

The Senate Committee on Health and Human Services offered the following substitute to SB 220:

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:

16

PART I

17

SECTION 1-1.

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

19

PART II

20

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) 'Medical cannabis' means any plant within the genus Cannabis and any part of such
86 plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of

87 ~~isomers, whether growing or not, 'low THC oil' means an oil~~ that contains an amount of
 88 cannabidiol and not more than ~~5 percent~~ 50 percent by weight of tetrahydrocannabinol,
 89 tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and
 90 tetrahydrocannabinolic acid which does not contain plant material exhibiting the external
 91 morphological features of the plant of the genus Cannabis. Such term shall not ~~mean~~
 92 include:

93 (A) Products ~~products~~ approved by the federal Food and Drug Administration under
 94 Section 505 of the federal Food, Drug, and Cosmetic Act; or

95 (B) Hemp or hemp products, as defined in Code Section 2-23-3.

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

97 (3) 'Registered patient' shall have the same meaning as set forth in Code
 98 Section 16-12-200.

99 16-12-191.

100 (a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
 101 person to possess, purchase, or have under his or her control ~~20 fluid ounces~~ 2.0 ounces
 102 or less of ~~low THC oil~~ medical cannabis or a product or products containing an
 103 equivalent amount of medical cannabis if such ~~substance~~ medical cannabis or product or
 104 products is in a pharmaceutical container labeled by the manufacturer indicating the
 105 percentage of tetrahydrocannabinol therein and:

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

109 (B) Such person has in his or her possession a registration card issued by another state
 110 that allows the same possession of ~~low THC oil~~ medical cannabis as provided by this
 111 state's law; provided, however, that such registration card shall not be lawful authority
 112 when such person has been present in this state for 45 days or more.

113 (2) Notwithstanding any provision of Chapter 13 of this title, any person registered
114 patient who possesses, purchases, or has under his or her control ~~20 fluid ounces~~ 2.0
115 ounces or less of ~~low-THC oil~~ medical cannabis or a product or products containing an
116 equivalent amount of medical cannabis without complying with paragraph (1) of this
117 subsection shall be punished as for a misdemeanor.

118 (b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
119 person to possess, purchase, or have under his or her control ~~20 fluid ounces~~ 2.0 ounces
120 or less of ~~low-THC oil~~ medical cannabis or a product or products containing an
121 equivalent amount of medical cannabis if:

122 (A) Such person is involved in a clinical research program being conducted by the
123 Board of Regents of the University System of Georgia or any authorized clinical trial
124 or research study in this state or their authorized agent as:

- 125 (i) A program participant;
- 126 (ii) A parent, guardian, or legal custodian of a program participant;
- 127 (iii) An employee of the board of regents designated to participate in the research
128 program;
- 129 (iv) A program agent;
- 130 (v) A program collaborator and their designated employees;
- 131 (vi) A program supplier and their designated employees;
- 132 (vii) A program physician;
- 133 (viii) A program clinical researcher;
- 134 (ix) Program pharmacy personnel; or
- 135 (x) Other program medical personnel; and

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

139 (2) Notwithstanding any provision of Chapter 13 of this title, any such person who
140 possesses, purchases, or has under his or her control ~~20 fluid ounces~~ 2.0 ounces or less
141 of ~~low THC oil~~ medical cannabis or a product or products containing an equivalent
142 amount of medical cannabis without complying with ~~subparagraphs (A), (B), and (C)~~ of
143 paragraph (1) of this subsection shall be punished as for a misdemeanor.

144 ~~(c) Notwithstanding any provision of Chapter 13 of this title, any person~~ Any registered
145 patient having possession of, purchasing, or having under his or her control more than 20
146 ~~fluid ounces~~ 2.0 ounces of ~~low THC oil~~ but less than 160 fluid ounces of ~~low THC oil~~ or
147 who manufactures, distributes, dispenses, sells, purchases, or possesses with the intent to
148 ~~distribute low THC oil~~ shall be guilty of a felony and, upon conviction thereof, shall be
149 ~~punished by imprisonment for not less than one year nor more than ten years, a fine not to~~
150 ~~exceed \$50,000.00, or both~~ medical cannabis or a product or products containing an
151 equivalent amount of medical cannabis shall be subject to the penalties set forth in Chapter
152 13 of this title.

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

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

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

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

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

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

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

181 **SECTION 3-2.**

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

184 "16-12-200.

185 As used in this article, the term:

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

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

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

- 191 (4) 'Class 2 production license' means a license to produce and manufacture ~~low-THC~~
192 ~~oil~~ medical cannabis and products issued pursuant to Code Section 16-12-212.
- 193 (5) 'Commission' means the Georgia Access to Medical Cannabis Commission created
194 pursuant to Code Section 16-12-202.
- 195 (6) 'Designated universities' means the University of Georgia and Fort Valley State
196 University.
- 197 (7) 'Designated university license' means a license issued by the commission pursuant
198 to this article to a designated university to, separately or jointly, produce, manufacture,
199 and purchase ~~low-THC oil~~ medical cannabis and products in accordance with this article.
- 200 (8) 'Dispense' means the sale or provision of ~~low-THC oil~~ medical cannabis and products
201 to registered patients by a dispensing licensee.
- 202 (9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy
203 or the commission pursuant to Code Section 16-12-206 to dispense ~~low-THC oil~~ medical
204 cannabis and products to registered patients.
- 205 (10) 'Grow' means cultivating and harvesting cannabis for use in producing ~~low-THC oil~~
206 medical cannabis and products.
- 207 (11) 'Licensee' means any business, or owner of such business, with a valid license
208 issued pursuant to this article.
- 209 (12) ~~'Low-THC oil' shall have the same meaning as set forth in Code Section 16-12-190.~~
- 210 (13) 'Manufacture' means to process cannabis to produce ~~low-THC oil~~ medical cannabis
211 and products.
- 212 (14) 'Medical cannabis' shall have the same meaning as set forth in Code
213 Section 16-12-190.
- 214 (15) 'Owner' means any person who directly or indirectly owns, actually or beneficially,
215 or controls 5 percent or greater of interests of the applicant or any licensee. In the event
216 that one person owns a beneficial right to interests and another person holds the voting

217 rights with respect to such interests, then both shall be considered an owner of such
218 interests.

219 (15) 'Product' means all products that are derived from, or made by, processing medical
220 cannabis and that are prepared in a form available for commercial sale, including medical
221 cannabis low-THC oil delivered through an oil; or tincture, transdermal patch, lotion, or
222 capsule, except as prohibited by Code Section 16-12-234; but not including:

223 (A) Hemp products;

224 (B) Any any food products infused with low-THC oil containing medical cannabis,
225 including, but not limited to, cookies; and candies; or

226 (C) Raw plant material or any products containing raw plant material, or edibles.

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

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

233

SECTION 3-3.

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

237 "16-12-203.

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

239 (1) To apply for, receive, and administer state funds appropriated to the commission,
240 private grants and donations, and other funds and donations. The commission's annual
241 distributions shall be capped and limited to funds received from the sources specified in

242 this paragraph. The commission shall ensure that its funds are not used as a supplement
243 or secondary payor to any other third-party payor;

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

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

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

259 (5) To establish procedures for inspecting production facilities operated by designated
260 universities;

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

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

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

- 268 (9) To study the provision of ~~low-THC oil~~ medical cannabis and products in this state to
269 determine the best practices and methods of providing such services, to determine what
270 changes are needed to improve the provision of ~~low-THC oil~~ medical cannabis and
271 products, and to report any proposed legislative changes to the General Assembly each
272 year;
- 273 (10) To coordinate its activities with the Department of Public Health;
- 274 (10.1) To engage in public awareness activities concerning the medical cannabis
275 program in this state and effective uses of medical cannabis and products, including, but
276 not limited to, publishing materials and conducting outreach and public education
277 activities to inform members of the public, law enforcement, and healthcare providers
278 about the medical cannabis program in this state and the potential benefits that medical
279 cannabis and products may have to eligible patients;
- 280 (11) To employ an executive director and other staff and to establish duties and
281 responsibilities of such persons;
- 282 (12) To employ and manage consultants, as deemed necessary, in order to fulfill its
283 duties and responsibilities under this article;
- 284 (13) To review new treatment and delivery methods for ~~low-THC oil~~ medical cannabis
285 and products that may result from medical research and are not otherwise inconsistent
286 with this article, and recommend statutory changes to the General Assembly to authorize
287 such treatment and delivery methods and products;
- 288 (14) To be responsible for the noncriminal enforcement of the provisions of this article
289 and to have all of the necessary duties, power, and authority to carry out such
290 responsibility;
- 291 (15) To be authorized to draft, adopt, amend, repeal, and enforce such rules and
292 regulations as it deems necessary for the administration and enforcement of this article
293 in the protection of public health, safety, and welfare;
- 294 (16) To enforce qualifications for licensure; and

295 (17) To levy fines for failure by a Class 1 production licensee, Class 2 production
296 licensee, or dispensing licensee to operate in accordance with rules and regulations
297 established by the commission within 14 days of written notice by the commission of
298 specific violations. Such fines shall not exceed \$25,000.00 for a first offense, \$50,000.00
299 for a failure to remedy the offense within 60 days after written notice of a first offense,
300 and \$75,000.00 for subsequent failures to remedy noncompliance within 90 days after
301 written notice of a first offense. Following a third written notice of a recurring violation,
302 the commission may also order a licensee to cease operations for a period of up to 30
303 days to correct the violation. Any such fines or orders to cease operations shall be subject
304 to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

305

SECTION 3-4.

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

309 "16-12-215.

310 (a) No licensee shall operate in any location, whether for cultivation, harvesting, and
311 processing of marijuana or for processing, manufacturing, packaging, or distributing ~~to~~
312 ~~THC or~~ medical cannabis or products, within a 3,000 foot radius of a covered entity,
313 measured from property boundary to property boundary. No dispensing licensee may
314 operate in any location within a 1,000 foot radius of a covered entity, measured from
315 property boundary to property boundary. Notwithstanding the provisions of this
316 subsection, local governments may, via use of existing zoning powers otherwise provided
317 by law, allow dispensing licensees only to locate in places other than those provided in this
318 subsection so long as such modification is needed to allow retail outlets to be established
319 to service registered patients residing within such local jurisdiction. As used in this
320 subsection, the term 'covered entity' means a public or private school; an early care and

321 education program as defined in Code Section 20-1A-2; or a church, synagogue, or other
 322 place of public religious worship, in existence prior to the date of licensure of such licensee
 323 by the commission or State Board of Pharmacy.

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

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

329 (A) Regarding ~~regarding~~ its ~~low THC oil~~ medical cannabis and products directly to
 330 physicians and healthcare providers; and

331 (B) About the legal and safe uses of medical cannabis and products to registered
 332 patients or the public.

333 (3) Any information provided by a licensee pursuant to paragraph (2) of this subsection
 334 shall not:

335 (A) Include any medical claim, unless such claim is supported by reliable scientific
 336 evidence;

337 (B) Make any false or misleading claim; or

338 (C) Be attractive to children or otherwise directly or indirectly targeted to individuals
 339 under 21 years of age. For purposes of this subparagraph, the term 'attractive to
 340 children' shall have the same meaning as set forth in Code Section 2-23-3."

341 **SECTION 3-5.**

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

344 "16-12-225.

345 (a) A licensee or licensee's employee who knowingly or willfully encourages, causes,
 346 abets, connives, conspires, or aids in the endangerment of patients, trafficking of ~~low THC~~

347 ~~oil~~ medical cannabis, products, or its manufacturing by-products, or criminal distribution
 348 of raw materials and agricultural inputs, including but not limited to seeds, under this part
 349 shall be guilty of a felony and, upon conviction thereof, be punished by a fine not to exceed
 350 \$100,000.00, imprisonment for not less than five nor more than ten years, or both.

351 (b) Any person whose acts or omissions of gross, willful, or wanton negligence contribute
 352 to or cause the endangerment of patients, trafficking of ~~low-THC oil~~ medical cannabis,
 353 products, or its manufacturing by-products, or criminal distribution of raw materials and
 354 agricultural inputs, including but not limited to seeds, under this part shall be guilty of a
 355 misdemeanor of a high and aggravated nature and, upon conviction thereof, be punished
 356 by a fine of up to \$5,000.00, imprisonment for up to 12 months, or both.

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

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

363

SECTION 3-6.

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

366 "16-12-231.

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

- 372 (1) A registered patient who is in possession of an amount of ~~low-THC oil~~ medical
373 cannabis or products authorized under Code Section 16-12-191 or such patient's
374 caregiver, parent, or guardian;
- 375 (2) A physician who certifies a patient to the Department of Public Health as being
376 diagnosed with a condition or in a hospice program and authorized to use ~~low-THC oil~~
377 medical cannabis or products for treatment pursuant to Code Section 31-2A-18;
- 378 (3) A pharmacist or pharmacy that dispenses or provides ~~low-THC oil~~ medical cannabis
379 or products to a registered patient;
- 380 (4) The commission or its employees or contractors associated with the production of
381 ~~low-THC oil~~ medical cannabis or products in accordance with this article;
- 382 (5) A designated university, an employee of a designated university, or any other person
383 associated with the production of ~~low-THC oil~~ medical cannabis or products in
384 accordance with this article; and
- 385 (6) A licensee or an ~~An~~ employee, contractor, or agent of a licensee with proper
386 identification associated with the production, manufacture, distribution, transport, or sale
387 of ~~low-THC oil~~ medical cannabis or products in accordance with this article."

388

SECTION 3-7.

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

392

SECTION 3-8.

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

396 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
397 not, the seeds thereof, the resin extracted from any part of such plant, and every
398 compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
399 or resin, but shall not include samples as described in subparagraph (P) of paragraph (3)
400 of Code Section 16-13-25; shall not include the completely defoliated mature stalks of
401 such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized
402 samples of seeds of the plant which are incapable of germination; and shall not include
403 hemp or hemp products, as such terms are defined in Code Section 2-23-3, or medical
404 cannabis or products, as such terms are defined in Code Sections 16-12-190 and
405 16-12-200, respectively, when in the possession or control of a person authorized to
406 possess and control such medical cannabis or products under the provisions of Article 8
407 or Article 9 of Chapter 12 of this title. Such term shall not include products approved by
408 the federal Food and Drug Administration under Section 505 of the federal Food, Drug,
409 and Cosmetic Act."

410 **SECTION 3-9.**

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

413 "(P) Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of
414 tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant
415 material exhibiting the external morphological features of the plant of the genus
416 Cannabis, but not including such substance when found in hemp or hemp products, as
417 such terms are defined in Code Section 2-23-3, or in medical cannabis or products, as
418 such terms are defined in Code Sections 16-12-190 and 16-12-200, respectively, when
419 in the possession or control of a person authorized to possess or control such medical
420 cannabis or products under the provisions of Article 8 or Article 9 of Chapter 12 of this

421 title. Tetrahydrocannabinols do not include products approved by the federal Food and
 422 Drug Administration under Section 505 of the federal Food, Drug, and Cosmetic Act;"

423 **SECTION 3-10.**

424 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
 425 general provisions relative to the Department of Public Health, is amended in Code
 426 Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver
 427 forms, and annual review and recommendations, by revising paragraph (3) of subsection (a)
 428 as follows:

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

433 (A) Any cancer except skin cancer, unless it is metastatic skin cancer ~~Cancer when such~~
 434 ~~disease is diagnosed as end stage or the treatment produces related wasting illness or~~
 435 ~~recalcitrant nausea and vomiting;~~

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

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

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

440 (E) ~~Crohn's disease~~ Inflammatory bowel disease;

441 (F) Mitochondrial disease;

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

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

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

- 445 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
446 least 18 years of age, or severe autism, when diagnosed for a patient who is less than
447 18 years of age;
- 448 (K) Epidermolysis bullosa;
- 449 (L) Alzheimer's disease, ~~when such disease is diagnosed as severe or end stage;~~
- 450 (M) Acquired immune deficiency syndrome, ~~when such syndrome is diagnosed as~~
451 ~~severe or end stage;~~
- 452 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe ~~or end stage;~~
- 453 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing
454 of a trauma for a patient who is at least 18 years of age; ~~or~~
- 455 (P) Intractable pain; or
- 456 (Q) Lupus."

457

PART IV

458

SECTION 4-1.

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