

Senate Bill 254

By: Senator Cowsert of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia
2 Hemp Farming Act," so as to provide milligram limits on delta-9-THC in consumable hemp
3 products; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

7 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp
8 Farming Act," is amended by revising Code Section 2-23-9.2, relating to consumable hemp
9 products, packaging, advertising, and distribution, as follows:

10 "2-23-9.2.

11 (a) No consumable hemp product shall be sold or otherwise distributed in this state unless
12 such product is packaged in a container that:

13 (1) Is not attractive to children;

14 (2) Does not bear any reasonable resemblance to any existing candy, snack, or other food
15 product that is widely distributed and familiar to the public;

- 16 (3) Does not infringe on any trade dress, trademarks, branding, or other related materials
17 as described in Code Section 10-1-450 or in Chapter 22 of Title 15 of the United States
18 Code; and
- 19 (4) Is tamper evident and child resistant.
- 20 (b) No consumable hemp product shall be advertised in this state in any manner that:
- 21 (1) Is attractive to children;
- 22 (2) Bears a reasonable resemblance to any existing candy, snack, or other food product
23 that is widely distributed and familiar to the public;
- 24 (3) Infringes on any trade dress, trademarks, branding, or other related materials as
25 described in Code Section 10-1-450 or in Chapter 22 of Title 15 of the United States
26 Code; or
- 27 (4) Suggests that such product constitutes or contains low THC oil, as such term is
28 defined in Code Section 16-12-190, or otherwise constitutes or contains medical
29 marijuana or medical cannabis.
- 30 (c)(1) As used in this subsection, the term:
- 31 (A) 'Food product' means any product intended to be consumed by humans for physical
32 subsistence; provided, however, that such term shall not include gummies, consumable
33 base oils, or products that constitute drinks or beverages.
- 34 (B) 'Gummy' means a gelatinous substance in the form of a cube, sphere, prismatic,
35 ovoid, or other shape that is designed for human ingestion.
- 36 (2) No consumable hemp product shall be sold or otherwise distributed in this state if
37 such product constitutes or is a component of:
- 38 (A) A food product; or
- 39 (B) A drink or beverage that contains alcohol or constitutes an alcoholic beverage
40 under Title 3.

41 (3) Nothing in this subsection is intended to prohibit the sale or distribution of hemp that
42 is contained within gummies or consumable base oils, provided that such gummies or
43 consumable base oils are not a component of a food product.

44 (d)(1) Except as otherwise provided in paragraphs (2), (3), and (4) of this subsection, no
45 consumable hemp product shall be sold or otherwise distributed in this state if such
46 product has more than:

47 (A) Ten milligrams of delta-9-THC per serving; or

48 (B) 150 milligrams of delta-9-THC per container.

49 (2) No consumable hemp product that constitutes or is a component of a drink or
50 beverage shall be sold or otherwise distributed in this state if such product:

51 (A) Has more than five milligrams of delta-9-THC per 12 fluid ounces of liquid, or the
52 proportionate equivalent thereof; or

53 (B) Is packaged in a container that exceeds 12 fluid ounces of liquid.

54 (3) No consumable hemp product that is intended for topical application shall be sold or
55 otherwise distributed in this state if such product is packaged in a container that has more
56 than 1,000 milligrams of delta-9-THC.

57 (4) No consumable hemp product that constitutes or is a component of a tincture shall
58 be sold or otherwise distributed in this state if such product:

59 (A) Has more than one milligram of delta-9-THC per one milliliter of liquid, or the
60 proportionate equivalent thereof; or

61 (B) Is packaged in a container that exceeds 60 milliliters of liquid."

62 **SECTION 2.**

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