

Senate Bill 254

By: Senator Cowser of the 46th

AS PASSED SENATE

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 prohibit the sale of consumable hemp beverages that contain
3 THC; to provide milligram limits on THC in consumable hemp products; to provide for a
4 definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp
8 Farming Act," is amended in Code Section 2-23-3, relating to definitions, by adding a new
9 paragraph to read as follows:

10 "(28.1) 'Total THC' means delta-8-tetrahydrocannabinol, delta-9-THC,
11 delta-10-tetrahydrocannabinol, or any combination thereof."

12 **SECTION 2.**

13 Said chapter is further amended by revising Code Section 2-23-9.2, relating to consumable
14 hemp products, packaging, advertising, and distribution, as follows:

15 "2-23-9.2.

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

18 (1) Is not attractive to children;

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

21 (3) Does not infringe on any trade dress, trademarks, branding, or other related materials
22 as described in Code Section 10-1-450 or in Chapter 22 of Title 15 of the United States
23 Code; and

24 (4) Is tamper evident and child resistant.

25 (b) No consumable hemp product shall be advertised in this state in any manner that:

26 (1) Is attractive to children;

27 (2) Bears a reasonable resemblance to any existing candy, snack, or other food product
28 that is widely distributed and familiar to the public;

29 (3) Infringes on any trade dress, trademarks, branding, or other related materials as
30 described in Code Section 10-1-450 or in Chapter 22 of Title 15 of the United States
31 Code; or

32 (4) Suggests that such product constitutes or contains low THC oil, as such term is
33 defined in Code Section 16-12-190, or otherwise constitutes or contains medical
34 marijuana or medical cannabis.

35 (c)(1) As used in this subsection, the term:

36 (A) 'Food product' means any product intended to be consumed by humans for physical
37 subsistence; provided, however, that such term shall not include gummies, consumable
38 base oils, or products that constitute drinks or beverages.

39 (B) 'Gummy' means a gelatinous substance in the form of a cube, sphere, prismatic,
40 ovoid, or other shape that is designed for human ingestion.

41 (2) No consumable hemp product shall be sold or otherwise distributed in this state if
42 such product constitutes or is a component of:

43 (A) A food product; or

44 (B) A drink or beverage that:

45 (i) Contains ~~contains~~ alcohol or constitutes an alcoholic beverage under Title 3; or

46 (ii) Contains THC.

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

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

53 (A) Ten milligrams of total THC per serving; or

54 (B) 150 milligrams of total THC per container.

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

58 (3) No consumable hemp product that constitutes a tincture shall be sold or otherwise
59 distributed in this state if such product:

60 (A) Has more than one milligram of total THC per one milliliter of liquid, or the
61 proportionate equivalent thereof; or

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

63 **SECTION 3.**

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