

Senate Bill 220

By: Senators Brass of the 6th, Summers of the 13th, Hatchett of the 50th, Strickland of the 42nd, Jackson of the 41st and others

A BILL TO BE ENTITLED

AN ACT

1 To amend various provisions of the Official Code of Georgia Annotated, so as to rename low
2 THC oil as medical cannabis; to amend Chapter 12 of Title 16, Article 2 of Chapter 13 of
3 Title 16, and Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated,
4 relating to offenses against the public health and morals, regulation of controlled substances,
5 and general provisions relative to the Department of Public Health, respectively, so as to
6 clarify and revise criminal penalties; to clarify and revise exemptions to criminal penalties;
7 to revise the duties of the Georgia Access to Medical Cannabis Commission; to provide for
8 the provision of certain information by licensees; to provide limitations on the provision of
9 such information; to repeal the prohibition on certain manners of ingesting medical cannabis;
10 to exclude the lawful possession and control of medical cannabis from the provisions of the
11 Georgia Controlled Substances Act; to revise the list of diagnosed conditions for which a
12 medical cannabis registration card can be issued; to provide for conforming changes; to
13 provide for definitions; to provide a short title; to provide for related matters; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 220

- 1 -

16
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PART I
SECTION 1-1.

18 This Act shall be known and may be cited as the "Putting Georgia's Patients First Act."

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PART II
SECTION 2-1.

21 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
22 replacing "low THC oil" and "Low THC oil" with "medical cannabis" and "Medical
23 cannabis", respectively, wherever such terms occur in:

- 24 (1) Code Section 2-11-36, relating to seeds used in production of low THC oil;
25 (2) Code Section 2-23-9.2, relating to consumable hemp products, packaging, advertising,
26 and distribution; and
27 (3) Code Section 2-23-9.3, relating to location of retail establishments selling or
28 distributing consumable hemp products.

29

SECTION 2-2.

30 Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
31 access to medical cannabis, is amended by replacing "low THC oil" and "Low THC oil" with
32 "medical cannabis" and "Medical cannabis", respectively, and by replacing "Low THC Oil
33 Patient Registry" with "Medical Cannabis Patient Registry" wherever such terms occur in:

- 34 (1) Code Section 16-12-201, relating to prohibition against producing, growing,
35 manufacturing, or dispensing low THC oil or products;
36 (2) Code Section 16-12-204, relating to nontransferable designated university licenses to
37 produce low THC oil and products, research and reporting of collected information, and
38 license revocation;

- 39 (3) Code Section 16-12-206, relating to annual, nontransferable dispensing license,
40 adoption of rules, and fees;
- 41 (4) Code Section 16-12-210, relating to powers, duties, and responsibilities of the Georgia
42 Access to Medical Cannabis Commission, no undue burden on patients, and remission of
43 fees;
- 44 (5) Code Section 16-12-211, relating to class 1 production licenses, application fee,
45 revocation, and limitation on ownership;
- 46 (6) Code Section 16-12-212, relating to class 2 production licenses, application fees,
47 revocation, and limitation on ownership;
- 48 (7) Code Section 16-12-213, relating to tracking system requirements;
- 49 (8) Code Section 16-12-216, relating to Bureau of Investigation, Access to Medical
50 Cannabis Commission, and Composite Medical Board to jointly establish procedures to
51 ensure compliance;
- 52 (9) Code Section 16-12-217, relating to on-demand access to facilities, provision of
53 samples, testing, and secured transportation;
- 54 (10) Code Section 16-12-224, relating to limitation on ownership by member or former
55 member of the Georgia Access to Medical Cannabis Commission, limitation on physician's
56 involvement, and identification when contributing to political campaigns;
- 57 (11) Code Section 16-12-226, relating to sales and use taxes applicable;
- 58 (12) Code Section 16-12-230, relating to requirements for dispensing low THC oil and
59 products;
- 60 (13) Code Section 16-12-233, relating to contracts not against public policy;
- 61 (14) Code Section 16-12-235, relating to research in compliance with federal regulations;
62 and
- 63 (15) Code Section 16-12-235.1, relating to possession of low THC oil and products by
64 colleges and universities for research purposes, permitting requirements, and inspection.

65

SECTION 2-3.

66 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
67 general provisions relative to the Department of Public Health, is amended in Code Section
68 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver forms,
69 and annual review and recommendations, by replacing "low THC oil" and "Low THC oil"
70 with "medical cannabis" and "Medical cannabis", respectively, and by replacing "Low THC
71 Oil Patient Registry" with "Medical Cannabis Patient Registry" wherever such terms occur.

72

SECTION 2-4.

73 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
74 provisions relative to torts, is amended in Code Section 51-1-29.6, relating to liability of
75 health care institutions and providers regarding low THC oil, by replacing "low THC oil" and
76 "Low THC oil" with "medical cannabis" and "Medical cannabis", respectively.

77

PART III

78

SECTION 3-1.

79 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
80 the public health and morals, is amended by revising Article 8, relating to regulation of low
81 THC oil, as follows:

82

"ARTICLE 8

83 16-12-190.

84 As used in this article, the term:

85 (1) 'Authorized research party' means a person involved in a clinical research program
86 being conducted by the Board of Regents of the University System of Georgia or any

87 authorized clinical trial or research study in this state or such person's authorized agent
 88 as:

89 (A) A program participant;

90 (B) A parent, guardian, or legal custodian of a program participant;

91 (C) An employee of the board of regents designated to participate in the research
 92 program;

93 (D) A program agent;

94 (E) A program collaborator and their designated employees;

95 (F) A program supplier and their designated employees;

96 (G) A program physician;

97 (H) A program clinical researcher;

98 (I) Program pharmacy personnel; or

99 (J) Other program medical personnel.

100 (2) 'Hemp' shall have the same meaning as set forth in Code Section 2-23-3.

101 (3) 'Hemp products' shall have the same meaning as set forth in Code Section 2-23-3.

102 (4) 'Medical cannabis' means any plant within the genus Cannabis and any part of such
 103 plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of
 104 isomers, whether growing or not; provided, however, that such 'low THC oil' means an
 105 oil that contains an amount of cannabidiol and not more than 5 percent by weight of
 106 tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of
 107 tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant
 108 material exhibiting the external morphological features of the plant of the genus
 109 Cannabis. Such term shall not mean include:

110 (A) Goods products approved by the federal Food and Drug Administration under
 111 Section 505 of the federal Food, Drug, and Cosmetic Act; or

112 (B) Hemp or hemp products.

113 (5) 'Out-of-state registered patient' means an individual who is legally authorized by
114 another state to possess and use medical cannabis.

115 (6) 'Product' shall have the same meaning as set forth in Code Section 16-12-200.

116 (7) 'Registered patient' shall have the same meaning as set forth in Code
117 Section 16-12-200.

118 16-12-191.

119 (a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
120 person to possess, purchase, or have under his or her control ~~20 fluid ounces~~ 1.0 ounce
121 or less of ~~low-THC oil~~ medical cannabis or a product or products containing an
122 equivalent amount of medical cannabis if such ~~substance~~ medical cannabis or product or
123 products is in a pharmaceutical container labeled by the manufacturer indicating the
124 percentage of tetrahydrocannabinol therein and:

125 (A) Such person is a registered patient ~~with the Department of Public Health as set~~
126 ~~forth in Code Section 31-2A-18~~ and has in his or her possession a registration card
127 issued by the Department of Public Health under Code Section 31-2A-18; or

128 (B) Such person is an out-of-state registered patient and has in his or her possession a
129 registration card issued by another state that allows the same possession of ~~low-THC~~
130 ~~oil~~ medical cannabis as provided by this state's law; provided, however, that such
131 registration card shall not be lawful authority when such person has been present in this
132 state for 45 days or more.

133 (2) Notwithstanding any provision of Chapter 13 of this title, any ~~person~~ registered
134 patient or out-of-state registered patient who possesses, purchases, or has under his or her
135 control ~~20 fluid ounces~~ 1.0 ounce or less of ~~low-THC oil~~ medical cannabis or a product
136 or products containing an equivalent amount of medical cannabis without complying with
137 paragraph (1) of this subsection shall be punished as for a misdemeanor.

138 (b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
 139 person to possess, purchase, or have under his or her control ~~20 fluid ounces~~ 1.0 ounce
 140 or less of ~~low-THC oil~~ medical cannabis or a product or products containing an
 141 equivalent amount of medical cannabis if:

142 (A) Such person is an authorized research party; ~~is involved in a clinical research~~
 143 ~~program being conducted by the Board of Regents of the University System of Georgia~~
 144 ~~or any authorized clinical trial or research study in this state or their authorized agent~~
 145 ~~as:~~

146 ~~(i) A program participant;~~

147 ~~(ii) A parent, guardian, or legal custodian of a program participant;~~

148 ~~(iii) An employee of the board of regents designated to participate in the research~~
 149 ~~program;~~

150 ~~(iv) A program agent;~~

151 ~~(v) A program collaborator and their designated employees;~~

152 ~~(vi) A program supplier and their designated employees;~~

153 ~~(vii) A program physician;~~

154 ~~(viii) A program clinical researcher;~~

155 ~~(ix) Program pharmacy personnel; or~~

156 ~~(x) Other program medical personnel; and~~

157 (B) Such ~~substance~~ medical cannabis or product or products is in a pharmaceutical
 158 container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol
 159 therein.

160 (2) Notwithstanding any provision of Chapter 13 of this title, any ~~person~~ authorized
 161 research party who possesses, purchases, or has under his or her control ~~20 fluid ounces~~
 162 1.0 ounce or less of ~~low-THC oil~~ medical cannabis or a product or products containing
 163 an equivalent amount of medical cannabis without complying with ~~subparagraphs (A),~~
 164 ~~(B), and (C)~~ of paragraph (1) of this subsection shall be punished as for a misdemeanor.

165 ~~(c) Notwithstanding any provision of Chapter 13 of this title, any person~~ Any registered
166 patient, out-of-state registered patient, or authorized research party having possession of,
167 purchasing, or having under his or her control more than ~~20 fluid ounces~~ 1.0 ounce of low
168 THC oil but less than ~~160 fluid ounces of low THC oil~~ or who manufactures, distributes,
169 dispenses, sells, purchases, or possesses with the intent to distribute low THC oil shall be
170 guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not
171 less than one year nor more than ten years, a fine not to exceed \$50,000.00, or both medical
172 cannabis or a product or products containing an equivalent amount of medical cannabis
173 shall be subject to the penalties set forth in Chapter 13 of this title.

174 ~~(d) Notwithstanding any provision of Chapter 13 of this title, any person who sells,~~
175 ~~manufactures, delivers, brings into this state, purchases, or has possession of 160 or more~~
176 ~~fluid ounces of low THC oil shall be guilty of the felony offense of trafficking in low THC~~
177 ~~oil and, upon conviction thereof, shall be punished as follows:~~

178 ~~(1) If the quantity of low THC oil is at least 160 fluid ounces but less than 31,000 fluid~~
179 ~~ounces, by imprisonment for not less than five years nor more than ten years and a fine~~
180 ~~not to exceed \$100,000.00;~~

181 ~~(2) If the quantity of low THC oil is at least 31,000 fluid ounces but less than 154,000~~
182 ~~fluid ounces, by imprisonment for not less than seven years nor more than 15 years and~~
183 ~~a fine not to exceed \$250,000.00; and~~

184 ~~(3) If the quantity of low THC oil is 154,000 or more fluid ounces, by imprisonment for~~
185 ~~not less than ten years nor more than 20 years and a fine not to exceed \$1 million.~~

186 ~~(e)(d)~~ Subsections Subsection (c) and (d) of this Code section shall not apply to a person
187 involved in a research program being conducted by the Board of Regents of the University
188 System of Georgia or its authorized agent as an employee of the board of regents
189 designated to participate in such program, a program agent, a program collaborator and
190 their its designated employees, a program supplier and their its designated employees, a
191 physician, clinical researcher, pharmacy personnel, or other medical personnel.

192 ~~(f) Subsections (c) and (d) of this Code section shall not apply to a designated university,~~
 193 ~~pharmacy, or licensee under Article 9 of Chapter 12 of Title 16, provided that such~~
 194 ~~possession, purchase, control, sale, manufacturing, distribution, or dispensing is solely~~
 195 ~~conducted in accordance with the provisions of Article 9 of Chapter 12 of Title 16.~~

196 ~~(g)~~(e) Nothing in this article shall require an employer to permit or accommodate the use,
 197 consumption, possession, transfer, display, transportation, purchase, sale, or growing of
 198 marijuana in any form, or to affect the ability of an employer to have a written zero
 199 tolerance policy prohibiting the on-duty, and off-duty, use of marijuana, or prohibiting any
 200 employee from having a detectable amount of marijuana in such employee's system while
 201 at work."

202

SECTION 3-2.

203 Said chapter is further amended by revising Code Section 16-12-200, relating to definitions
 204 relative to access to medical cannabis, as follows:

205 "16-12-200.

206 As used in this article, the term:

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

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

210 (3) 'Class 1 production license' means a license to produce and manufacture ~~low-THC~~
 211 ~~or~~ medical cannabis and products issued pursuant to Code Section 16-12-211.

212 (4) 'Class 2 production license' means a license to produce and manufacture ~~low-THC~~
 213 ~~or~~ medical cannabis and products issued pursuant to Code Section 16-12-212.

214 (5) 'Commission' means the Georgia Access to Medical Cannabis Commission created
 215 pursuant to Code Section 16-12-202.

216 (6) 'Designated universities' means the University of Georgia and Fort Valley State
 217 University.

- 218 (7) 'Designated university license' means a license issued by the commission pursuant
219 to this article to a designated university to, separately or jointly, produce, manufacture,
220 and purchase ~~low THC oil~~ medical cannabis and products in accordance with this article.
- 221 (8) 'Dispense' means the sale or provision of ~~low THC oil~~ medical cannabis and products
222 to registered patients by a dispensing licensee.
- 223 (9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy
224 or the commission pursuant to Code Section 16-12-206 to dispense ~~low THC oil~~ medical
225 cannabis and products to registered patients.
- 226 (10) 'Grow' means cultivating and harvesting cannabis for use in producing ~~low THC oil~~
227 medical cannabis and products.
- 228 (10.1) 'Hemp products' shall have the same meaning as set forth in Code Section 2-23-3.
- 229 (11) 'Licensee' means any business, or owner of such business, with a valid license
230 issued pursuant to this article.
- 231 ~~(12) 'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.~~
- 232 ~~(13) 'Manufacture' means to process cannabis to produce low THC oil~~ medical cannabis
233 and products.
- 234 (13) 'Medical cannabis' shall have the same meaning as set forth in Code
235 Section 16-12-190.
- 236 (14) 'Owner' means any person who directly or indirectly owns, actually or beneficially,
237 or controls 5 percent or greater of interests of the applicant or any licensee. In the event
238 that one person owns a beneficial right to interests and another person holds the voting
239 rights with respect to such interests, then both shall be considered an owner of such
240 interests.
- 241 (15) 'Product' means all products that are derived from, or made by, processing medical
242 cannabis and that are prepared in a form available for commercial sale ~~low THC oil~~
243 ~~delivered through an oil, tincture, transdermal patch, lotion, or capsule, except as~~
244 ~~prohibited by Code Section 16-12-234, but not including~~ hemp products ~~any food~~

245 ~~products infused with low THC oil, including, but not limited to, cookies, candies, or~~
246 ~~edibles.~~

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

249 (17) 'Tracking system' means a seed-to-sale tracking system to track marijuana that is
250 grown, processed, manufactured, transferred, stored, or disposed of and ~~low THC oil~~
251 medical cannabis and products that are transferred, stored, sold, dispensed, or disposed
252 of pursuant to this article."

253 **SECTION 3-3.**

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

257 "16-12-203.

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

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

264 (2) To execute a contract or contracts to purchase or obtain ~~low THC oil~~ medical
265 cannabis, cannabis, cannabinoids, or any other derivative, compound, or substantially
266 similar ~~products~~ goods from any available legal source and to provide logistics related
267 thereto in accordance with this article. Such contract or contracts may be executed with
268 one or more qualified corporations or with one or more governmental entities. Purchases
269 made pursuant to this paragraph shall not be subject to state purchasing laws contained

270 in Article 3 of Chapter 5 of Title 50 or in other provisions of the Official Code of Georgia
271 Annotated;

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

275 (4) To develop, establish, maintain, and administer a ~~low-THC-oil~~ medical cannabis and
276 products distribution network to obtain and distribute ~~low-THC-oil~~ medical cannabis and
277 products to registered patients in this state and to coordinate the best use of facilities and
278 resources to operate such distribution network;

279 (5) To establish procedures for inspecting production facilities operated by designated
280 universities;

281 (6) To establish requirements and procedures to ensure quality control, security, and
282 oversight of ~~low-THC-oil~~ medical cannabis and products production in this state,
283 including, but not limited to, testing for purity and dosage levels and verification that
284 product labels accurately reflect product content;

285 (7) To provide for oversight of tracking systems;

286 (8) To coordinate and assist in the collection of data to evaluate the provision of ~~low~~
287 ~~THC-oil~~ medical cannabis and products in this state;

288 (9) To study the provision of ~~low-THC-oil~~ medical cannabis and products in this state to
289 determine the best practices and methods of providing such services, to determine what
290 changes are needed to improve the provision of ~~low-THC-oil~~ medical cannabis and
291 products, and to report any proposed legislative changes to the General Assembly each
292 year;

293 (10) To coordinate its activities with the Department of Public Health;

294 (10.1) To engage in public awareness activities concerning the medical cannabis
295 program in this state and effective uses of medical cannabis and products, including, but
296 not limited to, publishing materials and conducting outreach and public education

297 activities to inform members of the public, law enforcement, and healthcare providers
298 about the medical cannabis program in this state and the potential benefits that medical
299 cannabis and products may have to eligible patients;

300 (11) To employ an executive director and other staff and to establish duties and
301 responsibilities of such persons;

302 (12) To employ and manage consultants, as deemed necessary, in order to fulfill its
303 duties and responsibilities under this article;

304 (13) To review new treatment and delivery methods for ~~low-THC oil~~ medical cannabis
305 and products that may result from medical research and are not otherwise inconsistent
306 with this article, and recommend statutory changes to the General Assembly to authorize
307 such treatment and delivery methods and products;

308 (14) To be responsible for the noncriminal enforcement of the provisions of this article
309 and to have all of the necessary duties, power, and authority to carry out such
310 responsibility;

311 (15) To be authorized to draft, adopt, amend, repeal, and enforce such rules and
312 regulations as it deems necessary for the administration and enforcement of this article
313 in the protection of public health, safety, and welfare;

314 (16) To enforce qualifications for licensure; and

315 (17) To levy fines for failure by a Class 1 production licensee, Class 2 production
316 licensee, or dispensing licensee to operate in accordance with rules and regulations
317 established by the commission within 14 days of written notice by the commission of
318 specific violations. Such fines shall not exceed \$25,000.00 for a first offense, \$50,000.00
319 for a failure to remedy the offense within 60 days after written notice of a first offense,
320 and \$75,000.00 for subsequent failures to remedy noncompliance within 90 days after
321 written notice of a first offense. Following a third written notice of a recurring violation,
322 the commission may also order a licensee to cease operations for a period of up to 30

323 days to correct the violation. Any such fines or orders to cease operations shall be subject
 324 to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

325 **SECTION 3-4.**

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

329 "16-12-215.

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

344 (b)(1) Except as provided in paragraph (2) of this subsection, no ~~No~~ licensee shall
 345 advertise or market ~~low THC oil~~ medical cannabis or products to registered patients or
 346 the public; provided, however, that third party associations representing the medical
 347 cannabis industry shall not be subject to this prohibition.

348 (2) A; provided, however, that a licensee shall be authorized to provide information;

- 349 (A) Regarding ~~regarding~~ its low-THC oil medical cannabis and products directly to
 350 physicians and healthcare providers; and
- 351 (B) About the legal and safe uses of medical cannabis and products to registered
 352 patients or the public.
- 353 (3) Any information provided by a licensee pursuant to paragraph (2) of this subsection
 354 shall not:
- 355 (A) Include any medical claim, unless such claim is supported by reliable scientific
 356 evidence;
- 357 (B) Make any false or misleading claim; or
- 358 (C) Be attractive to children or otherwise directly or indirectly targeted to individuals
 359 under 21 years of age. For purposes of this subparagraph, the term 'attractive to
 360 children' shall have the same meaning as set forth in Code Section 2-23-3."

361 **SECTION 3-5.**

362 Said chapter is further amended by revising Code Section 16-12-225, relating to criminal
 363 offenses and penalties, as follows:

364 "16-12-225.

- 365 (a) A licensee or licensee's employee who knowingly or willfully encourages, causes,
 366 abets, connives, conspires, or aids in the endangerment of patients, trafficking ~~of low-THC~~
 367 ~~oil, products, or its manufacturing by-products,~~ in marijuana as set forth in Code
 368 Section 16-13-31, or criminal distribution of raw materials and agricultural inputs,
 369 including but not limited to seeds, under this part shall be guilty of a felony and, upon
 370 conviction thereof, be punished by a fine not to exceed \$100,000.00, imprisonment for not
 371 less than five nor more than ten years, or both.
- 372 (b) Any person whose acts or omissions of gross, willful, or wanton negligence contribute
 373 to or cause the endangerment of patients, trafficking in marijuana as set forth in Code
 374 Section 16-13-31, ~~of low-THC oil, products, or its manufacturing by-products,~~ or criminal

375 distribution of raw materials and agricultural inputs, including but not limited to seeds,
376 under this part shall be guilty of a misdemeanor of a high and aggravated nature and, upon
377 conviction thereof, be punished by a fine of up to \$5,000.00, imprisonment for up to 12
378 months, or both.

379 (c) Failure to comply with all other provisions of this part shall be punishable by a fine of
380 up to \$500.00 for the first offense. All persons convicted of a second or subsequent offense
381 shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of up
382 to \$1,000.00, imprisonment for up to six months, or both, for each violation.

383 (d) The provisions of this Code section shall not preclude prosecution and punishment for
384 the commission of any offense otherwise provided by law."

385 **SECTION 3-6.**

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

388 "16-12-231.

389 The following persons and entities, when acting in accordance with the provisions of this
390 article, shall not be subject to arrest, prosecution, or any civil or administrative penalty,
391 including a civil penalty or disciplinary action by a professional licensing board, or be
392 denied any right or privilege, for the medical use, prescription, administration,
393 manufacture, distribution, or transport of ~~low-THC oil~~ medical cannabis or products:

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

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

- 400 (3) A pharmacist or pharmacy that dispenses or provides ~~low-THC oil~~ medical cannabis
401 or products to a registered patient;
- 402 (4) The commission or its employees or contractors associated with the production of
403 ~~low-THC oil~~ medical cannabis or products in accordance with this article;
- 404 (5) A designated university, an employee of a designated university, or any other person
405 associated with the production of ~~low-THC oil~~ medical cannabis or products in
406 accordance with this article; and
- 407 (6) A licensee or an ~~An~~ employee, contractor, or agent of a licensee with proper
408 identification associated with the production, manufacture, distribution, transport, or sale
409 of ~~low-THC oil~~ medical cannabis or products in accordance with this article."

410

SECTION 3-7.

411 Said chapter is further amended by repealing in its entirety Code Section 16-12-234, relating
412 to unlawful ways to ingest low THC oil or products, and designating such Code section as
413 reserved.

414

SECTION 3-8.

415 Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
416 regulation of controlled substances, is amended in Code Section 16-13-21, relating to
417 definitions, by revising paragraph (16) as follows:

418 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
419 not, the seeds thereof, the resin extracted from any part of such plant, and every
420 compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
421 or resin, but shall not include samples as described in subparagraph (P) of paragraph (3)
422 of Code Section 16-13-25; shall not include the completely defoliated mature stalks of
423 such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized
424 samples of seeds of the plant which are incapable of germination; and shall not include

425 hemp or hemp products, as such terms are defined in Code Section 2-23-3, or medical
426 cannabis or products, as such terms are defined in Code Sections 16-12-190 and
427 16-12-200, respectively, when in the possession or control of a person authorized to
428 possess and control such medical cannabis or products under the provisions of Article 8
429 or Article 9 of Chapter 12 of this title. Such term shall not include products approved by
430 the federal Food and Drug Administration under Section 505 of the federal Food, Drug,
431 and Cosmetic Act."

432 **SECTION 3-9.**

433 Said article is further amended in Code Section 16-13-25, relating to Schedule I, by revising
434 subparagraph (P) of paragraph (3) as follows:

435 "(P) Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of
436 tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant
437 material exhibiting the external morphological features of the plant of the genus
438 Cannabis, but not including such substance when found in hemp or hemp products, as
439 such terms are defined in Code Section 2-23-3, or in medical cannabis or products, as
440 such terms are defined in Code Sections 16-12-190 and 16-12-200, respectively, when
441 in the possession or control of a person authorized to possess or control such medical
442 cannabis or products under the provisions of Article 8 or Article 9 of Chapter 12 of this
443 title. Tetrahydrocannabinols do not include products approved by the federal Food and
444 Drug Administration under Section 505 of the federal Food, Drug, and Cosmetic Act;"

445 **SECTION 3-10.**

446 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
447 general provisions relative to the Department of Public Health, is amended in Code
448 Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver

449 forms, and annual review and recommendations, by revising paragraph (3) of subsection (a)
450 as follows:

451 "(3) 'Condition' means any of the following, provided that the patient's symptoms
452 associated with any such condition can reasonably be expected to be relieved by the use
453 of medical cannabis and the potential benefits of such use to the patient outweigh the
454 potential health risks that such use might pose to the patient:

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

457 (B) ~~Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end~~
458 ~~stage;~~

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

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

461 (E) ~~Crohn's disease;~~

462 (F) ~~Mitochondrial disease;~~

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

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

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

466 (J) ~~Autism spectrum disorder, when such disorder is diagnosed for a patient who is at~~
467 ~~least 18 years of age, or severe autism, when diagnosed for a patient who is less than~~
468 ~~18 years of age;~~

469 (K) ~~Epidermolysis bullosa;~~

470 (L) ~~Alzheimer's disease, when such disease is diagnosed as severe or end stage;~~

471 (M) ~~Acquired immune deficiency syndrome, when such syndrome is diagnosed as~~
472 ~~severe or end stage;~~

473 (N) ~~Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;~~

474 (O) ~~Post-traumatic stress disorder resulting from direct exposure to or the witnessing~~
475 ~~of a trauma for a patient who is at least 18 years of age; or~~

476 (P) Intractable pain; or

477 (Q) Any other medical condition that is diagnosed as severe or end stage and for which

478 medical treatments other than the use of medical cannabis have been ineffective."

479

PART IV

480

SECTION 4-1.

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