

ADOPTED

Representatives Powell of the 32nd, Pirkle of the 169th, and Efstation of the 104th offer the following amendment:

1 *Amend the Senate substitute to HB 196 (LC 36 5597S) by striking lines 1 through 280 and*
2 *inserting in lieu thereof the following:*

3 To amend Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
4 relating to access to medical cannabis, so as to transfer duties and responsibilities of the
5 Georgia Access to Medical Cannabis Commission to the Department of Agriculture; to
6 abolish the Georgia Access to Medical Cannabis Commission; to revise definitions; to
7 provide for legislative oversight; to authorize the location of retail outlets for the dispensing
8 of low THC oil and products to registered patients at Class 1 and Class 2 production
9 facilities; to authorize the dispensing of low THC oil and products from any Class 1 or
10 Class 2 production licensee by any dispensing licensee; to provide for additional Class 1 and
11 Class 2 production licenses; to provide for criteria; to provide for appeals to the Georgia
12 State-wide Business Court; to amend Code Section 31-2A-18 of the Official Code of Georgia
13 Annotated, relating to the Low THC Oil Patient Registry, so as to expand conditions for
14 which low THC oil may be used for treatment; to amend Chapter 23 of Title 2 of the Official
15 Code of Georgia Annotated, relating to hemp farming, so as to provide for definitions; to
16 provide for license and permit fees, surety bonds, and eligibility; to provide for and require
17 retail consumable hemp establishment licenses and wholesale consumable hemp
18 establishment licenses; to allow persons convicted of any misdemeanor or a felony not
19 related to a state or federally controlled substance within ten years of the application date to
20 grow and process industrial hemp; to provide for exemptions for criminal background
21 checks, federal criminal history reports, and classifiable electronically recorded fingerprints
22 upon permit and license renewals; to provide for compliance with applicable laws; to require

23 package requirements, labeling, and certificates of analysis for hemp products; to provide for
24 ongoing reporting; to amend Chapter 12 of Title 16 of the Official Code of Georgia
25 Annotated, relating to offenses against public health and morals, so as to prohibit the
26 purchase of, sale of, and offering of samples of hemp products by or to any individual under
27 the age of 21 years old; to provide for inspections, enforcement, and penalties for violations;
28 to provide for venue; to provide for rules and regulations; to provide for related matters; to
29 provide for effective dates; to repeal conflicting laws; and for other purposes.

30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

31 **PART I**

32 **SECTION 1-1.**

33 Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
34 access to medical cannabis, is amended by revising Code Section 16-12-200, relating to
35 definitions, as follows:

36 "16-12-200.

37 As used in this article, the term:

38 (1) 'Applicant' means a corporate entity applying for a license pursuant to this article.

39 (2) 'Available capital' means corporate assets that are available to fund business
40 operations in the event a license is awarded pursuant to Part 2 of this article.

41 (3) 'Class 1 production license' means a license to produce and manufacture low THC
42 oil and products issued pursuant to Code Section 16-12-211.

43 (4) 'Class 2 production license' means a license to produce and manufacture low THC
44 oil and products issued pursuant to Code Section 16-12-212.

45 (5) ~~'Commission' means the Georgia Access to Medical Cannabis Commission created~~
46 ~~pursuant to Code Section 16-12-202~~ 'Commissioner' means the Commissioner of
47 Agriculture.

- 48 (5.1) 'Department' means the Department of Agriculture of this state.
- 49 (6) 'Designated universities' means the University of Georgia and Fort Valley State
50 University.
- 51 (7) 'Designated university license' means a license issued by the ~~commission~~
52 Commissioner pursuant to this article to a designated university to, separately or jointly,
53 produce, manufacture, and purchase low THC oil and products in accordance with this
54 article.
- 55 (8) 'Dispense' means the sale or provision of low THC oil and products to registered
56 patients by a dispensing licensee.
- 57 (9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy
58 or the ~~commission~~ Commissioner pursuant to Code Section 16-12-206 to dispense low
59 THC oil and products to registered patients.
- 60 (10) 'Grow' means cultivating and harvesting cannabis for use in producing low THC oil
61 and products.
- 62 (11) 'Licensee' means any business, or owner of such business, with a valid license
63 issued pursuant to this article.
- 64 (12) 'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.
- 65 (13) 'Manufacture' means to process cannabis to produce low THC oil and products.
- 66 (14) 'Owner' means any person who directly or indirectly owns, actually or beneficially,
67 or controls 5 percent or greater of interests of the applicant or any licensee. In the event
68 that one person owns a beneficial right to interests and another person holds the voting
69 rights with respect to such interests, then both shall be considered an owner of such
70 interests.
- 71 (15) 'Product' means low THC oil delivered through an oil, tincture, transdermal patch,
72 lotion, or capsule, except as prohibited by Code Section 16-12-234, but not including any
73 food products infused with low THC oil, including, but not limited to, cookies, candies,
74 or edibles.

75 (16) 'Registered patient' means an individual who is legally authorized to possess and use
 76 low THC oil and products pursuant to Code Section 31-2A-18.

77 (17) 'Tracking system' means a seed-to-sale tracking system to track marijuana that is
 78 grown, processed, manufactured, transferred, stored, or disposed of and low THC oil and
 79 products that are transferred, stored, sold, dispensed, or disposed of pursuant to this
 80 article."

81 SECTION 1-2.

82 Said article is further amended by revising Code Section 16-12-202, relating to creation of
 83 Georgia Access to Medical Cannabis Commission, terms, designation, meetings, vacancy,
 84 and compensation, as follows:

85 "16-12-202.

86 (a) ~~There is created the Georgia Access to Medical Cannabis Commission which is~~
 87 ~~assigned to the Secretary of State for administrative purposes only, as prescribed in Code~~
 88 ~~Section 50-4-3 within the department a Medical Cannabis Division which shall specifically~~
 89 ~~be subject to the provisions of Article 3 of Chapter 5, and Chapters 13 and 14 of Title 50~~
 90 ~~and, except as otherwise specifically provided in this article, the provisions of Article 4 of~~
 91 ~~Chapter 18 of Title 50. The commission shall consist of seven members who shall be~~
 92 ~~appointed as follows:~~

93 ~~(1) Three members appointed by the Governor;~~

94 ~~(2) Two members appointed by the Lieutenant Governor; and~~

95 ~~(3) Two members appointed by the Speaker of the House of Representatives.~~

96 (b) ~~Members shall serve four-year terms of office. The Governor shall designate one of~~
 97 ~~his or her appointees as the chairperson~~ On May 10, 2023, the Georgia Access to Medical
 98 Cannabis Commission shall be abolished and the terms of all members of the commission
 99 shall be terminated. All employees of the Georgia Access to Medical Cannabis
 100 Commission shall be transferred to the department on such date along with all equipment,

101 supplies, office space, contracts and agreements, and appropriations. All licenses
102 previously issued by the Georgia Access to Medical Cannabis Commission shall become
103 licenses of the department under the same terms and conditions as issued by the Georgia
104 Access to Medical Cannabis Commission. The Commissioner shall be the successor to the
105 Georgia Access to Medical Cannabis Commission on all contracts and agreements of the
106 Georgia Access to Medical Cannabis Commission in existence on May 10, 2023. All rules
107 and regulations of the Georgia Access to Medical Cannabis Commission in effect on such
108 date shall become rules and regulations of the department until changed by the department
109 pursuant to Chapter 13 of Title 50.

110 ~~(c) The commission shall meet upon the call of the chairperson or upon the request of three~~
111 ~~members. The commission shall organize itself as it deems appropriate and may elect~~
112 ~~additional officers from among its members.~~

113 ~~(d) Any vacancy on the commission shall be filled for the unexpired term by appointment~~
114 ~~by the original appointing authority.~~

115 ~~(e) Members of the commission shall serve without compensation but shall receive the~~
116 ~~same expense allowance per day as that received by a member of the General Assembly~~
117 ~~for each day such member of the commission is in attendance at a meeting of such~~
118 ~~commission, plus either reimbursement for actual transportation costs while traveling by~~
119 ~~public carrier or the same mileage allowance for use of a personal car in connection with~~
120 ~~such attendance as members of the General Assembly receive. Such expense and travel~~
121 ~~allowance shall be paid in lieu of any per diem, allowance, or other remuneration now~~
122 ~~received by any such member for such attendance.~~

123 (c) Any activities conducted by the Commissioner pursuant to this article shall be subject
124 to the provisions of Article 3 of Chapter 5, Chapter 13, Chapter 14, and Article 4 of
125 Chapter 18 of Title 50."

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SECTION 1-3.

Said article is further amended by revising Code Section 16-12-203, relating to powers, duties, and responsibilities of the Georgia Access to Medical Cannabis Commission, as follows:

"16-12-203.

The ~~commission~~ Commissioner shall have the following powers, duties, and responsibilities:

(1) To apply for, receive, and administer state funds appropriated to the ~~commission department~~, private grants and donations, and other funds and donations. The ~~commission's department's~~ annual distributions shall be capped and limited to funds received from the sources specified in this paragraph. The ~~commission~~ Commissioner shall ensure that its funds are not used as a supplement or secondary payor to any other third-party payor;

(2) To execute a contract or contracts to purchase or obtain low THC oil, cannabis, cannabinoids, or any other derivative, compound, or substantially similar products from any available legal source and to provide logistics related thereto in accordance with this article. Such contract or contracts may be executed with one or more qualified corporations or with one or more governmental entities. Purchases made and contracts entered into pursuant to this paragraph shall ~~not~~ be subject to state purchasing laws contained in Article 3 of Chapter 5 of Title 50 ~~or in other provisions of the Official Code of Georgia Annotated~~;

(3) To utilize funds appropriated to the ~~commission department~~ as may be necessary to purchase and transport low THC oil and products to the State of Georgia for use by registered patients;

(4) To develop, establish, maintain, and administer a low THC oil and products distribution network to obtain and distribute low THC oil and products to registered

- 152 patients in this state and to coordinate the best use of facilities and resources to operate
153 such distribution network;
- 154 (5) To establish procedures for inspecting production facilities operated by designated
155 universities;
- 156 (6) To establish requirements and procedures to ensure quality control, security, and
157 oversight of low THC oil and products production in this state, including, but not limited
158 to, testing for purity and dosage levels and verification that product labels accurately
159 reflect product content;
- 160 (7) To provide for oversight of tracking systems;
- 161 (8) To coordinate and assist in the collection of data to evaluate the provision of low
162 THC oil and products in this state;
- 163 (9) To study the provision of low THC oil and products in this state to determine the best
164 practices and methods of providing such services, to determine what changes are needed
165 to improve the provision of low THC oil and products, and to report any proposed
166 legislative changes to the General Assembly each year;
- 167 (10) To coordinate its activities with the Department of Public Health;
- 168 (11) To employ ~~an executive director and other~~ staff and to establish duties and
169 responsibilities of such persons;
- 170 (12) To employ and manage consultants, as deemed necessary, in order to fulfill its
171 duties and responsibilities under this article;
- 172 (13) To review new treatment and delivery methods for low THC oil and products that
173 may result from medical research and are not otherwise inconsistent with this article, and
174 recommend statutory changes to the General Assembly to authorize such treatment and
175 delivery methods and products;
- 176 (14) To be responsible for the noncriminal enforcement of the provisions of this article
177 and to have all of the necessary duties, power, and authority to carry out such
178 responsibility;

179 (15) To be authorized to draft, adopt, amend, repeal, and enforce such rules and
 180 regulations as it deems necessary for the administration and enforcement of this article
 181 in the protection of public health, safety, and welfare pursuant to Chapter 13 of Title 50;
 182 (16) To enforce qualifications for licensure; and
 183 (17) To levy fines for failure by a Class 1 production licensee, Class 2 production
 184 licensee, or dispensing licensee to operate in accordance with rules and regulations
 185 established by the ~~commission~~ Commissioner within 14 days of written notice by the
 186 ~~commission~~ Commissioner of specific violations. Such fines shall not exceed \$25,000.00
 187 for a first offense, \$50,000.00 for a failure to remedy the offense within 60 days after
 188 written notice of a first offense, and \$75,000.00 for subsequent failures to remedy
 189 noncompliance within 90 days after written notice of a first offense. Following a third
 190 written notice of a recurring violation, the ~~commission~~ Commissioner may also order a
 191 licensee to cease operations for a period of up to 30 days to correct the violation. Any
 192 such fines or orders to cease operations shall be subject to Chapter 13 of Title 50, the
 193 'Georgia Administrative Procedure Act'; provided, however, that any appeal from a final
 194 decision regarding such fines or orders shall be made to the Georgia State-wide Business
 195 Court in accordance with Code Section 16-12-221.1."

196 **SECTION 1-4.**

197 Said article is further amended by revising Code Section 16-12-204, relating to issuance of
 198 nontransferable designated university licenses for production of low THC oil and products,
 199 research on therapeutic use, reporting, collected information, and license revocation, as
 200 follows:

201 "16-12-204.

202 (a) Upon request by a designated university, the ~~commission~~ Commissioner shall issue
 203 nontransferable designated university licenses for the production of low THC oil and
 204 products. The licenses granted to designated universities pursuant to this Code section

205 shall be in addition to any licenses issued pursuant to Part 2 of this article. The designated
206 universities shall have the option to be licensed as a production facility, either separately
207 or jointly. The designated universities shall be authorized to contract with private entities
208 to fulfill the terms of the license, including contracting for the production of low THC oil
209 and products. All contracts shall be approved by the ~~commission~~ Commissioner.

210 (b) Each designated university may conduct research on marijuana for therapeutic use if
211 such university is licensed as a production facility pursuant to this Code section. Effective
212 January 1, 2020, and annually thereafter, the designated universities shall submit a report
213 to the Senate Health and Human Services Committee and the House Committee on Health
214 ~~and Human Services~~, to include data and outcomes of the research conducted pursuant to
215 this paragraph.

216 (c)(1) The ~~commission~~ Commissioner shall collect the following information from each
217 licensee:

218 (A) The amount of low THC oil and products produced by the licensee during each
219 calendar year;

220 (B) The details of all production costs, including but not limited to seed, fertilizer,
221 labor, advisory services, construction, and irrigation;

222 (C) The details of any items or services for which the licensee subcontracted and the
223 costs of each subcontractor directly or indirectly working for the licensee;

224 (D) The amount of therapeutic chemicals produced resulting from the low THC oil and
225 products manufactured pursuant to this article;

226 (E) The amounts paid each year to the licensee related to the licensee's production of
227 low THC oil and products manufactured pursuant to this article; and

228 (F) The amount of low THC oil and products distributed to each dispensing licensee
229 to dispense low THC oil and products in this state during each calendar year.

230 (2) The ~~commission~~ Commissioner shall provide the information collected pursuant to
231 this subsection for the previous calendar year in the form of a written report to the Senate

232 Health and Human Services Committee and the House Committee on Health and Human
 233 Services no later than February 1 of each year. The ~~commission~~ Commissioner shall also
 234 make a copy of such report available to the public by posting such report on the
 235 ~~commission's~~ department's website.

236 (d) The ~~commission~~ Commissioner may revoke the license of a designated university if
 237 it is found by the ~~commission~~ Commissioner to have violated any of the requirements
 238 established pursuant to this article."

239 **SECTION 1-5.**

240 Said article is further amended by revising Code Section 16-12-206, relating to annual,
 241 nontransferable dispensing license, adoption of rules, and fees, as follows:

242 "16-12-206.

243 (a)(1) Upon request by a licensed pharmacy in this state, the State Board of Pharmacy
 244 shall be authorized to develop an annual, nontransferable specialty dispensing license for
 245 an independent pharmacy with a registered office located within this state to dispense low
 246 THC oil and products to registered patients. The State Board of Pharmacy shall develop
 247 rules and regulations regarding dispensing pharmacies in this state in accordance with the
 248 requirements contained in subsection (b) of this Code section.

249 (2) The ~~commission~~ Commissioner shall be authorized to issue five dispensing licenses
 250 to each Class 1 production licensee and each Class 2 production licensee for retail outlets
 251 to dispense low THC oil and products to registered patients. In addition, the
 252 Commissioner shall be authorized to issue a dispensing license for a retail outlet to each
 253 Class 1 production licensee and each Class 2 production licensee for the purpose of
 254 establishing a retail outlet for the dispensing of low THC oil and products to registered
 255 patients at the location of the Class 1 production licensee's production facility or at the
 256 location of the Class 2 production licensee's production facility. The ~~commission~~

257 Commissioner shall ensure that dispensing licenses shall be issued so that retail outlets
258 are dispersed throughout the state. The ~~commission~~ Commissioner shall develop rules
259 and regulations regarding retail dispensing licensees in this state in accordance with the
260 requirements contained in subsection (b) of this Code section. The ~~commission~~
261 Commissioner shall be authorized to issue one additional dispensing license to each
262 Class 1 and Class 2 production licensee when the Low THC Oil Patient Registry
263 established and maintained pursuant to Code Section 31-2A-18 reaches 25,000 patients
264 and for every increase of 10,000 patients thereafter.

265 (b) The State Board of Pharmacy and the ~~commission~~ Commissioner shall separately adopt
266 rules relating to the dispensing of low THC oil and products, with the State Board of
267 Pharmacy promulgating rules and regulations for pharmacies that dispense low THC oil
268 and products and the ~~commission~~ Commissioner promulgating rules and regulations for
269 other retail outlets that dispense low THC oil and products. Such rules shall include but
270 not be limited to:

- 271 (1) Standards, procedures, and protocols for the effective use of low THC oil and
272 products as authorized by state law and related rules and regulations;
- 273 (2) Standards, procedures, and protocols for the dispensing of low THC oil and products
274 by a pharmacy with a dispensing license and by retail dispensing licensees and for the
275 utilization of a tracking system;
- 276 (3) Procedures and protocols to provide that no low THC oil or products may be sold to
277 or transferred to a location outside of this state;
- 278 (4) The establishment of standards, procedures, and protocols for determining the
279 amount of usable low THC oil and products that is necessary to constitute an adequate
280 supply for registered patients in this state to ensure uninterrupted availability for a period
281 of one month, including amounts for topical treatments;
- 282 (5) The establishment of standards, procedures, and protocols to ensure that all low THC
283 oil and products dispensed are consistently pharmaceutical grade;

- 284 (6) The establishment of standards and procedures for the revocation, suspension, and
 285 nonrenewal of dispensing licenses;
- 286 (7) The establishment of other licensing, renewal, and operational standards which are
 287 deemed necessary by the State Board of Pharmacy and the ~~commission~~ Commissioner;
- 288 (8) The establishment of standards and procedures for testing low THC oil and products
 289 for levels of tetrahydrocannabinol or other testing parameters deemed appropriate by the
 290 State Board of Pharmacy and the ~~commission~~ Commissioner;
- 291 (9) The establishment of health, safety, and security requirements for pharmacies and
 292 retail dispensing licensees dispensing low THC oil and products; and
- 293 (10) Requirements for the issuance of dispensing licenses to pharmacies and Class 1 and
 294 Class 2 production licensees.
- 295 (c) The ~~commission~~ Commissioner shall be authorized, by rules and regulations, to
 296 establish fees for dispensing licenses to Class 1 and Class 2 production licensees
 297 commensurate with the location of the retail outlet and demand for low THC oil and
 298 products at such location.
- 299 (d) Each dispensing location shall be authorized to sell low THC oil and products from any
 300 Class 1 or Class 2 production licensee in this state."

301 **SECTION 1-6.**

302 Said article is further amended by revising Code Section 16-12-207, relating to establishment
 303 of Medical Cannabis Commission Oversight Committee, membership, inspections, provision
 304 of information, plan for accredited lab testing, and patient and physician input, as follows:

305 "16-12-207.

- 306 (a) ~~The~~ There is created as a joint committee of the General Assembly shall establish a the
 307 Georgia Access to Medical Cannabis Commission Legislative Oversight Committee with
 308 two members appointed by the Lieutenant Governor and two members appointed by the
 309 Speaker of the House of Representatives to be composed of the chairpersons of the House

310 Committee on Regulated Industries, the House Committee on Agriculture, the House
311 Committee on Health, the Senate Economic Development Committee, the Senate
312 Committee on Health and Human Services, and the Senate Agriculture Committee and an
313 additional member of the House of Representatives appointed by the Speaker of the House
314 of Representatives and an additional senator appointed by the Lieutenant Governor. The
315 Speaker of the House of Representatives shall appoint one of the representatives and the
316 Lieutenant Governor shall appoint one of the senators to serve as cochairpersons of the
317 legislative oversight committee. The oversight committee shall periodically inquire into
318 and review the operations of the department with regard to medical cannabis, as well as
319 periodically review and evaluate the success with which the Commissioner is
320 accomplishing the statutory duties and functions as provided in this article. The oversight
321 committee may conduct any independent audit or investigation of the department with
322 regard to medical cannabis that it deems necessary. Any member of the Georgia Access
323 to Medical Cannabis Commission Legislative Oversight Committee shall be permitted to
324 inspect any production facility upon request and after reasonable notice is provided to the
325 production facility.

326 (b) ~~The commission~~ Commissioner shall promptly provide any document or information
327 requested by the legislative oversight committee that is in its his or her possession,
328 provided that the ~~commission~~ Commissioner shall not be required to share documents
329 containing data identifying individual patients or physicians, information marked as trade
330 secrets by applicants or licensees, information that in the view of the ~~commission~~ would
331 interfere with an ongoing licensing applicant selection process, or information that in the
332 judgment of the ~~commission~~ would create law enforcement or security risks to the citizens
333 of Georgia any information that would be exempt from public disclosure pursuant to Code
334 Section 50-18-72 or pursuant to state or federal privacy laws.

335 (c) ~~No later than August 1, 2021, the oversight committee shall recommend to the~~
336 ~~commission a process and plan for providing accredited lab testing of products produced~~

337 ~~by licensees and for labeling such products. The commission shall consider the~~
338 ~~recommendations of the oversight committee in adopting policies, procedures, and~~
339 ~~regulations regarding such testing and labeling~~ Reserved.

340 (d) The legislative oversight committee may regularly seek input from patients and
341 physicians as to the availability and quality of products produced pursuant to this ~~chapter~~
342 article, and recommend to the ~~commission~~ Commissioner changes to policies, procedures,
343 and regulations to improve availability and quality. The ~~commission~~ Commissioner shall
344 consider such recommendations in adopting policies, procedures, and regulations."

345 **SECTION 1-7.**

346 Said article is further amended by revising Code Section 16-12-210, relating to powers,
347 duties, and responsibilities of commission, no undue burden on patients, and remission of
348 fees, as follows:

349 "16-12-210.

350 (a) The ~~commission~~ Commissioner shall have the following powers, duties, and
351 responsibilities to implement the provisions of this part:

352 (1) Issue licenses related to the production, growing, and manufacturing of low THC oil
353 and products in accordance with the provisions of this part;

354 (2) Coordinate with the Georgia Bureau of Investigation to implement security plans and
355 enforce the provisions of this part;

356 (3) Establish procedures for granting licenses, testing products, and inspecting facilities;

357 (4) Establish requirements and procedures to ensure quality control, security, and
358 oversight of all low THC oil and product production in this state, including, but not

359 limited to, conducting testing for purity and dosage levels and verifying that product
360 labels accurately reflect product content. The ~~commission~~ Commissioner is authorized

361 to contract with private laboratories to perform the functions described in this paragraph;

- 362 (5) Establish procedures and ensure sufficient resources are available to receive and
 363 resolve complaints from registered patients;
- 364 (6) Establish applications and forms necessary to carry out the provisions of this part;
- 365 (7) Establish criteria for applicants and licensees as necessary to ensure market stability
 366 and adequate supply;
- 367 (8) Provide for the selection, implementation, and oversight of tracking systems;
- 368 (9) Provide oversight of licensee reporting, data collection, and analysis;
- 369 (10) Establish requirements and procedures for marketing and signage; and
- 370 (11) Promulgate rules and regulations and adopt policies and procedures necessary to
 371 carry out the provisions of this part.
- 372 (b) ~~The commission~~ Commissioner shall not promulgate any rules or regulations that
 373 would unduly burden access to low THC oil or products by registered patients.
- 374 (c) All fees collected by the ~~commission~~ Commissioner shall be remitted to the general
 375 fund of the state treasury."

376 SECTION 1-8.

377 Said article is further amended by revising Code Section 16-12-211, relating to Class 1
 378 production licenses, application fees, revocation, and limitation of ownership, as follows:

379 "16-12-211.

380 (a) ~~The commission may issue up to two Class 1 production licenses.~~ In addition to the
 381 two initial Class 1 production licenses issued by the former Georgia Access to Medical
 382 Cannabis Commission, the Commissioner shall be authorized to issue, no later than
 383 December 31, 2023, up to nine additional Class 1 production licenses pursuant to
 384 subsection (a) of Code Section 16-12-221, provided that the total number of Class 1 and
 385 Class 2 production licenses issued pursuant to subsection (a) of Code Section 16-12-221
 386 shall not exceed 20 production licenses. A Class 1 production licensee shall be authorized
 387 to:

388 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to
389 100,000 square feet of cultivation space; and

390 (2) Manufacture low THC oil and products.

391 (b) Except as otherwise provided in paragraph (1) of subsection (a) of Code
392 Section 16-12-221, Class 1 production licenses shall be issued to applicants selected by the
393 ~~commission~~ Commissioner following a competitive application and review process in
394 accordance with the requirements set forth in this part. An applicant must be a Georgia
395 corporation or entity and shall maintain a bank account with a bank or credit union located
396 in this state. An applicant for a Class 1 production license shall submit an application on
397 a form established by the ~~commission~~ Commissioner, together with the following
398 information:

399 (1) Proof of available capital to make the investments needed to safely, securely, and
400 promptly perform all required functions of a licensee. Prior to issuance of a Class 1
401 production license, the applicant shall provide written documentation showing that on the
402 date of application and award such applicant holds at least \$2 million in available cash
403 reserves to invest in operations in this state;

404 (2) A written production plan detailing the production processes that, at a minimum,
405 includes details describing how the chain of custody will be maintained, documented, and
406 made available for review by the ~~commission~~ Commissioner or the Georgia Bureau of
407 Investigation. Production processes shall include compliance with all production
408 standards, laws, and regulations needed to protect public safety and ensure product purity;

409 (3) A comprehensive security plan that ensures compliance with the applicable laws of
410 this state. At a minimum, a security plan shall include a 24 hours per day, seven days per
411 week interior and exterior video monitoring and intrusion detection monitoring system,
412 recording and video storage capabilities for all facilities, and licensed security personnel.
413 The entire premises of licensees shall be equipped with a centralized access control
414 system capable of generating detailed reports of access logs for a minimum of one year.

415 All videos, access logs, and any other monitoring data shall be available to the Georgia
416 Bureau of Investigation upon request. The ~~commission~~ Commissioner is authorized to
417 set requirements for the minimum technology, resolution, and storage capacity of at least
418 45 days for the video recording capabilities of licensees;

419 (4) A written plan detailing specific security measures to ensure secured transportation
420 and tracking of delivered products for intrafacility transportation;

421 (5) A detailed employment plan specifying the jobs and salaries of employees and
422 demonstrating the expected economic impact of proposed activities in Georgia;

423 (6) A written plan to ensure that no pesticides are used at any point in the production
424 process other than those certified organic by the Organic Materials Review Institute or
425 another similar standards organization;

426 (7) Detailed designs of all production facilities;

427 (8) Letters of support from one or more local governmental entities where the primary
428 facilities will be located;

429 (9) A demonstration of significant involvement in the business by one or more minority
430 business enterprises as defined in Code Section 50-5-131, either as co-owners of the
431 business or as significant suppliers of goods and services for the business. Such
432 applicants shall be encouraged to form business relationships with Georgia agricultural
433 businesses and military veterans;

434 (10) Documentation of the applicant's industry capabilities and management experience.
435 The ~~commission~~ Commissioner shall consider the relevant industry experience and
436 strength of the applicant's management team and board of directors when considering its
437 merits;

438 (11) Sufficient documentation to prove that a \$1.5 million cash bond or for any licenses
439 that are applied for on or after July 1, 2021, other comparable surety as determined by the
440 ~~commission~~ Commissioner, payable to the State of Georgia or an irrevocable letter of
441 credit can be obtained within 30 days of license award. Failure to provide the requisite

442 bond or letter of credit within 30 days of the license award date shall be cause for
443 revocation of the license;

444 (12) At least one set of classifiable electronically recorded fingerprints submitted to the
445 ~~commission~~ Commissioner in accordance with the fingerprint system of identification
446 established by the director of the Federal Bureau of Investigation. The ~~commission~~
447 Commissioner shall transmit the fingerprints to the Georgia Crime Information Center,
448 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
449 bureau records and an appropriate report and shall promptly conduct a search of state
450 records based upon the fingerprints. After receiving the report from the Georgia Crime
451 Information Center and the Federal Bureau of Investigation, the ~~commission~~
452 Commissioner shall review the record for all owners, officers, and employees of the
453 applicant demonstrating a lack of convictions, except for felony convictions that are
454 greater than ten years old, are not drug related, or have been expunged or pardoned; and
455 (13) A description of any efforts made by the applicant to create jobs or locate facilities
456 in tier one or tier two counties as defined in Code Section 48-7-40.

457 (c) An applicant for a Class 1 production license shall submit a nonrefundable application
458 fee in the amount of \$25,000.00 concurrent with submission of the application.

459 (d) Upon award of a Class 1 production license, an applicant shall be required to submit
460 an initial license fee of \$200,000.00, and upon annual renewal, a license renewal fee of
461 \$100,000.00.

462 (e) A Class 1 production license shall be revoked if the licensee is not operational within
463 12 months of the award date.

464 (f)(1) No person or entity holding an ownership interest in a license issued under this
465 Code section may hold an ownership interest in any other type of license issued under
466 this part.

467 (2) No person or entity or director or officer of such entity may hold an ownership
468 interest in more than one Class 1 production license at any one time.

469 (3) Ownership interests in more than one license shall be cause for revocation of all
470 licenses."

471 **SECTION 1-9.**

472 Said article is further amended by revising Code Section 16-12-212, relating to Class 2
473 production licenses, application fees, revocation, and limitation of ownership, as follows:

474 "16-12-212.

475 (a) ~~The commission may issue up to four Class 2 production licenses.~~ In addition to the
476 four initial Class 2 production licenses authorized by the former Georgia Access to Medical
477 Cannabis Commission, the Commissioner shall be authorized to issue, no later than
478 December 31, 2023, up to 12 additional Class 2 production licenses pursuant to subsection
479 (a) of Code Section 16-12-221, provided that the total number of Class 1 and Class 2
480 production licenses issued pursuant to subsection (a) of Code Section 16-12-221 shall not
481 exceed 20 production licenses. A Class 2 production licensee shall be authorized to:

482 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited
483 to 50,000 square feet of cultivation space; and

484 (2) Manufacture low THC oil and products.

485 (b) Except as otherwise provided in paragraph (1) of subsection (a) of Code
486 Section 16-12-221, Class 2 production licenses shall be issued to applicants selected by the
487 commission Commissioner following a competitive application and review process in
488 accordance with the requirements set forth in this part. An applicant must be a Georgia
489 corporation or entity and shall maintain a bank account with a bank or credit union located
490 in this state. An applicant for a Class 2 production license shall submit an application on
491 a form established by the commission Commissioner, together with the following
492 information:

493 (1) Proof of available capital to make the investments needed to safely, securely, and
494 promptly perform all required functions of a licensee. Prior to issuance of a Class 2

495 production license, the applicant shall provide written documentation showing that on the
496 date of application and award such applicant holds at least \$1.25 million in available cash
497 reserves to invest in operations in this state;

498 (2) A written production plan detailing the production processes that, at a minimum,
499 includes details describing how the chain of custody will be maintained, documented, and
500 made available for review by the ~~commission~~ Commissioner or the Georgia Bureau of
501 Investigation. Production processes shall include compliance with all production
502 standards, laws, and regulations needed to protect public safety and ensure product purity;

503 (3) A comprehensive security plan that ensures compliance with the applicable laws of
504 this state. At a minimum, a security plan shall include a 24 hours per day, seven days per
505 week interior and exterior video monitoring and intrusion detection monitoring system,
506 recording and video storage capabilities for all facilities, and licensed security personnel.
507 The entire premises of licensees shall be equipped with a centralized access control
508 system capable of generating detailed reports of access logs for a minimum of one year.
509 All videos, access logs, and any other monitoring data shall be available to the Georgia
510 Bureau of Investigation upon request. The ~~commission~~ Commissioner is authorized to
511 set requirements for the minimum technology, resolution, and storage capacity of at
512 least 45 days for the video recording capabilities of licensees;

513 (4) A written plan detailing specific security measures to ensure secured transportation
514 and tracking of delivered products for intrafacility transportation;

515 (5) A detailed employment plan specifying the jobs and salaries of employees and
516 demonstrating the expected economic impact of proposed activities in Georgia;

517 (6) A written plan to ensure that no pesticides are used at any point in the production
518 process other than those certified organic by the Organic Materials Review Institute or
519 another similar standards organization;

520 (7) Detailed designs of all production facilities;

- 521 (8) Letters of support from one or more local governmental entities where the primary
522 facilities will be located;
- 523 (9) A demonstration of significant involvement in the business by one or more minority
524 business enterprises as defined in Code Section 50-5-131, either as co-owners of the
525 business or as significant suppliers of goods and services for the business. Such
526 applicants shall be encouraged to form business relationships with Georgia agricultural
527 businesses and military veterans;
- 528 (10) Documentation of the applicant's industry capabilities and management experience.
529 The ~~commission~~ Commissioner shall consider the relevant industry experience and
530 strength of the applicant's management team and board of directors when considering its
531 merits;
- 532 (11) Sufficient documentation to prove that a \$625,000.00 cash bond or for any licenses
533 that are applied for on or after July 1, 2021, other comparable surety as determined by the
534 ~~commission~~ Commissioner, payable to the State of Georgia or an irrevocable letter of
535 credit can be obtained within 30 days of license award. Failure to provide the requisite
536 bond or letter of credit within 30 days of the license award date shall be cause for
537 revocation of the license;
- 538 (12) At least one set of classifiable electronically recorded fingerprints submitted to the
539 ~~commission~~ Commissioner in accordance with the fingerprint system of identification
540 established by the director of the Federal Bureau of Investigation. The ~~commission~~
541 Commissioner shall transmit the fingerprints to the Georgia Crime Information Center,
542 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of
543 bureau records and an appropriate report and shall promptly conduct a search of state
544 records based upon the fingerprints. After receiving the report from the Georgia Crime
545 Information Center and the Federal Bureau of Investigation, the ~~commission~~
546 Commissioner shall review the record for all owners, officers, and employees of the

547 applicant demonstrating a lack of convictions, except for felony convictions that are
548 greater than ten years old, are not drug related, or have been expunged or pardoned; and
549 (13) A description of any efforts made by the applicant to create jobs or locate facilities
550 in tier one or tier two counties as defined in Code Section 48-7-40.

551 (c) An applicant for a Class 2 production license shall submit a nonrefundable application
552 fee in the amount of \$5,000.00 concurrent with submission of the application.

553 (d) Upon award of a Class 2 production license, an applicant shall be required to submit
554 an initial license fee of \$100,000.00, and upon annual renewal, a license renewal fee of
555 \$50,000.00.

556 (e) A Class 2 production license shall be revoked if the licensee is not operational within
557 12 months of the award date.

558 (f)(1) No person or entity holding an ownership interest in a license issued under this
559 Code section may hold an ownership interest in any other type of license issued under
560 this part.

561 (2) No person or entity or director or officer of such entity may hold an ownership
562 interest in more than one Class 2 production license at any one time.

563 (3) Ownership interests in more than one license shall be cause for revocation of all
564 licenses."

565 **SECTION 1-10.**

566 Said article is further amended by revising Code Section 16-12-213, relating to tracking
567 systems required, as follows:

568 "16-12-213.

569 (a) The ~~commission~~ Commissioner shall require that each Class 1 production licensee and
570 Class 2 production licensee establish, maintain, and utilize, directly or by contract, a
571 tracking system. The ~~commission~~ Commissioner shall approve one or more vendors to
572 provide or operate tracking systems.

- 573 (b) A tracking system shall have the functions and capabilities described in subsections (c)
574 and (d) of this Code section and shall be operated in compliance with the federal Health
575 Insurance Portability and Accountability Act of 1996, Public Law 104-191.
- 576 (c) The tracking system shall be hosted on a platform that allows for:
- 577 (1) Dynamic allocation of resources;
 - 578 (2) Data redundancy; and
 - 579 (3) Recovery from natural disaster within 12 hours.
- 580 (d) The tracking system shall be capable of:
- 581 (1) Tracking all plants, products, packages, and registered patients' purchase totals,
582 waste, transfers, conversions, sales, and returns that, if practicable, are linked to unique
583 identification numbers;
 - 584 (2) Tracking lot and batch information throughout the entire chain of custody;
 - 585 (3) Tracking all marijuana, low THC oil, and products throughout the entire chain of
586 custody;
 - 587 (4) Tracking plant, batch, and marijuana, low THC oil, and product destruction;
 - 588 (5) Tracking transportation of marijuana, low THC oil, and products;
 - 589 (6) Performing complete batch recall tracking that clearly identifies all of the following
590 details relating to the specific batch subject to the recall:
 - 591 (A) Amount of low THC oil and products sold;
 - 592 (B) Amount of low THC oil and products inventory that is finished and available for
593 sale;
 - 594 (C) Amount of low THC oil and products that is in the process of transfer;
 - 595 (D) Amount of low THC oil and products being processed into another form; and
 - 596 (E) Amount of postharvest raw marijuana, such as marijuana that is in the drying,
597 trimming, or curing process;
 - 598 (7) Reporting and tracking loss, theft, or diversion of marijuana, low THC oil, or
599 products;

- 600 (8) Reporting and tracking all inventory discrepancies;
- 601 (9) Reporting and tracking adverse patient responses or dose related efficacy issues;
- 602 (10) Reporting and tracking all sales and refunds;
- 603 (11) Tracking purchase limits and flagging purchases in excess of authorized limits;
- 604 (12) Receiving electronically submitted information required to be reported under this
- 605 Code section;
- 606 (13) Receiving testing results electronically from a laboratory via a secured application
- 607 program interface into the tracking system and directly linking the testing results to each
- 608 applicable source batch and sample;
- 609 (14) Flagging test results that have characteristics indicating that they may have been
- 610 altered;
- 611 (15) Providing information to cross-check that low THC oil and product sales are made
- 612 to a registered patient, caregiver, or designated caregiver and that the low THC oil and
- 613 products received the required testing;
- 614 (16) Providing the ~~commission~~ Commissioner with real-time access to information in the
- 615 tracking system; and
- 616 (17) Providing real-time information to the ~~commission~~ Commissioner regarding key
- 617 performance indicators, including:
- 618 (A) Total low THC oil and products daily sales;
- 619 (B) Total marijuana plants in production;
- 620 (C) Total marijuana plants destroyed; and
- 621 (D) Total inventory adjustments.
- 622 (e) A Class 1 production licensee or Class 2 production licensee shall supply the relevant
- 623 tracking or testing information regarding each plant, product, package, batch, test, transfer,
- 624 conversion, sale, recall, or disposition of marijuana, low THC oil, or products in or from
- 625 such licensee's possession or control on forms created by the ~~commission~~ Commissioner."

SECTION 1-11.

Said article is further amended by revising Code Section 16-12-214, relating to study on minority and women participation and addressing discrimination, as follows:

"16-12-214.

(a) Beginning January 1, ~~2022~~ 2026, the ~~commission~~ Commissioner shall undertake a ~~retrospective~~ study of the participation of minority and women owned businesses as licensees under this part for the period from January 1, ~~2020~~ 2022, through December 31, ~~2024~~ 2025. Thereafter, the ~~commission~~ Commissioner shall conduct such study every four years for the immediately preceding four-year period.

(b) The initial and subsequent studies conducted pursuant to subsection (a) of this Code section shall identify any proof of discrimination based on race or gender in the issuance of licenses under this part.

(c) In the event that any proof of discrimination based on race or gender in the issuance of licenses under this part is identified, the ~~commission~~ Commissioner shall be authorized to address such proof of discrimination by:

- (1) Issuing one additional Class 1 production license and two additional Class 2 production licenses to minority and women owned businesses;
- (2) Reissuing any licenses that have been surrendered or revoked to minority or women owned businesses; or
- (3) A combination of the above.

(d) This Code section shall not require the ~~commission~~ Commissioner to issue a license to any applicant unless such applicant otherwise meets all requirements for licensure under this part."

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SECTION 1-12.

Said article is further amended by revising Code Section 16-12-215, relating to limitation on locations, advertising or marketing prohibited, and information available to physicians, as follows:

"16-12-215.

(a) No licensee shall operate in any location, whether for cultivation, harvesting, and processing of marijuana or for processing, manufacturing, packaging, or distributing low THC oil or products, within a 3,000 foot radius of a covered entity, measured from property boundary to property boundary. No dispensing licensee may operate in any location within a 1,000 foot radius of a covered entity, measured from property boundary to property boundary. Notwithstanding the provisions of this subsection, local governments may, via use of existing zoning powers otherwise provided by law, allow dispensing licensees only to locate in places other than those provided in this subsection so long as such modification is needed to allow retail outlets to be established to service registered patients residing within such local jurisdiction. As used in this subsection, the term 'covered entity' means a public or private school; an early care and education program as defined in Code Section 20-1A-2; or a church, synagogue, or other place of public religious worship, in existence prior to the date of licensure of such licensee by the ~~commission~~ Commissioner or State Board of Pharmacy.

(b) No licensee shall advertise or market low THC oil or products to registered patients or the public; provided, however, that a licensee shall be authorized to provide information regarding its low THC oil and products directly to physicians."

SECTION 1-13.

Said article is further amended by revising Code Section 16-12-216, relating to Bureau of Investigation, Access to Medical Cannabis Commission, and Composite Medical Board to jointly establish procedures to ensure compliance, as follows:

675 "16-12-216.
676 The Georgia Bureau of Investigation shall be responsible for investigating any alleged
677 criminal activities related to the activities of the licensees, and shall work with the
678 ~~commission~~ Commissioner and the Georgia Composite Medical Board to develop
679 procedures to ensure that all activities of licensees are conducted in accordance with this
680 part and the laws of this state. In addition to other powers and duties, the Georgia Bureau
681 of Investigation, the ~~commission~~ Commissioner, and the Georgia Composite Medical
682 Board shall jointly establish procedures to ensure that no activities conducted under this
683 part result in the illegal or recreational use of low THC oil, products, or manufacturing
684 by-products and jointly establish any other procedures necessary to carry out its duties and
685 responsibilities pursuant to this part."

686 **SECTION 1-14.**

687 Said article is further amended by revising Code Section 16-12-217, relating to on-demand
688 access to facilities, provision of samples, testing, and secured transportation, as follows:

689 "16-12-217.

690 (a) All licensees shall provide on-demand access to facilities for inspection when requested
691 by the Georgia Bureau of Investigation, the ~~commission~~ Commissioner, or the local law
692 enforcement agency for the jurisdiction in which the facility is located. The ~~commission~~
693 Commissioner and the Georgia Drugs and Narcotics Agency may each conduct one annual
694 inspection. Upon request by the Georgia Bureau of Investigation, the ~~commission~~
695 Commissioner, the Georgia Drugs and Narcotics Agency, or the local law enforcement
696 agency for the jurisdiction in which the facility is located, a licensee shall immediately
697 provide product samples for the purposes of laboratory testing.

698 (b) Each Class 1 production licensee and Class 2 production licensee shall contract with
699 a laboratory on the ~~commission's~~ Commissioner's approved list of independent laboratories,
700 subject to any requirements set by the ~~commission~~ Commissioner, for purposes of testing

701 low THC oil and products manufactured by such licensees. Low THC oil and products
 702 shall be analyzed for potency, foreign matter, microbial presence, pesticides, heavy metals,
 703 and residual solvents. The ~~commission~~ Commissioner shall establish limits for each item
 704 tested to verify that such low THC oil and products meet the requirements of this part. The
 705 ~~commission~~ Commissioner shall promulgate rules and regulations governing the operations
 706 of laboratories for the testing of low THC oil and products. The costs of laboratory testing
 707 shall be paid by the licensees. Each low THC oil product shall be required to pass all
 708 requirements established by the ~~commission~~ Commissioner before being distributed.
 709 Products that do not pass the ~~commission's~~ Commissioner's requirements shall be destroyed
 710 by the licensee and proof of such destruction shall be sent to the ~~commission~~
 711 Commissioner upon request.

712 (c) This Code section shall not apply to intrafacility transportation of low THC oil or
 713 products; provided, however, that licensees engaging in such transportation shall maintain
 714 secured transportation and tracking of product delivery."

715 **SECTION 1-15.**

716 Said article is further amended by revising Code Section 16-12-220, relating to confidential
 717 nature of data, exclusion, and patient privacy, as follows:

718 "16-12-220.

719 (a) All working papers, recorded information, documents, and copies produced by,
 720 obtained by, or disclosed to the ~~commission~~ Commissioner pursuant to the activities
 721 conducted pursuant to this part, ~~other than information published in an official commission~~
 722 ~~report regarding the activities conducted pursuant to this article, shall be confidential data~~
 723 ~~and shall not be subject to Article 4 of Chapter 18 of Title 50; provided, however, that any~~
 724 ~~contract, memorandum of understanding, or cooperative endeavor agreement entered into~~
 725 ~~by the commission pursuant to this article shall be subject to Article 4 of Chapter 18 of~~
 726 Title 50, relating to open records.

727 (b) In no event shall the ~~commission~~ Commissioner disclose any information that would
 728 reveal the identity or health information of any registered patient or violate the federal
 729 Health Insurance Portability and Accountability Act of 1996, Public Law 104-191."

730 **SECTION 1-16.**

731 Said article is further amended by revising subsection (a) of Code Section 16-12-221, relating
 732 to contracts awarded through bids or proposals, minimum contract terms and renewals,
 733 subcontracting, and giving or receiving things of value limited, as follows:

734 "(a)(1) The ~~commission~~ Commissioner shall grant initial licenses under this part pursuant
 735 to contracts awarded through competitive sealed bids or competitive sealed proposals as
 736 provided for in Article 3 of Chapter 5 of Title 50. After issuance of two initial Class 1
 737 production licenses pursuant to Code Section 16-12-211 and four initial Class 2
 738 production licenses pursuant to Code Section 16-12-212, and in the Commissioner shall,
 739 not later than May 31, 2023, engage in mediation with the applicants that participated in
 740 the competitive application request for proposals issued on November 23, 2020, for
 741 Class 1 and Class 2 production licenses and:

742 (A) Filed post-award and administrative protests of such notices of intent to award; and
 743 (B) Appealed the administrative decisions denying such protests to the superior court
 744 and, where appropriate, state appellate court.

745 Such mediation shall be conducted pursuant to Chapter 17 of Title 9, the 'Georgia
 746 Uniform Mediation Act.' In accordance with such mediation, the Commissioner shall be
 747 authorized to issue additional Class 1 or Class 2 production licenses as provided in Code
 748 Sections 16-12-211 and 16-12-212, provided that the acceptance of any contract for a
 749 license issued pursuant to this Code section shall be deemed a waiver and release of any
 750 further right to pursue judicial review of any decision denying any post-award
 751 administrative protest of, or any other judicial relief related to, a prior notice of intent to
 752 award. The Commissioner may engage in mediation with other interested parties at his

753 or her discretion. Subject to the limits contained in subsection (a) of Code
754 Section 16-12-211 and subsection (a) of Code Section 16-12-212, the Commissioner shall
755 be authorized to issue additional licenses no later than December 31, 2023, pursuant to
756 this subsection to applicants that participated in the competitive application process or to
757 other interested parties pursuant to a subsequent competitive application process.

758 (2) Thereafter, the Commissioner shall be authorized to issue one additional Class 2
759 production license for every increase of 25,000 patients in the Low THC Oil Patient
760 Registry established and maintained pursuant to Code Section 31-2A-18 and one
761 additional Class 1 production license for every increase of 50,000 patients in the Low
762 THC Oil Patient Registry. The initial increase in the number of patients in the Low THC
763 Oil Patient Registry shall be based on the number of patients in the registry as of January
764 1, 2024.

765 (3) In the event that the ~~commission~~ Commissioner revokes a Class 1 or Class 2
766 production license, a Class 1 or Class 2 production license is surrendered for any reason,
767 or the ~~commission~~ Commissioner issues an additional Class 1 production license pursuant
768 to Code Section 16-12-214, the ~~commission~~ Commissioner shall be authorized to issue
769 any replacement Class 1 or Class 2 production licenses in accordance with ~~rules and~~
770 ~~regulations established by the commission for such purpose. Such rules and regulations~~
771 ~~shall not otherwise conflict with this article, and to the extent practicable, such rules and~~
772 ~~regulations shall incorporate provisions and processes similar to Article 3 of Chapter 5~~
773 of Title 50."

774 **SECTION 1-17.**

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

776 "16-12-221.1.
777 (a) The Georgia State-wide Business Court shall exercise exclusive jurisdiction over any
778 appeal by a party aggrieved by a final decision of the Commissioner pursuant to this article
779 for any appeal filed on and after May 10, 2023. The Georgia State-wide Business Court
780 shall conduct expedited hearings on any such appeals, and review by the court shall be
781 confined to the record.
782 (b) The court shall not substitute its judgment for that of the Commissioner as to the
783 weight of the evidence on questions of fact committed to the discretion of the
784 Commissioner. The court may affirm any decision of the Commissioner in whole or in
785 part. The court shall reverse or remand any case for further proceedings if material rights
786 of the appellant have been prejudiced because the Commissioner's findings, inferences,
787 conclusions, or decisions are:
788 (1) In violation of constitutional or statutory provisions or applicable procurement rules;
789 (2) Made upon unlawful procedures;
790 (3) Affected by other error of law;
791 (4) Not reasonably supported by substantial evidence in view of the reliable and
792 probative evidence in the record as a whole; or
793 (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted
794 exercise of discretion.
795 (c) The court shall require a litigation bond or other form of surety payable to the state
796 from any protesting party in an amount determined by the court, which shall be forfeited
797 if the court affirms, in whole, the decision of the Commissioner."

798 **SECTION 1-18.**

799 Said article is further amended by revising Code Section 16-12-222, relating to transfer of
800 ownership, appeals, meaning of license, and transfer fees, as follows:

801 "16-12-222.

802 (a) No license issued under this part shall transfer ownership within five years of issuance.

803 (b) All subsequent transfers of license ownership shall be approved by the ~~commission~~
804 Commissioner to become valid. The ~~commission~~ Commissioner shall not unreasonably
805 withhold approval of a license transfer when the parties adequately demonstrate that a
806 proposed new owner satisfies all requirements necessary to obtain a license and that the
807 transfer is in the best interest of registered patients in this state.

808 (c) A licensee who has been denied transfer approval by the ~~commission~~ Commissioner
809 may file an appeal with the Georgia State-wide Business Court in accordance with Code
810 Section 16-12-221.1. in the Superior Court of Fulton County in accordance with Chapter
811 13 of Title 50, the 'Georgia Administrative Procedure Act.'

812 (d) A license issued pursuant to this article:

813 (1) Is effective for a single business entity;

814 (2) Vests no property or right in the holder of the license except to conduct the licensed
815 business during the period the license is in effect;

816 (3) Is nontransferable, nonassignable by and between owners or location owners and
817 location operators, and not subject to execution; and

818 (4) Expires upon the death of an individual holder of a license or upon the dissolution
819 of any other holder of a license.

820 (e) Upon the sale of a licensee's business in its entirety, the buyer shall pay to the
821 ~~commission~~ Commissioner, subject to approval, a transfer fee for the license that
822 accompanies the business in the following amounts:

823 (1) For the first sale of a:

824 (A) Class 1 production license business, a transfer fee for the license in the amount of
825 \$100,000.00; and

826 (B) Class 2 production license business, a transfer fee for the license in the amount of
827 \$12,500.00;

- 828 (2) For the second sale of a:
- 829 (A) Class 1 production license business, a transfer fee for the license in the amount of
- 830 \$150,000.00; and
- 831 (B) Class 2 production license business, a transfer fee for the license in the amount of
- 832 \$62,500.00;
- 833 (3) For the third sale of a:
- 834 (A) Class 1 production license business, a transfer fee for the license in the amount of
- 835 \$200,000.00; and
- 836 (B) Class 2 production license business, a transfer fee for the license in the amount of
- 837 \$112,500.00; and
- 838 (4) For the fourth or subsequent sale of a:
- 839 (A) Class 1 production license business, a transfer fee for the license in an amount to
- 840 be established by the ~~commission~~ Commissioner, which shall be not less than
- 841 \$200,000.00; and
- 842 (B) Class 2 production license business, a transfer fee for the license in an amount to
- 843 be established by the ~~commission~~ Commissioner, which shall be not less than
- 844 \$112,500.00."

845 **SECTION 1-19.**

846 Said article is further amended by revising Code Section 16-12-223, relating to revocation

847 of license and appeal, as follows:

848 "16-12-223.

849 (a) A license shall be revoked by the ~~commission~~ Commissioner if the licensee:

850 (1) Holds ownership interest in more than one category of license issued under this

851 article;

- 852 (2) Knowingly employs individuals convicted of a felony within the previous ten years
 853 unless the conviction has been expunged or the individual has been pardoned or had his
 854 or her civil rights restored;
- 855 (3) Utilizes pesticides other than pest management products that have been certified
 856 organic by the Organic Materials Review Institute or another similar standards
 857 organization;
- 858 (4) Fails to comply with inspection and access requirements in accordance with this part;
- 859 (5) Fails to be fully operational within 12 months of the date a license is awarded; or
- 860 (6) Fails to comply with any other provision or requirement of this part.
- 861 (b) A licensee whose license has been revoked by the ~~commission~~ Commissioner may file
 862 an appeal with the Georgia State-wide Business Court in accordance with Code Section
 863 16-12-221.1, in the Superior Court of Fulton County in accordance with Chapter 13 of Title
 864 50, the 'Georgia Administrative Procedure Act.'"

865 SECTION 1-20.

866 Said article is further amended by revising Code Section 16-12-224, relating to limitation on
 867 ownership by member or former member of commission, limitation on physician's
 868 involvement, and identification when contributing to political campaigns, as follows:

869 "16-12-224.

- 870 (a) No ~~current member of the commission, or former member of the commission~~ Georgia
 871 Access to Medical Cannabis Commission for a period of five years from the date such
 872 individual ceased to be a member, shall own, operate, have a financial interest in, or be
 873 employed by a low THC oil or product manufacturer or distributor, including any licensee
 874 under this part.
- 875 (b) No physician who, presently or during the period of such business relationship,
 876 certifies individuals to the former commission pursuant to Code Section 31-2A-18 for the
 877 use of low THC oil and products to treat certain conditions shall own, operate, have a

878 financial interest in, or be employed by a low THC oil or product manufacturer or
879 distributor, including any licensee under this part. This subsection shall not prohibit a
880 physician from furnishing a registered patient or his or her caregiver, upon request, with
881 the names of low THC oil and product manufacturers or distributors. Any physician
882 violating this Code section shall be guilty of a misdemeanor.

883 (c) A licensee that makes a campaign contribution pursuant to Article 2 of Chapter 5 of
884 Title 21 shall identify itself as a licensee under this part to the recipient of such campaign
885 contribution."

886 **SECTION 1-21.**

887 Said article is further amended by revising Code Section 16-12-230, relating to requirements
888 for dispensing low THC oil and products, as follows:

889 "16-12-230.

890 (a) Low THC oil and products shall only be dispensed to registered patients in this state
891 by a dispensing licensee or directly from the ~~commission~~ Commissioner pursuant to this
892 article.

893 (b) A pharmacist who dispenses low THC oil or products shall seek and review
894 information on a registered patient from the prescription drug monitoring program data
895 base established pursuant to Code Section 16-13-57 prior to dispensing low THC oil or
896 products to the registered patient."

897 **SECTION 1-22.**

898 Said article is further amended by revising Code Section 16-12-231, relating to exemptions
899 from arrest, prosecutions, or penalty, as follows:

900 "16-12-231.

901 The following persons and entities, when acting in accordance with the provisions of this
902 article, shall not be subject to arrest, prosecution, or any civil or administrative penalty,

903 including a civil penalty or disciplinary action by a professional licensing board, or be
904 denied any right or privilege, for the medical use, prescription, administration,
905 manufacture, distribution, or transport of low THC oil or products:

906 (1) A registered patient who is in possession of an amount of low THC oil or products
907 authorized under Code Section 16-12-191 or such patient's caregiver, parent, or guardian;

908 (2) A physician who certifies a patient to the Department of Public Health as being
909 diagnosed with a condition or in a hospice program and authorized to use low THC oil
910 or products for treatment pursuant to Code Section 31-2A-18;

911 (3) A pharmacist or pharmacy that dispenses or provides low THC oil or products to a
912 registered patient;

913 (4) ~~The commission~~ Commissioner or its his or her employees or contractors associated
914 with the production of low THC oil or products in accordance with this article;

915 (5) A designated university, an employee of a designated university, or any other person
916 associated with the production of low THC oil or products in accordance with this article;
917 and

918 (6) An employee, contractor, or agent of a licensee with proper identification associated
919 with the production, manufacture, distribution, transport, or sale of low THC oil or
920 products in accordance with this article."

921 **SECTION 1-23.**

922 Said article is further amended by revising Code Section 16-12-235.1, relating to possession
923 of THC oil and products by colleges and universities for research purposes, permitting
924 requirements, and inspection, as follows:

925 "16-12-235.1.

926 (a) The ~~commission~~ Commissioner shall issue permits for colleges and universities located
927 within the State of Georgia to possess limited quantities of low THC oil and products for
928 purposes of conducting medical research via a bona fide partnership with a Class 1 or Class
929 2 licensee. Such permits shall be for a Georgia based college or university that:

930 (1) Is a member of the University System of Georgia, or an independent college or
931 university accredited by a higher education accrediting body with comparable academic
932 standards to those utilized by member institutions of the University System of Georgia;

933 (2) Has a campus that has been located at a physical location within the state for at least
934 20 years, and a full-time enrollment of at least 200 Georgia students during the past year;

935 (3) Is proposing a research partnership that is, in the sole judgment of the ~~commission~~
936 Commissioner, fully compliant with the laws of this article; and

937 (4) Is proposing a research partnership that has been approved by the primary
938 institutional review board located at such institution.

939 (b) Any such permit issued pursuant to this Code section shall specify:

940 (1) The individuals at the institution authorized to work with low THC oil;

941 (2) The primary objectives of the research study;

942 (3) The physical location on campus where the low THC oil will be stored, and security
943 measures in place to prevent unauthorized use of such low THC oil;

944 (4) The method of transporting low THC oil from a licensed production facility to the
945 campus;

946 (5) The method of returning low THC oil to a licensed production facility at the
947 conclusion of the study; and

948 (6) The beginning and end date of the study.

949 (c) Any institution which receives a permit pursuant to this Code section shall provide
950 on-demand access to facilities for inspection when requested by the Georgia Bureau of

951 Investigation, the ~~commission~~ Commissioner or his or her duly appointed agents, or the
952 local law enforcement agency for the jurisdiction in which the facility is located."

953 **SECTION 1-24.**

954 Said article is further amended by repealing Code Section 16-12-236, relating to regulation
955 by the Department of Agriculture.

956 **SECTION 1-25.**

957 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the Low THC
958 Oil Patient Registry, is amended by revising paragraph (3) of subsection (a) as follows:

959 "(3) 'Condition' means:

960 (A) Cancer, when such disease is diagnosed as end stage or the treatment produces
961 related wasting illness or recalcitrant nausea and vomiting;

962 (B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end
963 stage;

964 (C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;

965 (D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;

966 (E) Crohn's disease;

967 (F) Mitochondrial disease;

968 (G) Parkinson's disease, when such disease is diagnosed as severe or end stage;

969 (H) Sickle cell disease, when such disease is diagnosed as severe or end stage;

970 (I) Tourette's syndrome, when such syndrome is diagnosed as severe;

971 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
972 least 18 years of age, or severe autism, when diagnosed for a patient who is less than
973 18 years of age;

974 (K) Epidermolysis bullosa;

- 975 (L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;
 976 (M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as
 977 severe or end stage;
 978 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;
 979 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing
 980 of a trauma for a patient who is at least 18 years of age; or
 981 (P) Intractable pain; or
 982 (Q) Ulcerative colitis."

983 **PART II**

984 **SECTION 2-1.**

985 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp farming,
 986 is amended in Code Section 2-23-3, relating to definitions, by revising paragraph (6) and
 987 paragraph (12) and by adding new paragraphs to read as follows:

988 "(1.2) 'Consumable hemp products' means a hemp product intended to be ingested,
 989 absorbed, or inhaled by humans or animals."

990 "(3.1) 'Full panel certificate of analysis' means a document, produced by a laboratory
 991 which is unaffiliated with the processor and which has been accredited pursuant to the
 992 standards of the International Organization for Standardization for the competence,
 993 impartiality, and consistent operation of laboratories, attesting to the composition of a
 994 product, and which shall include a designation indicating whether the product passed or
 995 failed."

996 "(6) 'Hemp products' means all products with the federally defined THC level for hemp
 997 derived from, or made by, processing hemp plants or plant parts that are prepared in a
 998 form available for legal commercial sale, but not including food products infused with
 999 THC unless approved by the United States Food and Drug Administration all finished
 1000 products with a concentration of delta-9-THC of not more than 0.3 percent on a

1001 dry-weight basis that is derived from or made by processing a hemp plant or plant part
1002 and prepared in a form available for commercial sale. Hemp products shall not be
1003 considered controlled substances solely due to the presence of hemp or hemp derived
1004 cannabinoids.

1005 (6.1) 'Industrial hemp product' means any hemp product that is not a consumable hemp
1006 product."

1007 "(8.1) 'Passing,' with regard to a full-panel certificate of analysis, means that the
1008 full-panel certificate of analysis attests to the final packaged product's composition of the
1009 following grouping of assays and, where applicable, that the final packaged product
1010 contains equal to or less than the maximum acceptable contaminant levels set forth:

1011 (A) Cannabinoids:

1012 (i) Total tetrahydrocannabinol (THC) sum percentage by weight of
1013 Delta-9-tetrahydrocannabinol; and Delta-9-tetrahydrocannabinolic acid:

1014 (ii) Cannabidiol (CBD);

1015 (iii) Cannabidiolic Acid (CBDA);

1016 (iv) Cannabigerol (CBG);

1017 (v) Cannabigerol Acid (CBGA);

1018 (vi) Cannabinol (CBN);

1019 (vii) Delta-8-tetrahydrocannabinol (Delta-8-THC);

1020 (viii) Any isomer of Delta-9-THC, (e.g., Delta-8-THC, Delta-10-THC,
1021 Delta-11-THC); and

1022 (ix) Any ester of Delta-9-THC (e.g. THC-O) or Delta-9(11)
1023 exo-tetrahydrocannabinol (Exo-THC);

1024 (B) Heavy metals:

1025 (i) Arsenic, in an amount less than 1.5 parts per million;

1026 (ii) Cadmium, in an amount less than 0.5 parts per million;

1027 (iii) Chromium, in an amount less than 0.5 parts per million;

- 1028 (iv) Lead, in an amount less than 0.5 parts per million; and
1029 (v) Mercury, in an amount less than 0.3 parts per million;
1030 (C) Residual pesticides:
1031 (i) Abamectin, in an amount less than 0.3 parts per million;
1032 (ii) Acephate, in an amount less than 5 parts per million;
1033 (iii) Acequinocyl, in an amount less than 4 parts per million;
1034 (iv) Acetamiprid, in an amount less than 5 parts per million;
1035 (v) Aldicarb, in an amount less than 0.01 parts per million;
1036 (vi) Azoxystrobin, in an amount less than 40 parts per million;
1037 (vii) Bifenazate, in an amount less than 5 parts per million;
1038 (viii) Bifenthrin, in an amount less than 0.5 parts per million;
1039 (ix) Chloromequat Chloride, in an amount less than 0.01 parts per million;
1040 (x) Chlordane, in an amount less than 0.01 parts per million;
1041 (xi) Chlorpyrifos, in an amount less than 0.01 parts per million;
1042 (xii) Cyfluthrin, in an amount less than 1 parts per million;
1043 (xiii) Daminozide, in an amount less than 0.01 parts per million;
1044 (xiv) Diazinon, in an amount less than 0.2 parts per million;
1045 (xv) Dichlorvos, in an amount less than 0.01 parts per million;
1046 (xvi) Dimethoate, in an amount less than 0.2 parts per million;
1047 (xvii) Etoxazole, in an amount less than 1.5 parts per million;
1048 (xviii) Fenoxycarb, in an amount less than 0.01 parts per million;
1049 (xix) Fenhexamid, in an amount less than 10 parts per million;
1050 (xx) Fluoxastrobin, in an amount less than 0.01 parts per million;
1051 (xxi) Fipronil, in an amount less than 0.01 parts per million;
1052 (xxii) Imazalil, in an amount less than 0.01 parts per million;
1053 (xxiii) Imidacloprid, in an amount less than 3 parts per million;
1054 (xxiv) Malathion, in an amount less than 5 parts per million;

- 1055 (xxv) Myclobutanil, in an amount less than 9 parts per million;
1056 (xxvi) Paclobutrazol, in an amount less than 0.01 parts per million;
1057 (xxvii) Permethrin, in an amount less than 20 parts per million;
1058 (xxviii) Spirotetramat, in an amount less than 13 parts per million;
1059 (xxix) Thiachloprid, in an amount less than 0.01 parts per million; and
1060 (xxx) Trifloxystrobin, in an amount less than 30 parts per million;

1061 (D) Residual solvents:

- 1062 (i) Acetones, in an amount less than 5000 parts per million;
1063 (ii) Butanes, in an amount less than 5000 parts per million;
1064 (iii) Benzene, in an amount less than 1.0 parts per million;
1065 (iv) Methanol, in an amount less than 3000 parts per million;
1066 (v) Ethanol, in an amount less than 5000 parts per million;
1067 (vi) Heptanes, in an amount less than 5000 parts per million;
1068 (vii) Hexane, in an amount less than 10 parts per million;
1069 (viii) Toluene, in an amount less than 890 parts per million; and
1070 (ix) Total Xylenes (m,o,p-xylene), in an amount less than 1.0 parts per million;

1071 (E) Any visible foreign or extraneous material that is not intended to be part of the
1072 product being produced, including, but not limited to, mold, hair, insects, metal, or
1073 plastic;

1074 (F) Microbiological impurities, meeting the following colony-forming unit in per
1075 gram (CFU/g) levels:

- 1076 (i) Total viable aerobic bacteria, not exceeding 105 CFU/g;
1077 (ii) Total Yeast and Mold, not exceeding 10,000 CFU/g;
1078 (iii) Total Coliforms, not exceeding 103 CFU/g;
1079 (iv) Bile-tolerant Gram Negative Bacteria, not exceeding 103 CFU/g;
1080 (v) E. coli (pathogenic strains) and Salmonella, not detected in 1 gram; and
1081 (vi) Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, less than 1 CFU/g;

1082 (G) Mycotoxins:

1083 (i) Aflatoxin B1 at less than 20 µg (micrograms) of any mycotoxin per kg of material;

1084 (ii) Aflatoxin B2 at less than 20 µg (micrograms) of any mycotoxin per kg of
1085 material;

1086 (iii) Aflatoxin G1 at less than 20 µg (micrograms) of any mycotoxin per kg of
1087 material;

1088 (iv) Aflatoxin G 2at less than 20 µg (micrograms) of any mycotoxin per kg of
1089 material; and

1090 (v) Ochratoxin A at less than 20 µg (micrograms) of any mycotoxin per kg of
1091 material;

1092 (H) Vitamin E acetate in an amount less than 100 parts per million in an inhalable
1093 hemp product."

1094 "(10.1) 'QR code' means a quick response code that is a type of machine-readable,
1095 two-dimensional barcode that stores information about a product."

1096 "(12) 'Retail consumable hemp establishment license' means a license issued by the
1097 department under the authority of this chapter to an establishment that prepares or sells
1098 prepackaged consumable hemp products to an end consumer.

1099 (13) 'THC' means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination
1100 of tetrahydrocannabinol and tetrahydrocannabinolic acid.

1101 (14) 'Wholesale consumable hemp establishment license' means a license issued by the
1102 department under the authority of this chapter to an establishment that manufactures,
1103 processes, packs, holds, or prepares consumable hemp products for sale to other
1104 businesses."

SECTION 2-2.

Said chapter is further amended in Code Section 2-23-5, relating to procedure for licensing, fees, licensing requirements, and limitations on licenses, by revising paragraph (2) of subsection (a) and subsection (c) as follows:

"(2) Hemp grower licenses shall be issued for one calendar year at an annual license fee of \$50.00 per acre cultivated up to a maximum license fee of ~~\$5,000.00~~ \$1,000.00."

"(c)(1) Upon receipt of an application for a hemp grower license, the department shall conduct a criminal background check and is authorized to obtain a federal criminal history report in accordance with paragraph (2) of this subsection for an individual or, if the applicant is a business entity, all key participants seeking to obtain a hemp grower license. For renewal of any previously issued license, a background check shall be required every three years.

(2) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant shall be submitted to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall review the record for all individuals or key participants, as applicable. For renewal of any previously issued license, such set of classifiable electronically recorded fingerprints shall not be required for any individual applicant or key participant who has already submitted such.

(3) No license shall be issued to any applicant who has been convicted of a ~~misdemeanor involving sale of or trafficking in a controlled substance~~ or a felony related to a state or

1132 federally controlled substance within ten years of the date of application or who
1133 materially falsifies any information contained in a license application.

1134 (4) Upon receipt of an application for renewal of any previously issued license, the
1135 department may require a signed affidavit stating that the licensee has not had a material
1136 change to his or her permit eligibility."

1137 **SECTION 2-3.**

1138 Said chapter is further amended in Code Section 2-23-6, relating to procedure for permitting
1139 and limitations on permits and interests, by revising subsections (c) through (g) as follows:

1140 "(c)(1) Upon receipt of an application for a hemp processor permit, the department shall
1141 conduct a criminal background check and is authorized to obtain a federal criminal
1142 history report in accordance with paragraph (2) of this subsection for an individual or, if
1143 the applicant is a business entity, all key participants seeking to obtain a hemp processor
1144 permit. For renewal of any previously issued permit, such criminal background check
1145 or federal criminal history report shall be required every three years for each individual
1146 applicant or key participant who has previously undergone such.

1147 (2) At least one set of classifiable electronically recorded fingerprints of the individual
1148 applicant or, if the applicant is a business entity, one set of classifiable electronically
1149 recorded fingerprints of each key participant shall be submitted to the department in
1150 accordance with the fingerprint system of identification established by the director of the
1151 Federal Bureau of Investigation. The department shall transmit the fingerprints to the
1152 Georgia Crime Information Center, which shall submit the fingerprints to the Federal
1153 Bureau of Investigation for a search of bureau records and an appropriate report and shall
1154 promptly conduct a search of state records based upon the fingerprints. After receiving
1155 the report from the Georgia Crime Information Center and the Federal Bureau of
1156 Investigation, the department shall review the record for all individuals or key
1157 participants, as applicable. For renewal of any previously issued permit, such set of

1158 classifiable electronically recorded fingerprints shall not be required for any individual
 1159 applicant or key participant who has already submitted such.

1160 (3) No permit shall be issued to any applicant who has been convicted of ~~a misdemeanor~~
 1161 ~~involving sale of or trafficking in a controlled substance~~ or a felony related to a state or
 1162 federally controlled substance within ten years of the date of application or who
 1163 materially falsifies any information contained in a license application.

1164 (d) The department shall ~~annually~~ accept applications for hemp processor permits to be
 1165 issued by the department and renew on an annual basis.

1166 (e) Hemp processor permits shall be issued for ~~one~~ five calendar ~~year~~ years at ~~an annual~~
 1167 a permit fee of \$25,000.00, to be paid in annual installments of \$5,000.00, so long as no
 1168 administrative action has been taken by the department regarding such permittee under this
 1169 chapter. If annual permit fee installments are not paid according to the preapproved
 1170 schedule, the department may revoke the permit. The department may annually require a
 1171 signed affidavit stating that the permittee has not had a material change to his or her permit
 1172 eligibility.

1173 (f) Issuance of any hemp processor permit shall be conditioned upon the permittee's
 1174 compliance with Code Section 2-23-7 prior to initiating hemp processing activities.

1175 (g) A permittee may also apply for and be issued no more than one hemp grower license."

1176 **SECTION 2-4.**

1177 Said chapter is further amended in Code Section 2-23-6.1, relating to procedure for
 1178 permitting and limitations on permits and interests, by revising subsection (a) as follows:

1179 "(a) Any applicant for a hemp processor permit shall make and deliver to the
 1180 Commissioner a surety bond executed by a surety corporation authorized to transact
 1181 business in this state and approved by the Commissioner. Any and all bond applications
 1182 shall be accompanied by a certificate of good standing issued by the Commissioner of
 1183 Insurance. If any company issuing a bond shall be removed from doing business in this

1184 state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner
 1185 within 30 days. The bond ~~shall be in such amount as the Commissioner may determine,~~
 1186 ~~not exceeding an amount equal to 2 percent of the amount of hemp purchased from~~
 1187 ~~licensees by the permittee in the most recent calendar year; provided, however, that the~~
 1188 ~~minimum amount of such bond shall be \$300,000.00 and the maximum amount shall be~~
 1189 ~~\$1 million~~ \$50,000.00. Such bond shall be upon a form prescribed or approved by the
 1190 Commissioner and shall be conditioned to secure the faithful accounting for and payment
 1191 to licensees for hemp purchased by such permittee as well as to secure the permittee's
 1192 compliance with the requirements of this chapter. Whenever the Commissioner shall
 1193 determine that a previously approved bond has for any cause become insufficient, the
 1194 Commissioner may require an additional bond or bonds to be given in compliance with this
 1195 Code section. Unless the additional bond or bonds are given within the time fixed by
 1196 written demand therefor, or if the bond of a permittee is canceled, the permit of such
 1197 permittee shall be immediately revoked by operation of law without notice or hearing, and
 1198 such permittee shall be ineligible to reapply for such permit for a period of four years after
 1199 such revocation."

1200 SECTION 2-5.

1201 Said chapter is further amended by adding a new Code section to read as follows:

1202 "2-23-6.2.

1203 (a) A retail consumable hemp establishment license shall be issued by the department.

1204 Such license shall be issued for one calendar year at an annual permit fee of \$250.00.

1205 (b) A wholesale consumable hemp establishment license shall be issued by the department.

1206 Such license shall be issued for one calendar year at an annual permit fee of \$1,500.00.

1207 (c) No retail establishment shall sell or offer for sale any consumable hemp product in this
 1208 state without first obtaining a retail consumable hemp establishment license issued by the
 1209 department.

1210 (d) No person shall act as a wholesaler or distributor of consumable hemp products in this
1211 state without first obtaining a wholesale consumable hemp establishment license issued by
1212 the department."

1213 **SECTION 2-6.**

1214 Said chapter is further amended by adding new Code sections to read as follows:

1215 "2-23-9.1.

1216 (a) No consumable hemp product shall be sold or otherwise distributed in this state unless
1217 the manufacturer has, within the last 12 months, contracted for a full-panel certificate of
1218 analysis to be conducted on such product and such analysis has been designated as passing.

1219 (b) Any consumable hemp product sold or otherwise distributed in this state shall bear
1220 conspicuous labeling providing the information from a passing certificate of analysis
1221 conducted on the product within the last 12 months or allowing a consumer to access such
1222 information using a QR code.

1223 (c) The department shall randomly test consumable hemp products available for purchase
1224 at retail consumable hemp establishments to ensure compliance with this Code section.
1225 Such testing shall be conducted in compliance with this chapter and with regulations
1226 promulgated by the department.

1227 (d) In the event that a test sample reveals a concentration of delta-9-THC and esters of
1228 delta-9-THC of more than 0.3 percent on a dry-weight basis, all related hemp products
1229 shall be disposed of in compliance with this chapter and with regulations promulgated by
1230 the department.

1231 2-23-9.2.

1232 Any consumable hemp product shall have a maximum total concentration of any
1233 combination of delta-9-THC, isomers of delta-9-THC, and esters of delta-9-THC of 25mg
1234 per individual dose and 500mg per individual package."

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SECTION 2-7.

Said chapter is further amended in Code Section 2-23-11, relating to plan for regulation and approval, by adding a new subsection to read as follows:

"(c) The department may submit an amended plan to the secretary of agriculture of the United States if or when required by any amendment to this chapter, the rules and regulations promulgated by the department pursuant to this chapter, or any federal law or regulation."

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SECTION 2-8.

Said chapter is further amended by revising Code Section 2-23-12, relating to rules and regulations, as follows:

"2-23-12.
The department, ~~in consultation with the Georgia Bureau of Investigation,~~ shall may promulgate rules and regulations as necessary to implement the provisions of this chapter. ~~Such rules and regulations shall include the plan provided for in Code Section 2-23-11 upon the approval of such plan by the secretary of agriculture of the United States."~~

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SECTION 2-9.

Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, is amended by adding a new article to read as follows:

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"ARTICLE 10

16-12-240.
As used in this article, the term:

1256 (1) 'Community service' means a public service which an individual under the age of 21
1257 years might appropriately be required to perform as punishment for certain offenses
1258 provided for in this article as determined by a court of competent jurisdiction.

1259 (2) 'Consumable hemp products' has the same meaning as provided in Code
1260 Section 2-23-3.

1261 (3) 'Person' means any natural person or any firm, partnership, company, corporation, or
1262 other entity.

1263 (4) 'Proper identification' means any document issued by a governmental agency that
1264 contains a description of an individual, such individual's photograph, or both; provides
1265 such individual's date of birth; and includes, without being limited to, a passport, military
1266 identification card, driver's license, or an identification card authorized under Code
1267 Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth
1268 certificate.

1269 16-12-241.

1270 (a)(1) It shall be unlawful for any person to knowingly:

1271 (A) Sell or barter, directly or indirectly, any consumable hemp product to any
1272 individual under the age of 21 years;

1273 (B) Purchase any consumable hemp product for any individual under the age of 21
1274 years; or

1275 (C) Advise, counsel, or compel any individual under the age of 21 years to smoke,
1276 inhale, chew, or use consumable hemp products.

1277 (2)(A) The prohibition contained in paragraph (1) of this subsection shall not apply
1278 with respect to the sale of consumable hemp products by a person when such person has
1279 been furnished with proper identification showing that the individual to whom the
1280 consumable hemp products are sold is 21 years of age or older.

1281 (B) In any case where a reasonable or prudent person could reasonably be in doubt as
1282 to whether or not the individual to whom consumable hemp products are to be sold or
1283 otherwise furnished is 21 years of age or older, it shall be the duty of the person selling
1284 or otherwise furnishing such consumable hemp products to request to see and to be
1285 furnished with proper identification in order to verify the age of such individual. The
1286 failure to make such request and verification in any case where the individual to whom
1287 the consumable hemp products are sold or otherwise furnished is less than 21 years of
1288 age may be considered by the trier of fact in determining whether the person who sold
1289 or otherwise furnished such consumable hemp products did so knowingly.

1290 (3) Any person that violates this subsection shall be guilty of a misdemeanor.

1291 (b)(1) It shall be unlawful for any individual under the age of 21 years to:

1292 (A) Purchase, attempt to purchase, or possess for personal use any consumable hemp
1293 products; or

1294 (B) Misrepresent his or her identity or age or use any false identification for the
1295 purpose of purchasing or procuring any consumable hemp products.

1296 (2) In addition to the sentence authorized by Code Section 17-10-3, an individual under
1297 the age of 21 years who commits an offense provided for in paragraph (1) of this
1298 subsection or in paragraph (1) of subsection (a) of this Code section shall be punished by
1299 requiring the performance of community service not to exceed 20 hours that may be
1300 related to the awareness of the health hazards of consumable hemp product use.

1301 16-12-242.

1302 (a) Any person owning or operating a place of business in which consumable hemp
1303 products are sold or offered for sale shall post in a conspicuous place a sign which shall
1304 contain the following statement:

1305 'SALE OF CONSUMABLE HEMP PRODUCTS TO INDIVIDUALS UNDER 21
1306 YEARS OF AGE IS PROHIBITED BY LAW.'

1307 Such sign shall be printed in letters of at least one-half inch in height.

1308 (b) Any person that fails to comply with the requirements of subsection (a) of this Code
1309 section shall be guilty of a misdemeanor.

1310 16-12-243.

1311 (a) As used in this Code section, the term 'consumable hemp product sample' means a
1312 consumable hemp product distributed to members of the general public at no cost for
1313 purposes of promoting the product.

1314 (b) It shall be unlawful for any person to distribute any consumable hemp product sample
1315 to any individual under the age of 21 years.

1316 (c) A person distributing consumable hemp product samples shall require proof of age
1317 from a prospective recipient in any case where a reasonable or prudent person could
1318 conclude on the basis of appearance that such prospective recipient may be under the age
1319 of 21 years.

1320 (d) It shall be unlawful for any individual under the age of 21 years to receive or attempt
1321 to receive any consumable hemp product sample.

1322 (e) No person shall distribute consumable hemp product samples on any public street,
1323 sidewalk, or park within 500 feet of any school or playground when such facilities are
1324 being used primarily by individuals under the age of 21 years.

1325 (f) A violation of subsection (b), (c), or (e) of this Code section shall be punished as a
1326 misdemeanor. A violation of subsection (d) of this Code section shall be punished as
1327 provided for in paragraph (2) of subsection (b) of Code Section 16-12-171.

1328 16-12-244.

1329 (a) The provisions of this article shall be enforced through actions brought in any court of
1330 competent jurisdiction by the prosecuting district attorney or solicitor general for the
1331 county in which the alleged violation occurred as well as through administrative citations

1332 issued by special agents or enforcement officers of the Commissioner of Agriculture. Any
1333 fine collected for a violation of such provisions shall be paid to the clerk of the court of the
1334 jurisdiction in which the violation occurred. Upon receipt of a fine for any violation of
1335 such provision, such clerk shall promptly notify the Commissioner of Agriculture of the
1336 violation.

1337 (b) The Commissioner of Agriculture, acting through special agents or enforcement
1338 officers, shall annually conduct random, unannounced inspections at locations where
1339 consumable hemp products are sold or distributed to ensure compliance with this article.
1340 Individuals under the age of 21 years may be enlisted to test compliance with this article;
1341 provided, however, that such individuals may be used to test compliance with this article
1342 only if the testing is conducted under the direct supervision of such special agents or
1343 enforcement officers and written parental consent for such individuals has been provided.
1344 Any other use of individuals under the age of 21 years to test compliance with this article
1345 or any other similar provisions shall be unlawful, and the person or persons responsible for
1346 such use shall be subject to the penalties prescribed in this article.

1347 16-12-245.

1348 The Commissioner of Agriculture is authorized to make reasonable rules and regulations
1349 for the administration and enforcement of this article. The Commissioner of Agriculture
1350 may designate employees of the Department of Agriculture for the purpose of
1351 administering and enforcing this article and may delegate to employees of such department
1352 any of the duties required of the Commissioner of Agriculture pursuant to this article."

1353

PART III

1354

SECTION 3-1.

1355

(a) Except as otherwise provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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(b) Section 2-5 of this Act shall become effective on January 1, 2024.

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SECTION 3-2.

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