

House Bill 1127

By: Representatives Pirkle of the 169<sup>th</sup>, Corbett of the 174<sup>th</sup>, Rhodes of the 124<sup>th</sup>, Lott of the 131<sup>st</sup>, Wiedower of the 121<sup>st</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to  
2 authorize the Department of Agriculture to enforce certain criminal laws; to regulate  
3 consumable hemp products; to provide for definitions; to require certificates of analysis for  
4 such products; to provide for labeling requirements; to provide for the establishment of  
5 maximum levels of contaminants in such products; to provide for inspection and testing of  
6 such products by the Department of Agriculture; to provide for the amendment of regulatory  
7 plans submitted to the secretary of agriculture of the United States; to provide for the  
8 promulgation of rules and regulations; to amend Chapter 12 of Title 16 of the Official Code  
9 of Georgia Annotated, relating to offenses against public health and morals, so as to prohibit  
10 the sale of consumable hemp products to individuals under the age of 21 years; to prohibit  
11 the purchase or possession of consumable hemp products by individuals under the age of 21  
12 years; to prohibit the misrepresentation of an individual's age or identification in order to  
13 purchase consumable hemp products; to require the posting of certain signs concerning the  
14 legal age to purchase consumable hemp products; to provide penalties for violations; to  
15 authorize enforcement; to provide for related matters; to repeal conflicting laws; and for  
16 other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 1127

- 1 -

18 **SECTION 1.**

19 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in Code  
20 Section 2-2-13, relating to enforcement of laws and rules within jurisdiction of the  
21 Commissioner and employment of investigators, by revising subsections (a) and (d) as  
22 follows:

23 "(a) The Commissioner shall be vested with police powers to enforce those laws governing  
24 matters within the jurisdiction of the Commissioner or the department as provided by this  
25 title and Titles 4, 10, 16, 26, and 43 and the rules and regulations adopted pursuant thereto  
26 and to prevent, detect, and respond to acts of bioterrorism, other terroristic acts or threats,  
27 or natural disasters affecting or potentially affecting plants, animals, products, or facilities  
28 that are subject to regulation by the department."

29 "(d) This Code section shall not repeal, supersede, alter, or affect the power of any other  
30 law enforcement officer of this state or of any county, municipality, or other political  
31 subdivision of this state. At the request of the Commissioner of Agriculture, it shall be the  
32 duty of all state, county, municipal, and other law enforcement officers in this state to  
33 enforce and to assist the Commissioner and the employees and agents of the department  
34 in the enforcement of those laws governing matters within the jurisdiction of the  
35 Commissioner or the department as provided by this title and Titles 4, 10, 16, 26, and 43."

36 **SECTION 2.**

37 Said title is further amended by revising Code Section 2-23-3, relating to definitions for the  
38 'Georgia Hemp Farming Act,' as follows:

39 "2-23-3.

40 As used in this chapter, the term:

41 (1) 'Commercial sale' means the sale of products in the stream of commerce at retail, at  
42 wholesale, and online.

43 (1.2) 'Consumable hemp product' means a hemp product intended to be ingested,  
44 absorbed, or inhaled by humans or animals.

45 (1.3) 'Contaminant' means a foreign substance or compound that may, if ingested,  
46 absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such  
47 term shall include, without limitation, heavy metals, pesticide residues, residual solvents  
48 or processing chemicals, and any other substance or compound that the department  
49 determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health  
50 of a human or animal.

51 (2) 'Cultivate' means to plant, water, grow, and harvest a plant or crop.

52 (3) 'Federally defined THC level for hemp' means a delta-9-THC concentration of not  
53 more than 0.3 percent on a dry weight basis, or as defined in 7 U.S.C. Section 1639o,  
54 whichever is greater.

55 (3.1) 'Full panel certificate of analysis' means a report, produced by a laboratory which  
56 is unaffiliated with the processor or manufacturer and which has been accredited pursuant  
57 to the standards of the International Organization for Standardization for the competence,  
58 impartiality, and consistent operation of laboratories, attesting to the composition of a  
59 product.

60 (4) 'Handle' means to possess or store hemp plants for any period of time on premises  
61 owned, operated, or controlled by a person licensed to cultivate or permitted to process  
62 hemp, or to possess or store hemp plants in a vehicle for any period of time other than  
63 during the actual transport of such plants from the premises of a person licensed to  
64 cultivate or permitted to process hemp or a college or university authorized to conduct  
65 research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted  
66 person or to a college or university authorized to conduct research pursuant to Code  
67 Section 2-23-4; provided, however, that this term shall not include possessing or storing  
68 finished hemp products.

69 (5) 'Hemp' means the Cannabis sativa L. plant and any part of such plant, including the  
70 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts  
71 of isomers, whether growing or not, with the federally defined THC level for hemp or a  
72 lower level.

73 (6) 'Hemp products' means all products with the federally defined THC level for hemp  
74 derived from, or made by, processing hemp plants or plant parts that are prepared in a  
75 form available for legal commercial sale, ~~but not including food products infused with~~  
76 ~~THC unless approved by the United States Food and Drug Administration.~~

77 (7) 'Key participant' means a sole proprietor, a partner in a partnership, or a person with  
78 executive managerial control in a corporation when such sole proprietor, partnership, or  
79 corporation is an applicant to be a licensee or a permittee. A person with executive  
80 managerial control in a corporation includes persons serving as a chief executive officer,  
81 chief operating officer, chief financial officer, or any other individual identified in  
82 regulations promulgated by the department. This term shall not include nonexecutive  
83 managers, such as farm, field, or shift managers.

84 (8) 'Licensee' means an individual or business entity possessing a hemp grower license  
85 issued by the department under the authority of this chapter to handle and cultivate hemp  
86 in the State of Georgia.

87 (9) 'Permittee' means an individual or business entity possessing a hemp processor permit  
88 issued by the department under the authority of this chapter to handle and process hemp  
89 in the State of Georgia.

90 (10)(A) 'Process' or 'processing,' except as otherwise provided in subparagraph (B) of  
91 this paragraph, means converting an agricultural commodity into a legally marketable  
92 form.

93 (B) Such term shall not include:

94 (i) Merely placing raw or dried material into another container or packaging raw or  
95 dried material for resale; or

96 (ii) Traditional farming practices such as those commonly known as drying, shucking  
97 and bucking, storing, trimming, and curing.

98 (10.1) 'QR code' means a quick response code that is a type of machine-readable,  
99 two-dimensional barcode that stores information about a product.

100 (11) 'Research' or 'researching' means experimental field, greenhouse, or laboratory  
101 activity for the ultimate purpose of developing new hemp varieties and products,  
102 improving existing hemp products, developing new uses for existing hemp products, or  
103 developing or improving methods for producing hemp products.

104 (12) 'THC' means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination  
105 of tetrahydrocannabinol and tetrahydrocannabinolic acid."

106 **SECTION 3.**

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

108 "2-23-9.1.

109 (a) No consumable hemp product shall be sold or otherwise distributed in this state unless  
110 the processor or manufacturer has, within the last 12 months, contracted for a full panel  
111 certificate of analysis to be conducted on such product and such analysis has been  
112 conducted and made available to the public. Such full panel certificate of analysis shall,  
113 at a minimum:

114 (1) Attest to the presence and amount, in such product's final packaged form, of the  
115 following compounds:

116 (A) THC;

117 (B) Cannabidiol (CBD);

118 (C) Cannabidiolic acid (CBDA);

119 (D) Cannabigerol (CBG);

120 (E) Cannabigerolic acid (CBGA);

121 (F) Cannabinol (CBN);

- 122 (G) Hexahydrocannabinol (HHC); and  
123 (H) Any other compound that the department determines is necessary to protect the  
124 health and safety of consumers; and  
125 (2) Attest that the product, in its final packaged form, does not contain any contaminants  
126 in excess of the maximum levels established by the department. In establishing such  
127 maximum levels, the department shall consider the American Herbal Pharmacopoeia  
128 monographs or such other scientific resources that the department determines is accurate,  
129 reliable, and relevant.  
130 (b) Any consumable hemp product sold or otherwise distributed in this state shall bear:  
131 (1) A sticker, approved by the department, warning potential consumers that such  
132 product contains THC; and  
133 (2) A conspicuous label providing the information from the full panel certificate of  
134 analysis conducted on such product within the last 12 months pursuant to subsection (a)  
135 of this Code section or allowing a consumer to access such information using a QR code.  
136 (c) The department shall randomly inspect and test consumable hemp products available  
137 for purchase at retail establishments to ensure compliance with this Code section. Such  
138 investigations and testing shall be conducted in compliance with this chapter and with the  
139 rules and regulations promulgated by the department.  
140 (d) In the event that an inspection or test of a consumable hemp product conducted by the  
141 department pursuant to subsection (c) of this Code section reveals that such product:  
142 (1) Does not bear:  
143 (A) The sticker required under paragraph (1) of subsection (b) of this Code section; or  
144 (B) The label required under paragraph (2) of subsection (b) of this Code section;  
145 (2) Has a delta-9-THC concentration that exceeds the federally defined THC level for  
146 hemp;  
147 (3) Contains one or more contaminants in excess of the maximum levels established by  
148 the department; or

149 (4) Has a composition that is materially different from what is shown on the full panel  
150 certificate of analysis conducted on such product within the last 12 months pursuant to  
151 subsection (a) of this Code section,  
152 such product and all related consumable hemp products shall be disposed of in compliance  
153 with this chapter and with the rules and regulations promulgated by the department."

154 **SECTION 4.**

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

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

161 **SECTION 5.**

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

164 "2-23-12.

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

169 **SECTION 6.**

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

172 "ARTICLE 10173 16-12-240.174 As used in this article, the term:175 (1) 'Consumable hemp product' shall have the same meaning as provided in Code  
176 Section 2-23-3.177 (2) 'Person' means any natural person or any firm, partnership, company, corporation, or  
178 other entity.179 (3) 'Proper identification' means any document issued by a governmental agency that  
180 contains a description of an individual, such individual's photograph, or both; provides  
181 such individual's date of birth; and includes, without limitation, a passport, military  
182 identification card, driver's license, or an identification card authorized under Code  
183 Sections 40-5-100 through 40-5-104; provided, however, that such term shall not include  
184 a birth certificate.185 16-12-241.186 (a) It shall be unlawful for any person to knowingly sell, furnish, or cause to be furnished,  
187 directly or through another person, any consumable hemp product to any individual under  
188 the age of 21 years.189 (b) It shall be unlawful for any individual under the age of 21 years to knowingly:190 (1) Purchase, attempt to purchase, or possess any consumable hemp product; or191 (2) Misrepresent his or her identity or age or use any false identification for the purpose  
192 of obtaining, or attempting to obtain, any consumable hemp product.193 (c)(1) The prohibition contained in subsection (a) of this Code section shall not apply  
194 with respect to the sale of any consumable hemp product by a person when such person  
195 has been furnished with proper identification showing that the individual to whom the  
196 consumable hemp product is to be sold or furnished is 21 years of age or older.

197 (2) In any case where a reasonable or prudent person could reasonably be in doubt as to  
198 whether or not the individual to whom any consumable hemp product is to be sold or  
199 furnished is 21 years of age or older, it shall be the duty of the person selling or  
200 furnishing such consumable hemp product to request to see and to be furnished with  
201 proper identification in order to verify the age of such individual. The failure to make  
202 such request and verification in any case where the individual to whom any consumable  
203 hemp product is sold or furnished is under the age of 21 years may be considered by the  
204 trier of fact in determining whether the person who sold or furnished such consumable  
205 hemp product did so knowingly.

206 (d) Nothing contained in this Code section shall be construed to prohibit any individual  
207 under the age of 21 years from dispensing, serving, selling, or handling any consumable  
208 hemp product as part of employment in any place of business that requires such individual  
209 to dispense, serve, sell, or handle consumable hemp products.

210 (e) Any person who violates this Code section shall be guilty of a misdemeanor; provided,  
211 however, that, upon the first conviction of a violation of subsection (b) of this Code  
212 section, such person shall be punished by a fine not to exceed \$500.00 and the court shall,  
213 pursuant to paragraph (3) of subsection (d) of Code Section 17-10-1, allow such person to  
214 satisfy such fine through community service as set forth in Article 3 of Chapter 3 of  
215 Title 42.

216 16-12-242.

217 (a) Any person owning or operating a place of business in which any consumable hemp  
218 product is offered for sale shall post in a conspicuous place a sign which shall contain the  
219 following statement printed in all capital letters of at least one-half inch in height:

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

222 (b) Any person who fails to comply with the requirements of subsection (a) of this Code  
223 section shall be guilty of a misdemeanor.

224 16-12-243.

225 The Commissioner of Agriculture, acting through special agents or enforcement officers,  
226 and other law enforcement agencies may conduct random, unannounced inspections at  
227 locations where consumable hemp products are sold or distributed to ensure compliance  
228 with this article. Individuals under the age of 21 years may be enlisted to test compliance  
229 with this article; provided, however, that such individuals may be used to test compliance  
230 with this article only if the testing is conducted under the direct supervision of such special  
231 agents or enforcement officers of the Department of Agriculture or a peace officer and if  
232 written parental consent for such individuals has been provided. Any other use of  
233 individuals under the age of 21 years to test compliance with this article or any other  
234 similar provisions shall be unlawful, and the person or persons responsible for such use  
235 shall be subject to the penalties prescribed in this article."

236 **SECTION 7.**

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