

Senate Bill 614

By: Senator Mullis of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated,
2 relating to regulation of controlled substances, so as to provide that delta-8-THC derived
3 from hemp is not considered marijuana or tetrahydrocannabinol, tetrahydrocannabinolic acid,
4 or a combination thereof for purposes of the "Georgia Controlled Substances Act"; to provide
5 that it shall not be unlawful to purchase, possess, manufacture, distribute, sell, or consume
6 delta-8-THC derived from hemp; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
11 regulation of controlled substances, is amended in Code Section 16-13-21, relating to
12 definitions relative to "Georgia Controlled Substances Act," by revising paragraph (16) as
13 follows:

14 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
15 not, the seeds thereof, the resin extracted from any part of such plant, and every
16 compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,

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17 or resin, but shall not include samples as described in subparagraph (P) of paragraph (3)
18 of Code Section 16-13-25; shall not include the completely defoliated mature stalks of
19 such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized
20 samples of seeds of the plant which are incapable of germination; ~~and~~ shall not include
21 hemp or hemp products as such terms are defined in Code Section 2-23-3; and shall not
22 include delta-8-THC derived from hemp. Such term shall not include products approved
23 by the federal Food and Drug Administration under Section 505 of the federal Food,
24 Drug, and Cosmetic Act."

25 **SECTION 2.**

26 Said article is further amended in Code Section 16-13-25, relating to Schedule I controlled
27 substances, by revising subparagraph (3)(P) as follows:

28 "(P) Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of
29 tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant
30 material exhibiting the external morphological features of the plant of the genus
31 Cannabis, but not including such substance when found in hemp or hemp products as
32 such terms are defined in Code Section 2-23-3 or delta-8-THC derived from hemp.
33 Tetrahydrocannabinols do not include products approved by the federal Food and Drug
34 Administration under Section 505 of the federal Food, Drug, and Cosmetic Act;"

35 **SECTION 3.**

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

37 "16-13-56.2.

38 (a) It shall not be unlawful to purchase, possess, manufacture, distribute, sell, or consume
39 delta-8-THC derived from hemp in this state.

40 (b) No person in this state shall be subject to arrest, charge, or prosecution for purchasing,
41 possessing, manufacturing, distributing, selling, or consuming delta-8-THC derived from
42 hemp in this state."

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SECTION 4.

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