

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

AS PASSED

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 relating to medical cannabis; to clarify and revise
7 exemptions to criminal penalties; to revise the duties of the Georgia Access to Medical
8 Cannabis Commission; to provide for the provision of certain information by licensees; to
9 provide limitations on the provision of such information; to revise the prohibition on certain
10 manners of ingesting medical cannabis; to exclude the lawful possession and control of
11 medical cannabis from the provisions of the "Georgia Controlled Substances Act;" to revise
12 the list of diagnosed conditions for which a medical cannabis registration card can be issued;
13 to revise provisions related to registration card renewal; to provide for conforming changes;
14 to provide for definitions; to provide a short title; to provide for related matters; to repeal
15 conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

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

PART II**SECTION 2-1.**

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

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

SECTION 2-2.

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

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

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

64 **SECTION 2-3.**

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

69 **PART III**70 **SECTION 3-1.**

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

74 **"ARTICLE 8**

75 16-12-190.

76 As used in this article, the term:

77 (1) 'Medical cannabis' means any plant within the genus Cannabis and any part of such
 78 plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of
 79 isomers, whether growing or not, 'low THC oil' means an oil that contains an amount of
 80 cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol,
 81 tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and
 82 tetrahydrocannabinolic acid which does not contain plant material exhibiting the external
 83 morphological features of the plant of the genus Cannabis. Such term shall not mean
 84 include:

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

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

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

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

91 16-12-191.

92 (a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
 93 person to possess, purchase, or have under his or her control ~~20 fluid ounces or less of~~
 94 ~~low THC oil~~ a product or products containing a cumulative total of 12,000 milligrams or
 95 less of tetrahydrocannabinol if such ~~substance is~~ product or products are in a
 96 pharmaceutical container labeled by the manufacturer indicating the percentage amount
 97 of milligrams of tetrahydrocannabinol therein and:

98 (A) Such person is a registered patient ~~with the Department of Public Health as set~~
 99 ~~forth in Code Section 31-2A-18~~ and has in his or her possession a physical or electronic
 100 registration card issued by the Department of Public Health pursuant to Code Section
 101 31-2A-18; or

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

106 (2) Notwithstanding any provision of Chapter 13 of this title, any person registered
 107 patient who possesses, purchases, or has under his or her control ~~20 fluid ounces or less~~
 108 ~~of low THC oil~~ a product or products containing a cumulative total of 12,000 milligrams
 109 or less of tetrahydrocannabinol without complying with paragraph (1) of this subsection
 110 shall be punished as for a misdemeanor.

111 (b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
 112 person to possess, purchase, or have under his or her control ~~20 fluid ounces or less of~~

113 ~~low-THC oil~~ a product or products containing a cumulative total of 12,000 milligrams or
 114 less of tetrahydrocannabinol if:

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

- 118 (i) A program participant;
- 119 (ii) A parent, guardian, or legal custodian of a program participant;
- 120 (iii) An employee of the board of regents designated to participate in the research
 121 program;
- 122 (iv) A program agent;
- 123 (v) A program collaborator and ~~their~~ its designated employees;
- 124 (vi) A program supplier and ~~their~~ its designated employees;
- 125 (vii) A program physician;
- 126 (viii) A program clinical researcher;
- 127 (ix) Program pharmacy personnel; or
- 128 (x) Other program medical personnel; and

129 (B) Such ~~substance is~~ product or products are in a pharmaceutical container labeled by
 130 the manufacturer indicating the ~~percentage~~ amount of tetrahydrocannabinol therein.

131 (2) Notwithstanding any provision of Chapter 13 of this title, any such person who
 132 possesses, purchases, or has under his or her control ~~20 fluid ounces or less of low-THC~~
 133 ~~oil~~ a product or products containing a cumulative total of 12,000 milligrams or less of
 134 tetrahydrocannabinol without complying with ~~subparagraphs (A), (B), and (C)~~ of
 135 paragraph (1) of this subsection shall be punished as for a misdemeanor.

136 (c) ~~Notwithstanding any provision of Chapter 13 of this title, any person~~ Any registered
 137 patient having possession of, purchasing, or having under his or her control ~~more than 20~~
 138 ~~fluid ounces of low-THC oil but less than 160 fluid ounces of low-THC oil~~ or who
 139 ~~manufactures, distributes, dispenses, sells, purchases, or possesses with the intent to~~

140 ~~distribute low THC oil shall be guilty of a felony and, upon conviction thereof, shall be~~
141 ~~punished by imprisonment for not less than one year nor more than ten years, a fine not to~~
142 ~~exceed \$50,000.00, or both a product or products containing a cumulative total of more~~
143 ~~than 12,000 milligrams of tetrahydrocannabinol shall be subject to the penalties set forth~~
144 ~~in Chapter 13 of this title.~~

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

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

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

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

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

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

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

173 **SECTION 3-2.**

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

176 "16-12-200.

177 As used in this article, the term:

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

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

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

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

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

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

189 (7) 'Designated university license' means a license issued by the commission pursuant
 190 to this article to a designated university to, separately or jointly, produce, manufacture,
 191 and purchase ~~low-THC oil~~ medical cannabis and products in accordance with this article.

192 (8) 'Dispense' means the sale or provision of ~~low THC oil~~ medical cannabis and products
193 to registered patients by a dispensing licensee.

194 (9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy
195 or the commission pursuant to Code Section 16-12-206 to dispense ~~low THC oil~~ medical
196 cannabis and products to registered patients.

197 (10) 'Grow' means cultivating and harvesting cannabis for use in producing ~~low THC oil~~
198 medical cannabis and products.

199 (11) 'Licensee' means any business, or owner of such business, with a valid license
200 issued pursuant to this article.

201 (12) ~~'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.~~

202 ~~(13)~~ 'Manufacture' means to process cannabis to produce ~~low THC oil~~ medical cannabis
203 and products.

204 (13) 'Medical cannabis' shall have the same meaning as set forth in Code
205 Section 16-12-190.

206 (14) 'Owner' means any person who directly or indirectly owns, actually or beneficially,
207 or controls 5 percent or greater of interests of the applicant or any licensee. In the event
208 that one person owns a beneficial right to interests and another person holds the voting
209 rights with respect to such interests, then both shall be considered an owner of such
210 interests.

211 (15) 'Product' means any item that contains medical cannabis, or is derived from or made
212 by processing medical cannabis, that is prepared in a form available for commercial sale
213 and does not contain more than 1,200 milligrams of tetrahydrocannabinol in an individual
214 package. ~~low THC oil delivered through an oil, tincture, transdermal patch, lotion, or~~
215 ~~capsule, except as prohibited by Code Section 16-12-234, but not including~~ Such term
216 shall not include:

217 (A) Hemp products; or

218 (B) ~~Any any~~ food products ~~infused with low THC oil~~ containing medical cannabis,
 219 including, ~~but not limited to~~, cookies; and candies; ~~or edibles~~.

220 (16) 'Registered patient' means an individual or his or her caregiver who is legally
 221 authorized to possess and use ~~low THC oil~~ medical cannabis and products pursuant to
 222 Code Section 31-2A-18.

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

227 SECTION 3-3.

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

231 "16-12-203.

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

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

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

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

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

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

253 (5) To establish procedures for inspecting production facilities operated by designated
254 universities;

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

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

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

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

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

268 (10.1) To engage in public awareness activities concerning the medical cannabis
269 program in this state and effective uses of medical cannabis and products, including, but
270 not limited to, publishing materials and conducting outreach and public education

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

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

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

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

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

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

288 (16) To enforce qualifications for licensure; and

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

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

299 **SECTION 3-4.**

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

303 "16-12-215.

304 (a) No licensee shall operate in any location, whether for cultivation, harvesting, and
 305 processing of marijuana or for processing, manufacturing, packaging, or distributing ~~low~~
 306 ~~THC or~~ medical cannabis or products, within a 3,000 foot radius of a covered entity,
 307 measured from property boundary to property boundary. ~~No dispensing licensee may~~
 308 ~~operate in any location within a 1,000 foot radius of a covered entity, measured from~~
 309 ~~property boundary to property boundary~~ On and after July 1, 2026, no dispensing license
 310 shall be issued for any location in which the retail sale of distilled spirits would be
 311 prohibited under paragraph (1) of subsection (a) of Code Section 3-3-21; provided,
 312 however, that this shall not apply to a license issued by the State Board of Pharmacy.
 313 Notwithstanding the provisions of this subsection, local governments may, via use of
 314 existing zoning powers otherwise provided by law, allow dispensing licensees only to
 315 locate in places other than those provided in this subsection so long as such modification
 316 is needed to allow retail outlets to be established to service registered patients residing
 317 within such local jurisdiction. As used in this subsection, the term 'covered entity' means
 318 a public or private school; an early care and education program as defined in Code Section
 319 20-1A-2; or a church, synagogue, or other place of public religious worship, in existence
 320 prior to the date of licensure of such licensee by the commission or State Board of
 321 Pharmacy.

322 (b)(1) Except as provided in paragraph (2) of this subsection, no ~~No~~ licensee shall
 323 advertise or market ~~low THC oil~~ medical cannabis or products to registered patients or
 324 the public.

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

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

328 ~~(B) About the legal and safe uses of medical cannabis and products to registered~~
 329 patients.

330 ~~(3) Any information provided by a licensee pursuant to paragraph (2) of this subsection~~
 331 shall not:

332 ~~(A) Include any medical claim, unless such claim is supported by reliable scientific~~
 333 evidence;

334 ~~(B) Make any false or misleading claim; or~~

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

338 SECTION 3-5.

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

341 "16-12-225.

342 (a) A licensee or licensee's employee who knowingly or willfully encourages, causes,
 343 abets, connives, conspires, or aids in the endangerment of patients, trafficking of ~~low THC~~
 344 ~~oil~~ medical cannabis, products, or its manufacturing by-products, or criminal distribution
 345 of raw materials and agricultural inputs, including but not limited to seeds, under this part
 346 shall be guilty of a felony and, upon conviction thereof, be punished by a fine not to exceed
 347 \$100,000.00, imprisonment for not less than five nor more than ten years, or both.

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

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

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

360 **SECTION 3-5A.**

361 Said chapter is further amended by revising Code Section 16-12-230, relating to
362 requirements for dispensing low THC oil and products, as follows:

363 "16-12-230.

364 (a) ~~Low THC oil and~~ Medical cannabis or products shall only be dispensed to registered
365 patients or caregivers in this state by a dispensing licensee or directly from the commission
366 pursuant to this article.

367 (b) A pharmacist who dispenses ~~low THC oil~~ medical cannabis or products shall seek and
368 review information on a registered patient from the prescription drug monitoring program
369 data base established pursuant to Code Section 16-13-57 prior to dispensing ~~low THC oil~~
370 medical cannabis or products to the registered patient."

371 **SECTION 3-6.**

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

374 "16-12-231.

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

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

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

386 (3) A pharmacist or pharmacy that dispenses or provides ~~low-THC oil~~ medical cannabis
387 ~~or products to a registered patient;~~ or products to a registered patient, or such patient's
388 caregiver, parent, or guardian;

389 (4) The commission or its employees or contractors associated with the production of
390 ~~low-THC oil~~ medical cannabis or products in accordance with this article;

391 (5) A designated university, an employee of a designated university, or any other person
392 associated with the production of ~~low-THC oil~~ medical cannabis or products in
393 accordance with this article; and

394 (6) A licensee or an An employee, contractor, or agent of a licensee with proper
395 identification associated with the production, manufacture, distribution, transport, or sale
396 of ~~low-THC oil~~ medical cannabis or products in accordance with this article."

397 **SECTION 3-7.**

398 Said chapter is further amended by revising Code Section 16-12-234, relating to unlawful
399 ways to ingest low THC oil or products, as follows:

400 "16-12-234.

401 (a) It shall be unlawful to ingest ~~low THC oil~~ medical cannabis or products:

402 (1) Through smoking or combustion of medical cannabis by any individual; provided,
403 however, that such prohibition shall not include the vaporization of medical cannabis,
404 except as otherwise provided in paragraph (2) of this Code section;

405 (2) Through vaporization of medical cannabis by any individual 21 years of age or
406 younger; or

407 (3) In any manner in any public place by any individual in a manner that employs a
408 heating element, power source, electronic circuit, or other electronic, chemical, or
409 mechanical means, regardless of shape or size, that can be used to produce vapor in a
410 solution or other form, including but not limited to any electronic cigarette, electronic
411 cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor
412 cartridge or other container of low THC oil or product in a solution or other form that is
413 intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,
414 electronic pipe, or similar product or device.

415 (b) The department shall promulgate rules and regulations to implement the provisions of
416 this Code section no later than January 1, 2027."

417 **SECTION 3-8.**

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

421 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
422 not, the seeds thereof, the resin extracted from any part of such plant, and every

423 compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
424 or resin, but shall not include samples as described in subparagraph (P) of paragraph (3)
425 of Code Section 16-13-25; shall not include the completely defoliated mature stalks of
426 such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized
427 samples of seeds of the plant which are incapable of germination; and shall not include
428 hemp or hemp products, as such terms are defined in Code Section 2-23-3, or medical
429 cannabis or products, as such terms are defined in Code Sections 16-12-190 and
430 16-12-200, respectively, when in the possession or control of a person authorized to
431 possess and control such medical cannabis or products under the provisions of Article 8
432 or Article 9 of Chapter 12 of this title. Such term shall not include drug products
433 approved by the federal Food and Drug Administration under Section 505 of the federal
434 Food, Drug, and Cosmetic Act."

435 **SECTION 3-9.**

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

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

449

SECTION 3-10.

450 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
 451 general provisions relative to the Department of Public Health, is amended by revising Code
 452 Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver
 453 forms, and annual review and recommendations, as follows:

454 "31-2A-18.

455 (a) As used in this Code section, the term:

456 (1) 'Board' means the Georgia Composite Medical Board.

457 (2) 'Caregiver' means:

458 (A) A the parent, guardian, or legal custodian of an individual a patient who is less than
 459 18 years of age or the legal guardian of an adult;

460 (B) An adult who is designated by a patient as being an individual authorized to
 461 provide assistance, and who is willing to provide such assistance, with purchasing,
 462 possessing, and administering medical cannabis or products for such patient's use; or

463 (C) A health care institution as defined in Code Section 51-1-29.6 where a patient is
 464 receiving health or medical care for a condition and where such institution agrees to
 465 allow such patient to possess and use medical cannabis or products on such institution's
 466 premises.

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

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

474 (B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end
 475 stage;

- 476 (C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;
- 477 (D) Multiple sclerosis, ~~when such disease is diagnosed as severe or end stage;~~
- 478 (E) ~~Crohn's disease~~ Inflammatory bowel disease;
- 479 (F) Mitochondrial disease;
- 480 (G) Parkinson's disease, ~~when such disease is diagnosed as severe or end stage;~~
- 481 (H) Sickle cell disease, ~~when such disease is diagnosed as severe or end stage;~~
- 482 (I) Tourette's syndrome, ~~when such syndrome is diagnosed as severe;~~
- 483 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
- 484 least 18 years of age, or severe autism, when diagnosed for a patient who is less
- 485 than 18 years of age;
- 486 (K) Epidermolysis bullosa;
- 487 (L) Alzheimer's disease, ~~when such disease is diagnosed as severe or end stage;~~
- 488 (M) ~~Acquired immune deficiency syndrome~~ Human immunodeficiency virus, when
- 489 such ~~syndrome~~ disease is diagnosed as ~~severe or end stage~~ Stage III;
- 490 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe ~~or end stage~~;
- 491 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing
- 492 of a trauma for a patient who is at least 18 years of age; ~~or~~
- 493 (P) Intractable pain; or
- 494 (Q) Lupus.
- 495 (4) 'Department' means the Department of Public Health.
- 496 (5) 'Intractable pain' means pain that has a cause that cannot be removed and for which,
- 497 according to generally accepted medical practice, the full range of pain management
- 498 modalities appropriate for the patient has been used for a period of at least six months
- 499 without adequate results or with intolerable side effects.
- 500 (6) ~~Low-THC oil~~ Medical cannabis shall have the same meaning as set forth in Code
- 501 Section 16-12-190.

502 (7) 'Physician' means an individual licensed to practice medicine pursuant to Article 2
503 of Chapter 34 of Title 43 and whose principal place of practice is located in this state.

504 (8) 'Registry' means the ~~Low-THC Oil~~ Medical Cannabis Patient Registry.

505 (b) There is established within the department the ~~Low-THC Oil~~ Medical Cannabis Patient
506 Registry.

507 (c) The purpose of the registry is to provide a registration of ~~individuals~~ patients and
508 caregivers who have been issued registration cards. The department shall establish
509 procedures and promulgate rules and regulations for the establishment and operation of the
510 registration process and dispensing of registry cards to individuals and caregivers. The
511 department shall not promulgate any rules or regulations or impose any excessive or
512 unnecessary fees relating to the issuance of registration cards that would unduly burden
513 access to medical cannabis or products by patients and caregivers.

514 (d) The department shall issue a registration card to any ~~individual~~ patient who has been
515 certified to the department by his or her physician as being diagnosed with a condition or
516 is an inpatient or outpatient in a hospice program and has been authorized by such
517 physician to use ~~low-THC oil~~ medical cannabis as treatment. The department shall issue
518 a registration card to a caregiver ~~when the circumstances warrant the issuance of such card~~
519 on behalf of a patient if such individual or entity meets the criteria in subparagraph (A),
520 (B), or (C) of paragraph (2) of subsection (a) of this Code section with respect to such
521 patient. The board shall establish procedures and promulgate rules and regulations to assist
522 physicians in providing required uniform information relating to certification and any other
523 matter relating to the issuance of certifications. In promulgating such rules and regulations,
524 the board shall require that physicians have a doctor-patient relationship when certifying
525 an individual as needing ~~low-THC oil~~ medical cannabis and physicians shall be required
526 to be treating such ~~individual~~ patient for the specific condition requiring such treatment or
527 to be treating such ~~individual~~ patient in a hospice program. A physician shall seek and review
528 information about a patient from the prescription drug monitoring program data base

529 established pursuant to Code Section 16-13-57 prior to certifying such patient to the
530 department ~~as being diagnosed with a specific condition that requires the use of low-THC~~
531 ~~oil as treatment~~. A registration card issued pursuant to this Code section shall be valid for
532 five years from the date of issuance regardless of the patient's nonuse so long as the
533 ~~individual patient~~ or caregiver remains eligible for receipt of such card based on an annual
534 certification of the continued diagnosis of such individual patient with a condition;
535 provided, however, that patients with incurable or irreversible conditions shall not be
536 subject to such annual certifications. ~~If the individual or caregiver requests delivery of the~~
537 ~~registration card, the department shall deliver such card either via certified mail or by~~
538 ~~secure electronic means, including email.~~ The department shall issue an electronic
539 registration card, physical registration card, or both, at the sole election of each patient or
540 caregiver; provided, however, that the issuance of electronic registration cards shall be
541 subject to appropriations. Electronic registration cards shall allow for immediate purchase
542 of medical cannabis or products upon receipt of an eligible application for a registration
543 card.

544 (e) The board shall require physicians to issue semiannual reports to the board. Such
545 reports shall require physicians to provide information, including, but not limited to,
546 dosages recommended for a particular condition, patient clinical responses, levels of
547 tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance,
548 responses to treatment, side effects, and drug interactions. Such reports shall be used for
549 research purposes to determine the efficacy of the use of ~~low-THC oil~~ medical cannabis as
550 a treatment for conditions.

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

555 (1) Upon written request of ~~an individual~~ a patient or caregiver registered pursuant to this
556 Code section for information related to the ~~individual~~ patient or his or her caregiver;

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

558 (A) Verifying that an individual in possession of a registration card is ~~registered~~ the
559 patient authorized to possess and use such registration card pursuant to this Code
560 section; or

561 (B) Determining that an individual in possession of ~~low-THC oil~~ medical cannabis is
562 registered pursuant to this Code section; and

563 (3) To government entities and other entities for statistical, research, educational,
564 instructional, drug abuse prevention, or grant application purposes after removing all
565 personal identifiers from the health information and removing all information that could
566 be used to identify prescribers.

567 ~~(g) The board shall develop a waiver form that will advise that the use of cannabinoids and~~
568 ~~THC-containing products have not been approved by the FDA and the clinical benefits are~~
569 ~~unknown and may cause harm. Any patient or caregiver shall sign such waiver prior to his~~
570 ~~or her approval for registration.~~

571 ~~(h)~~ The board, in coordination with the Department of Public Health, shall annually review
572 the conditions included in paragraph (3) of subsection (a) of this Code section and
573 recommend additional conditions that have been shown through medical research to be
574 effectively treated with ~~low-THC oil~~ medical cannabis. Such recommendations shall
575 include recommended dosages for a particular condition, patient responses to treatment
576 with respect to the particular condition, and drug interactions with other drugs commonly
577 taken by patients with the particular condition. Such recommendations shall be made
578 jointly by the board and the Department of Public Health to the General Assembly no later
579 than December 1 of each year."

580

PART IV

581

SECTION 4-1.

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