

Senate Bill 395

By: Senators Kirkpatrick of the 32nd, Watson of the 1st, Hufstetler of the 52nd, Brass of the 6th, Albers of the 56th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the
2 Department of Public Health, so as to require a physician to submit certain information to the
3 Georgia Composite Medical Board when certifying an individual as eligible for the Low
4 THC Oil Patient Registry; to provide for annual reporting; to authorize the Department of
5 Public Health to disclose certain information; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department
10 of Public Health, is amended by revising subsections (e) and (f) of Code Section 31-2A-18,
11 relating to the Low THC Oil Patient Registry, registration cards, reports, waiver forms, and
12 annual review and recommendations, as follows:

13 "(e) The board shall require physicians to issue ~~semiannual~~ annual reports to the board.
14 Such reports shall require physicians to provide sufficient information, ~~including, but not~~
15 ~~limited to, dosages recommended for a particular condition, patient clinical responses,~~
16 ~~levels of tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results,~~
17 ~~compliance, responses to treatment, side effects, and drug interactions. Such reports shall~~

18 ~~be used for research purposes to determine the efficacy of the use of low THC oil as a~~
19 ~~treatment for conditions~~ for the board to confirm that the physician has a doctor-patient
20 relationship with the patient and that such physician is treating such patient for the specific
21 condition requiring treatment or is treating such patient in a hospice program.

22 (f) Information received and records kept by the department for purposes of administering
23 this Code section shall be confidential; provided, however, that such information shall be
24 disclosed, subject to the provisions of the federal Health Insurance Portability and
25 Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

26 (1) Upon written request of an individual or caregiver registered pursuant to this Code
27 section for information related to the individual or his or her caregiver;

28 (2) To peace officers and prosecuting attorneys for the purpose of:

29 (A) Verifying that an individual in possession of a registration card is registered
30 pursuant to this Code section; or

31 (B) Determining that an individual in possession of low THC oil is registered pursuant
32 to this Code section; and

33 (3) To government entities and other entities for statistical, research, educational,
34 instructional, drug abuse prevention, or grant application purposes after removing all
35 personal identifiers from the health information and removing all information that could
36 be used to identify ~~prescribers~~ physicians; and

37 (4) To the board or other state licensing boards for investigatory, compliance, or
38 disciplinary purposes."

39 **SECTION 2.**

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