazepam;

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~~(7.2) Cloxazolam;~~

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~~(7.3) Delorazepam;~~

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(8) ~~Desmethyldiazepam~~ Reserved;

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(8.5) Dexfenfluramine;

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(9) Reserved;

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(10) ~~Diazepam~~ Reserved;

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(11) Diethylpropion;

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(11.05) Difenoxin;

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~~(11.1) Estazolam;~~

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- 135 (11.5) Eluxadoline;  
136 (12) Ethchlorvynol;  
137 (13) Ethinamate;  
138 ~~(13.1) Ethyl loflazepate;~~  
139 (13.15) Etizolam;  
140 (13.2) Fencamfamin;  
141 (14) Fenfluramine;  
142 ~~(14.1) Flunitrazepam;~~  
143 (14.2) Fenproporex;  
144 ~~(15) Flurazepam;~~  
145 ~~(15.3)~~(15) Fospropofol;  
146 ~~(16) Halazepam;~~  
147 ~~(16.1) Haloxazolam;~~  
148 ~~(16.15)~~(16) Indiplon;  
149 ~~(16.2) Ketazolam;~~  
150 ~~(16.3) Lometazepam;~~  
151 ~~(16.4) Loprazolam;~~  
152 ~~(17) Lorazepam;~~  
153 ~~(17.5)~~(17) Lorcaserin;  
154 (18) Mazindol;  
155 (19) Mebutamate;  
156 ~~(19.1) Medazepam;~~  
157 (19.2) Mefenorex;  
158 (20) Meprobamate;  
159 (21) Methohexital;  
160 (22) Methylphenobarbital;  
161 ~~(22.1) Midazolam;~~  
162 ~~(22.15)~~(22.1) Modafinil;  
163 ~~(22.2) Nimetazepam;~~  
164 ~~(22.3) Nitrazepam;~~  
165 ~~(22.4) Nordiazepam;~~  
166 (23) Oxazepam Reserved;  
167 ~~(23.1) Oxazolam;~~  
168 (24) Paraldehyde;  
169 (25) Pemoline;  
170 (26) Pentazocine;  
171 (27) Petrichloral;

- 172 ~~(27.5) Phenazepam;~~  
173 (28) Phenobarbital;  
174 (29) Phentermine;  
175 (29.1) Pipradrol;  
176 ~~(30) Prazepam;~~  
177 ~~(30.03)~~(30) Propofol;  
178 (30.05) Propoxyphene (including all salts and optical isomers);  
179 (30.07) Pyrazolam;  
180 (30.1) Quazepam;  
181 (30.2) Sibutramine;  
182 (30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;  
183 (30.5) Suvorexant;  
184 (31) ~~Femazepam~~ Reserved;  
185 (31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its  
186 salts, optical and geometric isomers, and salts of these isomers];  
187 ~~(32) Triazolam;~~  
188 ~~(32.5)~~(32) Zaleplon;  
189 (33) Zolpidem;  
190 (34) Zopiclone.

191 (b) The controlled substances in the benzodiazepine structural class include any of the  
192 following compounds, derivatives, their salts, isomers, or salts of isomers, halogen  
193 analogues, or homologues, unless specifically utilized as part of the manufacturing process  
194 by a commercial industry of a substance or material not intended for human ingestion or  
195 consumption, as a prescription administered under medical supervision, or for research at  
196 a recognized institution, whenever the existence of these salts, isomers, or salts of isomers,  
197 halogen analogues, or homologues is possible within the specific chemical designation or  
198 unless specifically excepted or listed in this or another schedule, structurally derived from  
199 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring system (which may  
200 itself be further substituted), whether or not the compound is further modified in any of the  
201 following ways:

- 202 (1) By substitution at the 2-position with a ketone;  
203 (2) By substitution at the 3-position with a hydroxyl group or ester group, which itself  
204 may be further substituted;  
205 (3) By a fused triazole ring at the 1,2- position, which itself may be further substituted;  
206 (4) By a fused imidazole ring at the 1,2- position, which itself may be further substituted;  
207 (5) By a fused oxazolidine ring at the 4,5- position, which itself may be further  
208 substituted;

- 209 (6) By a fused oxazine ring at the 4,5- position, which itself may be further substituted;  
 210 (7) By substitution at the 7-position with a nitro group;  
 211 (8) By substitution at the 7-position with a halogen group; or  
 212 (9) By substitution at the 1-position with an alkyl group, which itself may be further  
 213 substituted.

214 ~~(b)~~(c) The State Board of Pharmacy may except by rule any compound, mixture, or  
 215 preparation containing any depressant, stimulant, or hallucinogenic substance listed in  
 216 subsection (a) or (b) of this Code section from the application of all or any part of this  
 217 article if the compound, mixture, or preparation contains one or more active, medicinal  
 218 ingredients not having a depressant or stimulant effect on the central nervous system, and  
 219 if the admixtures are included therein in combinations, quantity, proportion, or  
 220 concentration that vitiate the potential for abuse of the substances which have a depressant  
 221 or stimulant effect on the central nervous system."

222 **SECTION 5.**

223 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a  
 224 dangerous drug, by revising paragraphs (115.3), (323), (562), (563), and (851.02) of  
 225 subsection (b) as follows:

- 226 "(115.3) Budesonide — See exceptions;"  
 227 "(323) Doxylamine succinate;"  
 228 "(562) ~~Meprednisone~~ Mepivacaine;"  
 229 "(563) ~~Mepivacaine~~ Meprednisone;"  
 230 "(851.02) ~~Salvinorin A~~ Reserved;"

231 **SECTION 6.**

232 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a  
 233 dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

- 234 "(19.57) Alectinib;"  
 235 "(19.76) Alirocumab;"  
 236 "(66.7) Asfotase;"  
 237 "(69.2) Avibactam;"  
 238 "(107.2) Brexpaprazole;"  
 239 "(131.5) Cangrelor;"  
 240 "(143.5) Cariprazine;"  
 241 "(190.3) Cholic Acid;"  
 242 "(207.7) Cobimetinib;"  
 243 "(236.5) Daclatasvir;"

244 "(240.4) Daratumumab;"  
245 "(243.7) Deferiprone;"  
246 "(247.8) Deoxycholic Acid;"  
247 "(295.5) Dinutuximab;"  
248 "(330.7) Edoxaban;"  
249 "(331.059) Elotuzumab;"  
250 "(380.4) Evolocumab;"  
251 "(386.1) Filgrastim-SNDZ;"  
252 "(387.7) Flibanserin;"  
253 "(464.15) Idarucizumab;"  
254 "(474.3) Insulin degludec;"  
255 "(495.5) Isavuconazonium;"  
256 "(506.72) Ivabradine;"  
257 "(506.95) Ixazomib;"  
258 "(513.74) Lenvatinib;"  
259 "(513.77) Lesinurad;"  
260 "(531.4) Lumacaftor;"  
261 "(562.5) Mepolizumab;"  
262 "(638.47) Necitumumab;"  
263 "(665.55) Osimertinib;"  
264 "(681.35) Palbociclib;"  
265 "(685.65) Panobinostat;"  
266 "(692.29) Patiomer;"  
267 "(844.8) Rolapitant;"  
268 "(849.7) Sacubitril;"  
269 "(852.05) Sebelipase;"  
270 "(852.4) Secukinumab;"  
271 "(853.7) Selexipag;"  
272 "(882.3) Sonidegib;"  
273 "(903.17) Sugammadex;"  
274 "(930.98) Talimogene;"  
275 "(967.56) Tipiracil;"  
276 "(973.6) Trabectedin;"  
277 "(1021.1) Uridine;"



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**SECTION 7.**

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new subsection to read as follows:

"(b.1) A 'restricted dangerous drug' means any other drug or substance declared by the General Assembly to have no medical use, which cannot be legally prescribed by a practitioner, and which cannot be manufactured, grown, produced, distributed, used, or otherwise possessed in this state; to include any of the following drugs, chemicals, or substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or substances which have essentially the same pharmacological action; and all other salts, isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless specifically exempted, identified as 'restricted dangerous drugs':

(1) Salvinorin A; and

(2) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code Section 16-13-72.

This subsection shall not prohibit a person from possessing a restricted dangerous drug for the purpose of conducting research approved by the federal Food and Drug Administration."

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**SECTION 8.**

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new paragraph to subsection (c) to read as follows:

"(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;"

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**SECTION 9.**

Said chapter is further amended by revising Code Section 16-13-79, relating to violations of the "Dangerous Drug Act," as follows:

"16-13-79.

(a) Except as provided in subsections (b), (c), and (d) of this Code section, any person who violates this article shall be guilty of a misdemeanor.

(b) Any person who distributes or possesses with the intent to distribute nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed \$5,000.00 or both.

(c) Any person who distributes or possesses with the intent to distribute to any person under 18 years of age nitrous oxide for any use other than for a medical treatment

313 prescribed by the order of a licensed medical practitioner, except as provided for by  
314 paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and  
315 upon conviction thereof shall be punished for not less than two years nor more than six  
316 years or by a fine not to exceed \$10,000.00 or both.

317 (d) This article shall not apply to any person who possesses, distributes, sells, or uses  
318 nitrous oxide for food preparation in a restaurant, for food service, or in household  
319 products.

320 (e) Any person who knowingly distributes or resells any nonprescription injectable insulin  
321 product which was first obtained through an over-the-counter sale made to a patient from  
322 any pharmacy, practitioner, or other source shall be guilty of a misdemeanor. All such  
323 injectable insulin distributed or sold in this manner is considered to be an adulterated  
324 dangerous drug and unsalable, making it subject to seizure under the laws of this state."

325 **SECTION 10.**

326 This Act shall become effective upon its approval by the Governor or upon its becoming law  
327 without such approval.

328 **SECTION 11.**

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