

COMMITTEES OF CONFERENCE SUBSTITUTE TO SB 104

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
 2 offenses, so as to designate the existing crime of hijacking a motor vehicle as being in the
 3 first degree and create a new crime of hijacking a motor vehicle in the second degree; to
 4 provide for penalties; to change provisions relating to burglary in the second degree
 5 involving a vehicle; to amend the Official Code of Georgia Annotated to provide for
 6 conforming cross-references; to require the posting of the human trafficking hotline model
 7 notice in government buildings; to provide for definitions; to provide for exceptions; to
 8 delete the sunset provision; to change provisions relating to punishment for the unlawful
 9 manufacture, sale, or distribution of a counterfeit or false proof of insurance document; to
 10 prohibit the use of a device to film underneath or through an individual's clothing under
 11 certain circumstances; to provide for definitions; to provide for exceptions; to include the
 12 sale, manufacture, delivery, or possession of fentanyl and related substances within the
 13 prohibition of trafficking certain drugs; to change provisions relating to Schedule I and II
 14 controlled substances; to amend Code Section 26-4-115 of the Official Code of Georgia
 15 Annotated, relating to wholesale drug distributors, so as to provide for exceptions; to provide
 16 for related matters; to provide for effective dates; to repeal conflicting laws; and for other
 17 purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**
 20 **SECTION 1-1.**

21 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 22 amended by revising subsections (b) through (d) of Code Section 16-5-44.1, relating to
 23 hijacking a motor vehicle, as follows:

24 "(b)(1) A person commits the offense of hijacking a motor vehicle in the first degree
 25 when such person while in possession of a firearm or weapon obtains a motor vehicle

26 from ~~the person~~ an individual or ~~the~~ presence of another individual by force and violence
 27 or intimidation or attempts or conspires to do so.

28 (2) A person commits the offense of hijacking a motor vehicle in the second degree when
 29 such person obtains a motor vehicle from an individual without his or her consent or from
 30 the immediate presence of another individual without his or her consent or attempts or
 31 conspires to do so.

32 (c)(1) A person convicted of the offense of hijacking a motor vehicle in the first degree
 33 shall be punished by imprisonment for not less than ten nor more than 20 years and a fine
 34 of not less than \$10,000.00 nor more than \$100,000.00, provided that any person who has
 35 previously committed an offense under the laws of the United States or of Georgia or of
 36 any of the several states or of any foreign nation recognized by the United States which
 37 if committed in Georgia would have constituted the offense of hijacking a motor vehicle
 38 shall be punished by imprisonment for life and a fine of not less than \$100,000.00 nor
 39 more than \$500,000.00. The punishment imposed pursuant to this paragraph shall not be
 40 deferred, suspended, or probated. For purposes of this ~~subsection~~ paragraph, the term
 41 'state' shall include the District of Columbia and any territory, possession, or dominion
 42 of the United States.

43 (2) A person convicted of the offense of hijacking a motor vehicle in the second degree
 44 shall be punished upon a first conviction by imprisonment for not less than one nor more
 45 than ten years and a fine of not more than \$5,000.00. Upon a second conviction for
 46 hijacking a motor vehicle in the second degree, a person shall be punished by
 47 imprisonment for not less than three nor more than 15 years and a fine of not more than
 48 \$5,000.00. Upon a third or subsequent conviction of hijacking a motor vehicle in the
 49 second degree, a person shall be punished by imprisonment for not less than five nor
 50 more than 20 years and a fine of not more than \$5,000.00.

51 (d) The offense of hijacking a motor vehicle in the first degree shall be considered a
 52 separate offense and shall not merge with any other offense; ~~and the punishment prescribed~~
 53 ~~by subsection (c) of this Code section shall not be deferred, suspended, or probated."~~

54 SECTION 1-2.

55 Said title is further amended by revising subsection (c) of Code Section 16-7-1, relating to
 56 burglary, as follows:

57 "(c) A person commits the offense of burglary in the second degree when, without
 58 authority and with the intent to commit a felony or theft therein, he or she enters or remains
 59 within an occupied, unoccupied, or vacant building, structure, ~~vehicle~~, railroad car,
 60 watercraft, or aircraft. A person who commits the offense of burglary in the second degree
 61 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment

62 for not less than one nor more than five years. Upon the second and all subsequent
 63 convictions for burglary in the second degree, the defendant shall be guilty of a felony and
 64 shall be punished by imprisonment for not less than one nor more than eight years."

65 **PART II**
 66 **SECTION 2-1.**

67 The Official Code of Georgia Annotated is amended by replacing "hijacking a motor vehicle"
 68 with "hijacking a motor vehicle in the first degree" in the following:

- 69 (1) Subparagraph (a)(12)(G) of Code Section 15-11-2, relating to definitions for the
 70 Juvenile Code;
- 71 (2) Subparagraph (b)(1)(L) of Code Section 15-11-505, relating to use of detention
 72 assessments to determine if detention is warranted and "serious delinquent act" defined;
- 73 (3) Paragraph (6) of subsection (a) of Code Section 17-6-1, relating to where offenses
 74 are bailable, procedure, schedule of bails, and appeal bonds; and
- 75 (4) Subparagraph (a)(2)(C) of Code Section 17-6-12, relating to the discretion of the
 76 court to release person charged with a crime on person's own recognizance only.

77 **PART III**
 78 **SECTION 3-1.**

79 Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to possession
 80 of a firearm by convicted felons and first-offender probationers, is amended by revising
 81 subsection (e) as follows:

82 "(e) As used in this Code section, the term 'forcible felony' means any felony which
 83 involves the use or threat of physical force or violence against any person and further
 84 includes, without limitation, murder; murder in the second degree; burglary in any degree;
 85 robbery; armed robbery; home invasion in any degree; kidnapping; hijacking of an aircraft
 86 or hijacking a motor vehicle in the first degree; aggravated stalking; rape; aggravated child
 87 molestation; aggravated sexual battery; arson in the first degree; the manufacturing,
 88 transporting, distribution, or possession of explosives with intent to kill, injure, or
 89 intimidate individuals or destroy a public building; terroristic threats; or acts of treason or
 90 insurrection."

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SECTION 3-2.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising division (a)(11)(A)(vi) of Code Section 17-7-130, relating to proceedings upon plea of mental incompetence to stand trial, as follows:

"(vi) Hijacking of a motor vehicle in the first degree or hijacking an aircraft;"

SECTION 3-3.

Said title is further amended by revising paragraph (6) of subsection (a) of Code Section 17-10-9.1, relating to voluntary surrender to county jail or correctional institution, as follows:

"(6) Aircraft hijacking and hijacking of a motor vehicle in the first degree;"

PART IV

SECTION 4-1.

Said title is further amended by repealing subsection (e), adding a new subsection, and revising subsections (a), (b), and (d) of Code Section 16-5-47, relating to posting model notice with human trafficking hotline information in businesses and on Internet and termination, as follows:

"(a) As used in this Code section, the term:

(1) 'Adult entertainment establishment' means any place of business or commercial establishment wherein:

(A) The entertainment or activity therein consists of nude or substantially nude persons dancing with or without music or engaged in movements of a sexual nature or movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;

(B) The patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling lingerie or similar undergarments; or

(C) The patron directly or indirectly is charged a fee to engage in personal contact by employees, devices, or equipment, or by personnel provided by the establishment.

Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios, and related or similar activities. Such term shall not include businesses or commercial establishments which have as their sole purpose the improvement of health and physical fitness through special equipment and facilities, rather than entertainment.

(2) 'Agricultural products' means raising, growing, harvesting, or storing of crops; feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including,

125 but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, Christmas
 126 trees, fowl, equine, or animals; or ~~the production of~~ producing aquacultural, horticultural,
 127 viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products.

128 (3) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for
 129 consumption by guests on the premises and in which the serving of food is only
 130 incidental to the consumption of those beverages, including, but not limited to, taverns,
 131 nightclubs, cocktail lounges, and cabarets.

132 (4) 'Day hauler' means any person who is employed by a farm labor contractor to
 133 transport, or who for a fee transports, by motor vehicle, workers to render personal
 134 services in connection with the production of any farm products to, for, or under the
 135 direction of a third person; provided, however, that such term shall not include a person
 136 who produces agricultural products.

137 (5) 'Farm labor contractor' means any person who, for a fee, employs workers to render
 138 personal services in connection with the production of any farm products to, for, or under
 139 the direction of a third person, or who recruits, solicits, supplies, or hires workers on
 140 behalf of an employer engaged in the growing or producing of farm products, and who,
 141 for a fee, provides in connection therewith one or more of the following services:
 142 furnishes board, lodging, or transportation for those workers; supervises, times, checks,
 143 counts, weighs, or otherwise directs or measures their work; or disburses wage payments
 144 to such persons; provided, however, that such term shall not include a person who
 145 produces agricultural products.

146 (5.1) 'Government building with public access' means a building or portion of a building
 147 owned or leased by a government entity.

148 (5.2) 'Government entity' means an office, agency, authority, department, commission,
 149 board, body, division, instrumentality, or institution of the executive, legislative, or
 150 judicial branch of the state government and any county, municipal corporation, or
 151 consolidated government within this state.

152 (6) 'Hotel' means any hotel, inn, or other establishment which offers overnight
 153 accommodations to the public for hire.

154 (7) 'Massage therapist' means a person licensed pursuant to Chapter 24A of Title 43.

155 (8) 'Primary airport' shall have the same meaning as set forth in 49 U.S.C. Section
 156 47102(16).

157 (9) 'Substantially nude' means dressed in a manner so as to display any portion of the
 158 female breast below the top of the areola or displaying any portion of any person's pubic
 159 hair, anus, cleft of the buttocks, vulva, or genitals.

160 (10) 'Truck stop' means a privately owned and operated facility that provides food, fuel,
 161 shower or other sanitary facilities, and lawful overnight truck parking.

162 (b) Effective September 15, 2013, the following businesses and other establishments shall
 163 post the notice described in subsection (c) of this Code section, or a substantially similar
 164 notice, in English, Spanish, and any other language deemed appropriate by the director of
 165 the Georgia Bureau of Investigation, in each public restroom for the business or
 166 establishment and either in a conspicuous place near the public entrance of the business or
 167 establishment or in another conspicuous location in clear view of the public and employees
 168 where similar notices are customarily posted:

- 169 (1) Adult entertainment establishments;
 170 (2) Bars;
 171 (3) Primary airports;
 172 (4) Passenger rail or light rail stations;
 173 (5) Bus stations;
 174 (6) Truck stops;
 175 (7) Emergency rooms within general acute care hospitals;
 176 (8) Urgent care centers;
 177 (9) Farm labor contractors and day haulers;
 178 (10) Privately operated job recruitment centers;
 179 (11) Safety rest areas located along interstate highways in this state;
 180 (12) Hotels; ~~and~~
 181 (13) Businesses and establishments that offer massage or bodywork services by a person
 182 who is not a massage therapist; ~~and~~
 183 (14) Government buildings; provided, however, that in the case of leased property, this
 184 paragraph shall only apply to public restrooms that are a part of such lease for exclusive
 185 use by the government entity."

186 "(c.1) Every government entity shall, on the homepage of its website, provide an identified
 187 hyperlink to the model notice that is on the Georgia Bureau of Investigation website as
 188 provided for in subsection (c) of this Code section.

189 (d)(1) A law enforcement officer shall notify, in writing, any business or establishment
 190 that has failed to comply with this Code section that it has failed to comply with the
 191 requirements of this Code section and if it does not correct the violation within 30 days
 192 from the date of receipt of the notice, the owner of such business or establishment shall
 193 be charged with a violation of this Code section and upon conviction shall be guilty of
 194 the misdemeanor offense of failure to post the National Human Trafficking Resource
 195 Center hotline number and may be punished by a fine of not more than \$500.00; but the
 196 provisions of Chapter 11 of Title 17 and any other provision of law to the contrary
 197 notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional
 198 penalty, fee, or surcharge to a fine for such offense be assessed against an owner for

199 conviction thereof. Upon a second or subsequent conviction, the owner shall be guilty
 200 of a high and aggravated misdemeanor and shall be punished by a fine not to exceed
 201 \$5,000.00. The notice required by this subsection may be hand delivered to the
 202 noncomplying business or establishment or mailed to it at the address of such business
 203 or establishment.

204 (2) This subsection shall not apply to government entities."

205 **PART V**

206 **SECTION 5-1.**

207 Said title is further amended by revising Code Section 16-9-5, relating to counterfeit or false
 208 proof of insurance document, as follows:

209 "16-9-5.

210 (a) As used in this Code section, the term 'proof of insurance document' means any
 211 document issued by, on behalf of, or purportedly on behalf of an insurer to a motor vehicle
 212 policyholder or applicant for motor vehicle coverage, which document is designed to
 213 constitute proof or evidence of the minimum motor vehicle liability insurance required by
 214 law for the purposes of Code Section 40-6-10.

215 (b)(1) It shall be unlawful for any person knowingly to manufacture, sell, or distribute
 216 a counterfeit or false proof of insurance document.

217 (2) It shall be unlawful for any person to possess a counterfeit or false proof of insurance
 218 document that he or she knows to be a counterfeit or false proof of insurance document.

219 (3) A proof of insurance document shall be deemed counterfeit or false if the proof of
 220 insurance document has been altered, modified, or originally issued in any manner which
 221 contains false information concerning the insurer, the owner, the motor vehicle, or the
 222 insurance thereon.

223 (c)(1) ~~Any person who violates paragraph (1) of subsection (b) of this Code section on~~
 224 ~~the first offense shall be guilty of a misdemeanor.~~ Any person who violates paragraph
 225 (1) of subsection (b) of this Code section ~~for the second or any subsequent offense~~ shall
 226 be guilty of a felony and upon conviction shall be punished by a fine of not more than
 227 ~~\$5,000.00~~ \$10,000.00 or by imprisonment for not ~~more than three years~~ less than two nor
 228 more than ten years, or both.

229 (2) Any person who violates paragraph (2) of subsection (b) of this Code section shall
 230 upon conviction be guilty of and be punished as for a misdemeanor."

PART VA
SECTION 5A-1.

Said title is further amended by adding a new Code section to read as follows:

"16-11-91.

(a) As used in this Code section, the term:

(1) 'Device' means an instrument or apparatus used for observing, photographing, videotaping, recording, or transmitting visual images, including but not limited to a camera, photographic equipment, video equipment, mobile phone, or other similar equipment.

(2) 'Intimate parts' shall have the same meaning as set forth in Code Section 16-6-22.1.

(b)(1) Notwithstanding Code Section 16-11-90, it shall be unlawful for any person to, knowingly and without the consent of the individual observed, use or install a device for the purpose of surreptitiously observing, photographing, videotaping, filming, or video recording such individual underneath or through such individual's clothing, for the purpose of viewing the intimate parts of the body of or the undergarments worn by such individual, under circumstances in which such individual has a reasonable expectation of privacy, regardless of whether it occurs in a public place.

(2) It shall be unlawful to disseminate any image or recording with knowledge that it was taken or obtained in violation of paragraph (1) of this subsection.

(c) Any person convicted of violating this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one year nor more than five years, a fine of not more than \$10,000.00, or both, or in the discretion of the court, as for a misdemeanor.

(d) Subsection (b) of this Code section shall not apply to:

(1) The lawful activities of law enforcement and prosecution agencies; or

(2) A business's or entity's surveillance device used in the ordinary course of its business, provided that signage conspicuously warns of such surveillance and the use of such device is primarily designed to detect unlawful activity.

(e) Any violation of this Code section shall constitute a separate offense and shall not merge with any other crimes set forth in this title."

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PART VI
SECTION 6-1.

Said title is further amended by revising subparagraph (c)(3)(B) of Code Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana, as follows:

"(B) This paragraph shall not apply to morphine, heroin, ~~or~~ opium, or any substance identified in subparagraph (RR) or (SS) of paragraph (1) or paragraph (13), (14), or (15) of Code Section 16-13-25, or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of paragraph (2) of Code Section 16-13-26 or any salt, isomer, or salt of an isomer; rather, the provisions of Code Section 16-13-31 shall control these substances."

SECTION 6-2.

Said title is further amended by revising the introductory language to paragraph (1) of subsection (a), paragraph (2) of subsection (a), subsection (b), and the introductory language to subsections (c), (d), (e), and (f) of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, as follows:

"(a)(1) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers, or brings into this state or who is in possession of 28 grams or more of cocaine or of any mixture with a purity of 10 percent or more of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine and, upon conviction thereof, shall be punished as follows:"

"(2) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers, or brings into this state or who is in possession of any mixture with a purity of less than 10 percent of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine if the total weight of the mixture multiplied by the percentage of cocaine contained in the mixture exceeds any of the quantities of cocaine specified in paragraph (1) of this subsection. Upon conviction thereof, such person shall be punished as provided in paragraph (1) of this subsection, depending upon the quantity of cocaine such person is charged with selling, manufacturing, delivering, or bringing into this state or possessing.

(b) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers, brings into this state, or has possession of four grams or more of any morphine, ~~or~~ opium, or substance identified in subparagraph (RR) or (SS) of paragraph (1) or paragraph (13), (14), or (15) of Code Section 16-13-25, or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of paragraph (2) of Code Section 16-13-26 or any salt, isomer, or salt of an isomer thereof, including heroin, as described in Schedules I and II, or four grams or more of any mixture

296 containing any such substance in violation of this article commits the felony offense of
 297 trafficking in illegal drugs and, upon conviction thereof, shall be punished as follows:

298 (1) If the quantity of such substances involved is four grams or more, but less than 14
 299 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
 300 five years and shall pay a fine of \$50,000.00;

301 (2) If the quantity of such substances involved is 14 grams or more, but less than 28
 302 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of
 303 ten years and shall pay a fine of \$100,000.00; and

304 (3) If the quantity of such substances involved is 28 grams or more, the person shall be
 305 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine
 306 of \$500,000.00.

307 (c) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, grows,
 308 delivers, brings into this state, or has possession of a quantity of marijuana exceeding ten
 309 pounds commits the offense of trafficking in marijuana and, upon conviction thereof, shall
 310 be punished as follows:"

311 "(d) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers,
 312 or brings into this state 200 grams or more of methaqualone or of any mixture containing
 313 methaqualone, as described in paragraph (6) of Code Section 16-13-25, in violation of this
 314 article commits the felony offense of trafficking in methaqualone and, upon conviction
 315 thereof, shall be punished as follows:"

316 "(e) ~~Any~~ Except as authorized by this article, any person who sells, delivers, or brings into
 317 this state or has possession of 28 grams or more of methamphetamine, amphetamine, or
 318 any mixture containing either methamphetamine or amphetamine, as described in Schedule
 319 II, in violation of this article commits the felony offense of trafficking in methamphetamine
 320 or amphetamine and, upon conviction thereof, shall be punished as follows:"

321 "(f) ~~Any~~ Except as authorized by this article, any person who manufactures
 322 methamphetamine, amphetamine, or any mixture containing either methamphetamine or
 323 amphetamine, as described in Schedule II, in violation of this article commits the felony
 324 offense of trafficking methamphetamine or amphetamine and, upon conviction thereof,
 325 shall be punished as follows:"

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PART VII

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SECTION 7-1.

328 Said title is further amended in Code Section 16-13-25, relating to Schedule I controlled
 329 substances, by adding two new subparagraphs to paragraph (1) to read as follows:

330 "(RR) 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide (AH-7921);
 331 (SS) 3,4-dichloro-N-(2-(dimethylamino)cyclohexyl)-N-methylbenzamide (U-47700);"

332 **SECTION 7-2.**

333 Said title is further amended in Code Section 16-13-25, relating to Schedule I controlled
 334 substances, by replacing the period with a semicolon at the end of subparagraph (V) of
 335 paragraph (12) and by adding three new paragraphs to read as follows:

336 "(13) The fentanyl analog structural class, including any of the following derivatives,
 337 their salts, isomers, or salts of isomers, unless specifically utilized as part of the
 338 manufacturing process by a commercial industry of a substance or material not intended
 339 for human ingestion or consumption, as a prescription administered under medical
 340 supervision, or for research at a recognized institution, whenever the existence of these
 341 salts, isomers, or salts of isomers is possible within the specific chemical designation or
 342 unless specifically excepted or listed in this or another schedule, structurally derived from
 343 fentanyl, and whether or not further modified in any of the following ways:

344 (A) Substitution anywhere on the phenethyl group with:

345 (i) Alkyl group;

346 (ii) Hydroxyl group;

347 (iii) Halide group;

348 (B) Replacement of the phenethyl group with:

349 (i) Thienyl ethyl group, which can be further substituted with:

350 (I) Alkyl group;

351 (II) Hydroxyl group;

352 (III) Halide group;

353 (ii) Oxotetrazol ethyl group, which can be further substituted with:

354 (I) Alkyl group;

355 (II) Hydroxyl group;

356 (III) Halide group;

357 (iii) Alkyl group;

358 (iv) Thienyl methyl group, which can be further substituted with:

359 (I) Alkyl group;

360 (II) Hydroxyl group;

361 (III) Halide group;

362 (v) Benzyl group, which can be further substituted with:

363 (I) Alkyl group;

364 (II) Hydroxyl group;

365 (III) Halide group;

366 (vi) Furanyl ethyl group, which can be further substituted with:

367 (I) Alkyl group;

368 (II) Hydroxyl group;

369 (III) Halide group;

370 (vii) Phenyl alkyl group, which can be further substituted with:

371 (I) Alkyl group;

372 (II) Hydroxyl group;

373 (III) Halide group;

374 (viii) Pyridinyl ethyl group, which can be further substituted with:

375 (I) Alkyl group;

376 (II) Hydroxyl group;

377 (III) Halide group;

378 (ix) Diazole ethyl group, which can be further substituted with:

379 (I) Alkyl group;

380 (II) Hydroxyl group;

381 (III) Halide group;

382 (IV) Nitro group;

383 (x) Thiazole ethyl group, which can be further substituted with:

384 (I) Alkyl group;

385 (II) Hydroxyl group;

386 (III) Halide group;

387 (xi) Benzoxazolinone ethyl group, which can be further substituted with:

388 (I) Alkyl group;

389 (II) Hydroxyl group;

390 (III) Halide group;

391 (C) Substitution anywhere on the piperidine ring with:

392 (i) Alkyl group;

393 (ii) Allyl group;

394 (iii) Phenyl group;

395 (iv) Ester group;

396 (v) Ether group;

397 (vi) Pyridine group, which can be further substituted with:

398 (I) Alkyl group;

399 (II) Hydroxyl group;

400 (III) Halide group;

401 (vii) Thiazole group, which can be further substituted with:

402 (I) Alkyl group;

403 (II) Hydroxyl group;

404 (III) Halide group;

405 (viii) Oxadiazole group, which can be further substituted with:

406 (I) Alkyl group;

407 (II) Hydroxyl group;

408 (III) Halide group;

409 (IV) Ether group;

410 (D) Substitution anywhere on the propanamide group with:

411 (i) Cyclic alkyl group;

412 (ii) Acyclic alkyl group;

413 (iii) Methoxy group;

414 (E) Replacement of the propanamide group with:

415 (i) Acryloyl amino group;

416 (ii) Acetamide group, which itself can be further substituted with a cyclic alkyl
417 group;

418 (iii) Methoxy acetamide group;

419 (iv) Furanyl amide group;

420 (F) Substitution anywhere on the phenyl ring with:

421 (i) Halide group;

422 (ii) Methoxy group;

423 (iii) Alkyl group;

424 (G) Replacement of the phenyl ring with the pyrazine ring;

425 (14) The piperidinyl-sulfonamide structural class, including any of the following
426 compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or
427 homologues, unless specifically utilized as part of the manufacturing process by a
428 commercial industry of a substance or material not intended for human ingestion or
429 consumption, as a prescription administered under medical supervision, or for research
430 at a recognized institution, whenever the existence of these salts, isomers, or salts of
431 isomers, halogen analogues, or homologues is possible within the specific chemical
432 designation or unless specifically excepted or listed in this or another schedule,
433 structurally derived from piperidinyl-sulfonamide, and whether or not further modified
434 in any of the following ways:

435 (A) By substitution at the 1-position of the piperidinyl ring with any of the following:

436 (i) Alkyl group;

437 (ii) Phenyl alkyl group;

438 (iii) Amino substituted phenyl alkyl group;

439 (iv) Nitro substituted phenyl alkyl group;

- 440 (v) Cycloalkyl group;
- 441 (vi) Alkenyl substituent group;
- 442 (B) By substitution at the 3-position or 4-position of the piperidinyl ring with any of
 443 the following:
- 444 (i) Halide group;
- 445 (ii) Alkyl group;
- 446 (iii) Alkoxy substituent;
- 447 (C) By substitution on the sulfonamide with any of the following:
- 448 (i) Pyridyl group;
- 449 (ii) Alkyl group;
- 450 (iii) Phenyl group;
- 451 (iv) Phenyl alkyl group;
- 452 (v) Alkoxy substituted phenyl group;
- 453 (vi) Halogen substituted phenyl group;
- 454 (vii) Nitro substituted phenyl group;
- 455 (viii) Amino substituted phenyl group;
- 456 (ix) Alkanoylamino substituted phenyl group;
- 457 (x) Amido substituted phenyl group;
- 458 (15) The 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine (MT-45) structural class,
 459 including any of the following derivatives, their salts, isomers, or salts of isomers, unless
 460 specifically utilized as part of the manufacturing process by a commercial industry of a
 461 substance or material not intended for human ingestion or consumption, as a prescription
 462 administered under medical supervision, or for research at a recognized institution,
 463 whenever the existence of these salts, isomers, or salts of isomers is possible within the
 464 specific chemical designation or unless specifically excepted or listed in this or another
 465 schedule, structurally derived from 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine
 466 (MT-45), and whether or not further modified in any of the following ways:
- 467 (A) Replacement of the cyclohexyl group with any of the following:
- 468 (i) Cycloheptyl group;
- 469 (ii) Cyclooctyl group;
- 470 (B) Substitution on the diphenyl groups with any of the following:
- 471 (i) Hydroxyl group;
- 472 (ii) Halide;
- 473 (iii) Alkoxy group;
- 474 (iv) Alkyl group;
- 475 (v) Ester group;
- 476 (vi) Phenyl ether group."

477

SECTION 7-3.

478

Said title is further amended in Code Section 16-13-26, relating to Schedule II controlled substances, by adding new subparagraphs to paragraph (2) to read as follows:

479

"(C.5) Carfentanil;"

480

"(V.2) Thiafentanil;"

481

482

SECTION 7-4.

483

Said title is further amended in Code Section 16-13-26, relating to Schedule II controlled substances, by revising subparagraph (E) of paragraph (3) as follows:

484

"(E) ~~Carfentanil~~ Reserved;"

485

486

PART VIII

487

SECTION 8-1.

488

Code Section 26-4-115 of the Official Code of Georgia Annotated, relating to wholesale drug distributors, is amended by adding a new subsection to read as follows:

489

"(g) Transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with or owned by the hospital shall not be deemed wholesale distributors of drugs."

490

491

492

PART IX

493

SECTION 9-1.

494

This part and Parts VI through VIII of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and the remaining parts shall become effective on July 1, 2017.

495

496

497

SECTION 9-2.

498

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