



## *House Budget and Research Office*

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 412  
ATLANTA, GEORGIA 30334  
404-656-5050

MARTHA R. WIGTON  
DIRECTOR

### **Update on Georgia's Medicinal Cannabis**

House Bill 1, 'Haleigh's Hope Act', was passed by the General Assembly during the 2015 Session and allowed patients with certain qualifying medical conditions to seek treatment with low-tetrahydrocannabinol (THC) oil. The bill created a Medical Cannabis Patient Registry within the Department of Public Health (DPH) and requires physicians to register with DPH before being able to issue a recommendation that a patient should be treated with low-THC oil. The registry provides cards to adult patients or to minor patients' parents who are being treated with the low-THC oil. The DPH-issued card provides immunity from state prosecution for the possession of low-THC oil for qualifying conditions, so long as: the patient has registered with the state; the quantity is less than 20 ounces; and the oil does not exceed more than five percent THC. HB 1 allowed for low-THC oil to be used for the treatment of: seizures; cancer; Lou Gehrig's disease; multiple sclerosis; Crohn's disease; Parkinson's disease; mitochondrial disease; and sickle cell disease.

The state expanded the law during the 2017 Session with the passages of Senate Bill 16 that provided reciprocity for other states where there is a requirement to have a state-issued card, but limits immunity to Georgia's possession and THC-percentage limitations. Moreover, the law reduced the onerous reporting requirement to DPH from quarterly to semi-annually for physicians. The law also expanded the list of qualifying conditions to include: Alzheimer's disease; AIDS; autism spectrum disorder; Tourette's syndrome; peripheral neuropathy; epidermolysis bullosa; and for persons in hospice care.

With the passage of HB 65 during the 2018 Session, the state again added to list of qualifying conditions, now 16 total, to include post-traumatic stress disorder (PTSD) and intractable pain. The bill also created the Joint Study Commission on Low-THC Medical Oil Access.

The Joint Study Commission on Low-THC Medical Oil Access was charged with undertaking a study of access of low-THC oil and related issues, including but not limited to options for growing, manufacturing, and dispensing this medical product in Georgia. Specifically, the commission was tasked with identifying how to ensure proper security safeguards and systems for evaluating qualifications of potential licensees, and how to implement a plan to ensure that low-THC oil is readily available in all parts of the state at an affordable price to patients and caregivers who are properly registered.

The resulting legislation, HB 324, known as the 'Georgia's Hope Act', utilized the findings of the joint study commission passed during the 2019 Session. The bill allows for the production, manufacturing, and dispensing of low-THC oil with a lawful valid license issued by the Georgia Access to Medical Cannabis Commission ('the commission'). The commission has been granted the authority to: coordinate its activities with the Department

of Public Health; promulgate rules and regulations to establish security, quality control, tracking, and oversight of all low-THC oil production; and ensure market stability and adequate supply.

The commission may issue up to two Class 1 and up to four smaller Class 2 production licenses. The licenses authorize entities to grow cannabis (or hemp) products in indoor facilities for producing low-THC oil. Applicants for a production license must show: a written production plan; a comprehensive security plan which also includes transportation; a detailed employment plan; a written plan for certified organic production; letters of support from local government entities; a demonstration of significant involvement in the business by one or more minority business enterprises; documentation of industry capabilities and experience; and copies of recent criminal background checks for all employees and owners.

HB 324 requires each Class 1 and Class 2 production licensee to establish, utilize, and maintain a sophisticated tracking system and record-keeping program for all phases of production that allows for real-time access by the commission. Moreover, the tracking system must be in compliance with the federal 'Health Insurance Portability and Accountability Act of 1996' (HIPAA) requirements.

The commission must issue two, non-transferrable, designated-university licenses for the production of low-THC oil, which include the option to be a production facility either separately or jointly. Each designated university will conduct research on marijuana for therapeutic use and must submit an annual report to the Senate and House Health and Human Services Committees that includes data and outcomes from the research conducted.

The State Board of Pharmacy must develop an annual, non-transferable, specialty-dispensing license for pharmacies to dispense low-THC oil to registered patients. The State Board of Pharmacy and the commission will jointly adopt rules for dispensing low-THC oil by pharmacies and retail dispensing licensees.

The Georgia Bureau of Investigation is responsible for ensuring that all activities of licensees are conducted in accordance with the laws of the state. Furthermore, all licensees must provide on-demand access to facilities for inspection when requested by the Georgia Bureau of Investigation, the commission, or the local law enforcement agency for the jurisdiction in which a production facility is located.

No licensee can operate in any location within a 3,000-foot radius of a school, an early child care program, church, synagogue, or other place of public worship in existence prior to the date of licensure by the department. In addition, licensees must comply with strict advertisement requirements that prohibit advertising that promotes recreational or non-medical use of marijuana.

HB 324 also makes it unlawful to ingest low-THC oil in a manner that employs a heating element that produces vapor or other food-like edible form.

As of July 2019, Georgia's low-THC oil registry includes 131 physicians and 2,910 patients. The registry has generally averaged approximately 300 new patients each month with cancer and intractable pain listed as the most common conditions being treated.

<b>Year</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b># of Patients</b>	412	801	2141	4829	2910
<b># of Physicians</b>	208	73	229	283	131