

The House Committee on Agriculture and Consumer Affairs offers the following substitute to SB 33:

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 for impounding of hemp and hemp products and
3 cannabis or synthetic cannabinoid products under certain circumstances; to revise provisions
4 concerning the certificate of analysis applicable to consumable hemp products; to provide
5 for violations and penalties relative to hemp; to amend Article 3 of Chapter 13 of Title 16,
6 relating to dangerous drugs, so as to provide for a new restricted dangerous drug; to provide
7 for violations and penalties relative to synthetic cannabinoid products; to provide for
8 definitions; to provide for related matters; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**PART I**
12 style="text-align:center">**SECTION 1-1.**

13 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp
14 Farming Act," is amended in Code Section 2-23-3, relating to definitions, by revising
15 paragraph (3) and adding new paragraphs to read as follows:

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16 "(1.5) 'Cannabis' means the genus of a flowering plant in the family Cannabaceae, that
17 produces cannabinoids and includes both marijuana and hemp plants."

18 "(3) 'Consumable hemp product' means a hemp product intended to be ingested,
19 absorbed, or inhaled by humans or animals; provided, however, that such term shall not
20 include any hemp product containing synthetic cannabinoids."

21 "(26.1) 'Synthetic cannabinoid' means a cannabinoid that is not capable of being naturally
22 produced by the Cannabis sativa L. plant.

23 (26.2) 'Synthetic cannabinoid product' means all products containing, in whole or in part,
24 synthetic cannabinoids and prepared in a form available for commercial use."

25 **SECTION 1-2.**

26 Said chapter is further amended in Code Section 2-23-8, relating to sampling and random
27 testing of hemp, by adding a new paragraph to subsection (b) to read as follows:

28 "(4) The Commissioner or his or her designated agent or any sheriff, deputy sheriff, or
29 other law enforcement officer is authorized to impound any cannabis or synthetic
30 cannabinoid product that has a total delta-9-THC concentration that exceeds the legal
31 limit or is adulterated by the presence of synthetic cannabinoids, drugs, pesticides,
32 herbicides, or other poisonous or banned substances when the permittee is unwilling or
33 unable to dispose of the cannabis or synthetic cannabinoid product in compliance with
34 this chapter and with regulations promulgated by the department."

35 **SECTION 1-3.**

36 Said chapter is further amended by revising Code Section 2-23-9.1, relating to consumable
37 hemp products, certificate of analysis, THC warning, and inspections, as follows:

38 "2-23-9.1.

39 (a) No consumable hemp product, as defined in Code Section 2-23-3 shall be sold or
40 otherwise distributed in this state unless the processor or manufacturer has, within the last

41 12 months, contracted for a full panel certificate of analysis to be conducted on such
42 product and such analysis has been conducted and made available to the public. Such full
43 panel certificate of analysis shall, at a minimum:

44 (1) Attest to the presence and amount, in such product's final packaged form, of the
45 following compounds or groups of compounds:

46 (A) THC;

47 (B) Cannabidiol (CBD);

48 (C) Cannabidiolic acid (CBDA);

49 (D) Cannabigerol (CBG);

50 (E) Cannabigerolic acid (CBGA);

51 (F) Cannabinol (CBN);

52 (G) Hexahydrocannabinol (HHC); and

53 (H) Any other compound or groups of compounds that the department determines is
54 necessary to protect the health and safety of consumers; and

55 (2) Attest that the product, in its final packaged form, does not contain any contaminants
56 in excess of the maximum levels established by the department. In establishing such
57 maximum levels, the department shall consider the American Herbal Pharmacopoeia
58 monographs or such other scientific resources that the department determines is accurate,
59 reliable, and relevant.

60 (b) Any consumable hemp product sold or otherwise distributed in this state shall bear:

61 (1) A sticker, approved by the department, warning potential consumers that such
62 product contains THC; and

63 (2) A conspicuous label providing the information from the full panel certificate of
64 analysis conducted on such product within the last 12 months pursuant to subsection (a)
65 of this Code section or allowing a consumer to access such information using a QR code.

66 (c) The department shall randomly inspect and test ~~consumable hemp~~ cannabis or synthetic
67 cannabinoid products available for purchase at retail establishments to ensure compliance

68 with this Code section. Such investigations and testing shall be conducted in compliance
 69 with this chapter and with the rules and regulations promulgated by the department.

70 (d) In the event that an inspection or test of a ~~consumable hemp~~ cannabis or synthetic
 71 cannabinoid product conducted by the department pursuant to subsection (c) of this Code
 72 section reveals that such product:

73 (1) Does not bear:

74 (A) The sticker required under paragraph (1) of subsection (b) of this Code section; or

75 (B) The label required under paragraph (2) of subsection (b) of this Code section;

76 (2) Has a total delta-9-THC concentration that exceeds the legal limit;

77 (3) Contains one or more contaminants in excess of the maximum levels established by
 78 the department; ~~or~~

79 (4) Has a composition that is materially different from what is shown on the full panel
 80 certificate of analysis conducted on such product within the last 12 months pursuant to
 81 subsection (a) of this Code section; or

82 (5) Otherwise does not constitute a consumable hemp product,

83 such product and all related ~~consumable hemp products~~ cannabis or synthetic cannabinoid
 84 products shall be disposed of in compliance with this chapter and with the rules and
 85 regulations promulgated by the department.

86 (e) Any person who violates the provisions of subsection (a) or (b) of this Code section
 87 shall be guilty of a misdemeanor."

88 **SECTION 1-4.**

89 Said chapter is further amended in Code Section 2-23-9.2, relating to consumable hemp
 90 products, packaging, advertising, and distribution, by adding a new paragraph to
 91 subsection (c) to read as follows:

92 "(4) The Commissioner or his or her designated agent or any sheriff, deputy sheriff, or
93 other law enforcement officer is authorized to impound any consumable hemp product
94 that does not comply with this Code section."

95 **SECTION 1-5.**

96 Said chapter is further amended by adding a new Code section to read as follows:

97 "2-23-13.

98 (a)(1) Except as otherwise provided in this chapter, any person who violates any
99 provision of this chapter shall:

100 (A) For a first offense, be guilty of a misdemeanor; and

101 (B) For a second or subsequent offense, be guilty of a misdemeanor of a high and
102 aggravated nature.

103 (2) Each violation of any provision of this chapter shall constitute a separate offense.

104 (b) In addition to the criminal penalties provided for in subsection (a) of this Code section,
105 any person who violates any provision of this chapter shall be subject to a civil penalty of
106 not more than \$5,000.00 for each violation. The amount of the civil penalty imposed
107 pursuant to this subsection shall be fixed by the Commissioner after notice and hearing as
108 provided in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' for
109 contested cases. For purposes of this subsection, each day a violation of this chapter occurs
110 or continues shall constitute a separate violation."

111 **PART II**

112 **SECTION 2-1.**

113 Article 3 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
114 dangerous drugs, is amended in Code Section 16-13-71, relating to dangerous drug, by
115 revising subsection (b.1) as follows:

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116 "(b.1) A 'restricted dangerous drug' means any other drug or substance declared by the
 117 General Assembly to have no medical use, which cannot be legally prescribed by a
 118 practitioner, and which cannot be manufactured, grown, produced, distributed, used, or
 119 otherwise possessed in this state; to include any of the following drugs, chemicals, or
 120 substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or
 121 substances which have essentially the same pharmacological action; and all other salts,
 122 isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless
 123 specifically exempted, identified as 'restricted dangerous drugs':

124 (1) Salvinorin A; ~~and~~

125 (2) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code
 126 Section 16-13-72; and

127 (3) Synthetic cannabinoids, as defined in Code Section 2-23-3.

128 This subsection shall not prohibit a person from possessing a restricted dangerous drug for
 129 the purpose of conducting research approved by the federal Food and Drug
 130 Administration."

131 **SECTION 2-2.**

132 Said chapter is further amended by adding a new Code section to read as follows:

133 "16-13-80.

134 (a) Except as authorized by this article, it shall be unlawful for any person to:

135 (1) Purchase, possess, or have under his or her control any synthetic cannabinoid
 136 product; or

137 (2) Manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to
 138 distribute any synthetic cannabinoid product.

139 (b)(1) Except as otherwise provided, any person who violates paragraph (1) of
 140 subsection (a) of this Code section shall be guilty of a felony and, upon conviction
 141 thereof, shall be punished as follows:

142 (A) If the aggregate weight, including any mixture, of any synthetic cannabinoid
143 product is less than one gram of a solid substance, less than one milliliter of a liquid
144 substance, or if the substance is placed onto a secondary medium with a combined
145 weight of less than one gram, by imprisonment for not less than one nor more than three
146 years;

147 (B) If the aggregate weight, including any mixture, of any synthetic cannabinoid
148 product is at least one gram but less than four grams of a solid substance, at least one
149 milliliter but less than four milliliters of a liquid substance, or if the substance is placed
150 onto a secondary medium with a combined weight of at least one gram but less than
151 four grams, by imprisonment for not less than one nor more than eight years; and

152 (C) Except as provided in paragraph (2) of this subsection, if the aggregate weight,
153 including any mixture, of any synthetic cannabinoid product is at least four grams but
154 less than 28 grams of a solid substance, at least four milliliters but less than 28
155 milliliters of a liquid substance, or if the substance is placed onto a secondary medium
156 with a combined weight of at least four grams but less than 28 grams, by imprisonment
157 for not less than one nor more than 15 years.

158 (2) Upon a third or subsequent conviction for a violation of paragraph (1) of
159 subsection (a) of this Code section, such person shall be punished by imprisonment for
160 a term not to exceed twice the length of the sentence applicable to the particular crime.

161 (c) Except as otherwise provided, any person who violates paragraph (2) of subsection (a)
162 of this Code section shall be guilty of a felony and, upon conviction thereof, shall be
163 punished by imprisonment for not less than five years nor more than 30 years. Upon
164 conviction of a second or subsequent offense, he or she shall be imprisoned for not less
165 than ten years nor more than 40 years or life imprisonment. The provisions of
166 subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second
167 such offense; provided, however, that the remaining provisions of Code Section 17-10-7
168 shall apply for any subsequent offense."

169

PART III

170

SECTION 3-1.

171 This Act shall become effective on January 1, 2027.

172

SECTION 3-2.

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