Senate Bill 16
By: Senators Watson of the 1st, Unterman of the 45th, Hufstetler of the 52nd, Millar of the 40th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Code Sections 16-12-191 and 31-2A-18 of the Official Code of Georgia Annotated, relating to possession, manufacture, distribution, or sale of low THC oil, and the establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, respectively, so as to change provisions relating to the possession of low THC oil; to change provisions relating to conditions and eligibility; to provide a definition; to change certain reporting requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-12-191 of the Official Code of Georgia Annotated, relating to possession, manufacture, distribution, or sale of low THC oil, is amended by revising subsection (a) as follows:

"(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 such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein and:

(A) Such person is registered with the Department of Public Health as set forth in Code Section 31-2A-18; and

(B) Such person has in his or her possession a registration card issued by the Department of Public Health; and or

(C) Such person has in his or her possession a registration card issued by another state that allows the same possession of low THC oil as provided by this state's law; provided, however, that such registration card shall not be lawful authority when such person has been present in this state for 45 days or more. 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.”

SECTION 2.

Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the
establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards,
quarterly reports, and waiver forms, is amended by revising paragraph (3) of subsection (a)
and subsections (c) through (e) as follows:

"(3) 'Condition' means:

(A) Cancer, when such diagnosis is disease is diagnosed as end stage or the treatment
produces related wasting illness; or recalcitrant nausea and vomiting;
(B) Amyotrophic lateral sclerosis, when such diagnosis is disease is diagnosed as
severe or end stage;
(C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;
(D) Multiple sclerosis, when such diagnosis is disease is diagnosed as severe or end
stage;
(E) Crohn's disease;
(F) Mitochondrial disease;
(G) Parkinson's disease, when such diagnosis is disease is diagnosed as severe or end
stage; or
(H) Sickle cell disease, when such diagnosis is disease is diagnosed as severe or end
stage;
(I) Tourette's syndrome, when such syndrome is diagnosed as severe;
(J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
least 18 years of age, or severe autism, when diagnosed for a patient who is less than
18 years of age;
(K) Epidermolysis bullosa;
(L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;
(M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as
severe or end stage; or
(N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage."

"(c) The purpose of the registry is to provide a registration of individuals and 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 individuals and caregivers. Only individuals
residing in this state for at least one year or a child born in this state less than one year old shall be eligible for registration under this Code section. Nothing in this Code section shall apply to any Georgia residents living temporarily in another state for the purpose of securing THC oil for treatment of any condition under this Code section.

(d) The department shall issue a registration card to individuals and caregivers as soon as practicable but no later than September 1, 2015, when an individual has who have been certified to the department by his or her physician as being diagnosed with a condition or is an inpatient or outpatient in a hospice program and have been authorized by such physician to use low THC oil as treatment for such condition. The department shall issue a registration card to a caregiver when the circumstances warrant the issuance of such card.

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 an individual as needing low THC oil and physicians shall be required to be treating an such individual for the specific condition requiring such treatment or be treating such individual in a hospice program.

(e) 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, levels of tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance, responses to treatment, side effects, and drug interactions."

SECTION 3.

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