

House Bill 458

By: Representatives Pirkle of the 169th, Corbett of the 174th, Williams of the 148th, and Rhodes of the 124th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp
2 farming, so as to provide for intent; to provide for definitions; to provide for license and
3 permit fees, surety bonds, and eligibility; to provide for and require retail consumable hemp
4 establishment licenses and wholesale consumable hemp establishment licenses; to allow
5 persons convicted of any misdemeanor or a felony not related to a state or federally
6 controlled substance within ten years of the application date to grow and process industrial
7 hemp; to provide for exemptions for criminal background checks, federal criminal history
8 reports, and classifiable electronically recorded fingerprints upon permit and license
9 renewals; to provide for compliance with applicable laws; to require package requirements,
10 labeling, and certificates of analysis for hemp products; to provide for ongoing reporting; to
11 amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses
12 against public health and morals, so as to prohibit the purchase of, sale of, and the offering
13 of samples of hemp products by or to any individual under the age of 21 years old; to provide
14 for inspections, enforcement, and penalties for violations; to provide for venue; to provide
15 for rules and regulations; to provide for related matters; to provide for an effective date; to
16 repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 458

18 **SECTION 1.**

19 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp farming,
20 is amended in Code Section 2-23-2, relating to intent, by revising paragraphs (5) and (6) and
21 by adding a new paragraph to read as follows:

22 "(5) Balance the desire to explore the cultivation and processing of hemp with public
23 health, safety, and welfare regarding the potential for unwanted and unlawful uses of
24 chemical elements of hemp; and

25 (6) Enable the department, licensees, and universities to promote the cultivation and
26 processing of hemp and the commercial sale of hemp products; and

27 (7) Have revenue produced as a result of this chapter appropriated to the department for
28 costs of administering this chapter."

29 **SECTION 2.**

30 Said chapter is further amended in Code Section 2-23-3, relating to definitions, by revising
31 paragraph (6) and paragraph (12) and by adding new paragraphs to read as follows:

32 "(1.2) 'Consumable hemp products' means a hemp product intended to be ingested,
33 absorbed, or inhaled by humans or animals."

34 "(3.1) 'Full panel certificate of analysis' means a document, produced by a laboratory
35 which is unaffiliated with the processor and which has been accredited pursuant to the
36 standards of the International Organization for Standardization for the competence,
37 impartiality, and consistent operation of laboratories, attesting to the composition of a
38 product, and which shall include a designation indicating whether the product passed or
39 failed."

40 "(6) 'Hemp products' means ~~all products with the federally defined THC level for hemp~~
41 ~~derived from, or made by, processing hemp plants or plant parts that are prepared in a~~
42 ~~form available for legal commercial sale, but not including food products infused with~~
43 ~~THC unless approved by the United States Food and Drug Administration~~ all finished

44 products with a concentration of delta-9-THC of not more than the federally defined THC
45 level for hemp that is derived from or made by processing a hemp plant or plant part and
46 prepared in a form available for commercial sale. Hemp products shall not be considered
47 controlled substances solely due to the presence of hemp or hemp derived cannabinoids.
48 (6.1) 'Industrial hemp product' means any hemp product that is not a consumable hemp
49 product."

50 "(8.1) 'Passing,' with regard to a full-panel certificate of analysis, means that the
51 full-panel certificate of analysis attests to the final packaged product's composition of the
52 following grouping of assays and, where applicable, that the final packaged product
53 contains equal to or less than the maximum acceptable contaminant levels set forth:

54 (A) Cannabinoids:

55 (i) Total tetrahydrocannabinol (THC) sum percentage by weight of
56 Delta-9-tetrahydrocannabinol; and Delta-9-tetrahydrocannabinolic acid;

57 (ii) Cannabidiol (CBD);

58 (iii) Cannabidiolic Acid (CBDA);

59 (iv) Cannabigerol (CBG);

60 (v) Cannabigerol Acid (CBGA);

61 (vi) Cannabinol (CBN);

62 (vii) Delta-8-tetrahydrocannabinol (Delta-8-THC);

63 (viii) Any isomer of Delta-9-THC, (e.g., Delta-8-THC, Delta-10-THC,
64 Delta-11-THC); and

65 (ix) Any ester of Delta-9-THC (e.g. THC-O) or Delta-9(11)
66 exo-tetrahydrocannabinol (Exo-THC);

67 (B) Heavy metals:

68 (i) Arsenic, in an amount less than 1.5 parts per million;

69 (ii) Cadmium, in an amount less than 0.5 parts per million;

70 (iii) Chromium, in an amount less than 0.5 parts per million;

- 71 (iv) Lead, in an amount less than 0.5 parts per million; and
72 (v) Mercury, in an amount less than 0.3 parts per million;
73 (C) Residual pesticides:
74 (i) Abamectin, in an amount less than 0.3 parts per million;
75 (ii) Acephate, in an amount less than 5 parts per million;
76 (iii) Acequinocyl, in an amount less than 4 parts per million;
77 (iv) Acetamiprid, in an amount less than 5 parts per million;
78 (v) Aldicarb, in an amount less than 0.01 parts per million;
79 (vi) Azoxystrobin, in an amount less than 40 parts per million;
80 (vii) Bifenazate, in an amount less than 5 parts per million;
81 (viii) Bifenthrin, in an amount less than 0.5 parts per million;
82 (ix) Chlormequat Chloride, in an amount less than 0.01 parts per million;
83 (x) Chlordane, in an amount less than 0.01 parts per million;
84 (xi) Chlorpyrifos, in an amount less than 0.01 parts per million;
85 (xii) Cyfluthrin, in an amount less than 1 parts per million;
86 (xiii) Daminozide, in an amount less than 0.01 parts per million;
87 (xiv) Diazinon, in an amount less than 0.2 parts per million;
88 (xv) Dichlorvos, in an amount less than 0.01 parts per million;
89 (xvi) Dimethoate, in an amount less than 0.2 parts per million;
90 (xvii) Etoxazole, in an amount less than 1.5 parts per million;
91 (xviii) Fenoxycarb, in an amount less than 0.01 parts per million;
92 (xix) Fenhexamid, in an amount less than 10 parts per million;
93 (xx) Fluoxastrobin, in an amount less than 0.01 parts per million;
94 (xxi) Fipronil, in an amount less than 0.01 parts per million;
95 (xxii) Imazalil, in an amount less than 0.01 parts per million;
96 (xxiii) Imidacloprid, in an amount less than 3 parts per million;
97 (xxiv) Malathion, in an amount less than 5 parts per million;

- 98 (xxv) Myclobutanil, in an amount less than 9 parts per million;
99 (xxvi) Paclobutrazol, in an amount less than 0.01 parts per million;
100 (xxvii) Permethrin, in an amount less than 20 parts per million;
101 (xxviii) Spirotetramat, in an amount less than 13 parts per million;
102 (xxix) Thiachloprid, in an amount less than 0.01 parts per million; and
103 (xxx) Trifloxystrobin, in an amount less than 30 parts per million;
104 (D) Residual solvents:
105 (i) Acetones, in an amount less than 5000 parts per million;
106 (ii) Butanes, in an amount less than 5000 parts per million;
107 (iii) Benzene, in an amount less than 1.0 parts per million;
108 (iv) Methanol, in an amount less than 3000 parts per million;
109 (v) Ethanol, in an amount less than 5000 parts per million;
110 (vi) Heptanes, in an amount less than 5000 parts per million;
111 (vii) Hexane, in an amount less than 10 parts per million;
112 (viii) Toluene, in an amount less than 890 parts per million; and
113 (ix) Total Xylenes (m,o,p-xylene), in an amount less than 1.0 parts per million;
114 (E) Any visible foreign or extraneous material that is not intended to be part of the
115 product being produced, including, but not limited to, mold, hair, insects, metal, or
116 plastic;
117 (F) Microbiological impurities, meeting the following colony-forming unit in per
118 gram (CFU/g) levels:
119 (i) Total viable aerobic bacteria, not exceeding 105 CFU/g;
120 (ii) Total Yeast and Mold, not exceeding 10,000 CFU/g;
121 (iii) Total Coliforms, not exceeding 103 CFU/g;
122 (iv) Bile-tolerant Gram Negative Bacteria, not exceeding 103 CFU/g;
123 (v) E. coli (pathogenic strains) and Salmonella, not detected in 1 gram; and
124 (vi) Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, less than 1 CFU/g;

125 (G) Mycotoxins:

126 (i) Aflatoxin B1 at less than 20 µg (micrograms) of any mycotoxin per kg of material;

127 (ii) Aflatoxin B2 at less than 20 µg (micrograms) of any mycotoxin per kg of
128 material;

129 (iii) Aflatoxin G1 at less than 20 µg (micrograms) of any mycotoxin per kg of
130 material;

131 (iv) Aflatoxin G 2at less than 20 µg (micrograms) of any mycotoxin per kg of
132 material; and

133 (v) Ochratoxin A at less than 20 µg (micrograms) of any mycotoxin per kg of
134 material;

135 (H) Vitamin E acetate in an amount less than 100 parts per million in an inhalable
136 hemp product."

137 "(10.1) 'QR code' means a quick response code that is a type of machine-readable,
138 two-dimensional barcode that stores information about a product."

139 "(12) 'Retail consumable hemp establishment license' means a license issued by the
140 department under the authority of this chapter to an establishment that prepares or sells
141 prepackaged consumable hemp products to an end consumer.

142 (13) 'THC' means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination
143 of tetrahydrocannabinol and tetrahydrocannabinolic acid.

144 (14) 'Wholesale consumable hemp establishment license' means a license issued by the
145 department under the authority of this chapter to an establishment that manufactures,
146 processes, packs, holds, or prepares consumable hemp products for sale to other
147 businesses."

148

SECTION 3.

149 Said chapter is further amended in Code Section 2-23-5, relating to procedure for licensing,
150 fees, licensing requirements, and limitations on licenses, by revising paragraph (2) of
151 subsection (a) and subsection (c) as follows:

152 "(2) Hemp grower licenses shall be issued for one calendar year at an annual license fee
153 of \$50.00 per acre cultivated up to a maximum license fee of ~~\$5,000.00~~ \$1,000.00."

154 "(c)(1) Upon receipt of an application for a hemp grower license, the department shall
155 conduct a criminal background check and is authorized to obtain a federal criminal
156 history report in accordance with paragraph (2) of this subsection for an individual or, if
157 the applicant is a business entity, all key participants seeking to obtain a hemp grower
158 license. For renewal of any previously issued license, a background check shall not be
159 required.

160 (2) At least one set of classifiable electronically recorded fingerprints of the individual
161 applicant or, if the applicant is a business entity, one set of classifiable electronically
162 recorded fingerprints of each key participant shall be submitted to the department in
163 accordance with the fingerprint system of identification established by the director of the
164 Federal Bureau of Investigation. The department shall transmit the fingerprints to the
165 Georgia Crime Information Center, which shall submit the fingerprints to the Federal
166 Bureau of Investigation for a search of bureau records and an appropriate report and shall
167 promptly conduct a search of state records based upon the fingerprints. After receiving
168 the report from the Georgia Crime Information Center and the Federal Bureau of
169 Investigation, the department shall review the record for all individuals or key
170 participants, as applicable. For renewal of any previously issued license, such set of
171 classifiable electronically recorded fingerprints shall not be required for any individual
172 applicant or key participant who has already submitted such.

173 (3) No license shall be issued to any applicant who has been convicted of a ~~misdemeanor~~
174 ~~involving sale of or trafficking in a controlled substance or~~ a felony related to a state or

175 federally controlled substance within ten years of the date of application or who
176 materially falsifies any information contained in a license application.
177 (4) Upon receipt of an application for renewal of any previously issued license, the
178 department may require a signed affidavit stating that the licensee has not had a material
179 change to his or her permit eligibility."

180 **SECTION 4.**

181 Said chapter is further amended in Code Section 2-23-6, relating to procedure for permitting
182 and limitations on permits and interests, by revising subsections (c) through (g) as follows:

183 "(c)(1) Upon receipt of an application for a hemp processor permit, the department shall
184 conduct a criminal background check and is authorized to obtain a federal criminal
185 history report in accordance with paragraph (2) of this subsection for an individual or, if
186 the applicant is a business entity, all key participants seeking to obtain a hemp processor
187 permit. For renewal of any previously issued permit, such criminal background check
188 or federal criminal history report shall not be required for any individual applicant or key
189 participant who has undergone such.

190 (2) At least one set of classifiable electronically recorded fingerprints of the individual
191 applicant or, if the applicant is a business entity, one set of classifiable electronically
192 recorded fingerprints of each key participant shall be submitted to the department in
193 accordance with the fingerprint system of identification established by the director of the
194 Federal Bureau of Investigation. The department shall transmit the fingerprints to the
195 Georgia Crime Information Center, which shall submit the fingerprints to the Federal
196 Bureau of Investigation for a search of bureau records and an appropriate report and shall
197 promptly conduct a search of state records based upon the fingerprints. After receiving
198 the report from the Georgia Crime Information Center and the Federal Bureau of
199 Investigation, the department shall review the record for all individuals or key
200 participants, as applicable. For renewal of any previously issued license, such set of

201 classifiable electronically recorded fingerprints shall not be required for any individual
202 applicant or key participant who has already submitted such.

203 (3) No permit shall be issued to any applicant who has been convicted of ~~a misdemeanor~~
204 ~~involving sale of or trafficking in a controlled substance~~ or a felony related to a state or
205 federally controlled substance within ten years of the date of application or who
206 materially falsifies any information contained in a license application.

207 (d) The department shall ~~annually~~ accept applications for hemp processor permits to be
208 issued by the department and renew on an annual basis.

209 (e) Hemp processor permits shall be issued for ~~one~~ five calendar ~~year~~ years at ~~an annual~~
210 a permit fee of \$25,000.00, to be paid in annual installments of \$5,000.00, so long as no
211 administrative action has been taken by the department regarding such permittee under this
212 chapter. If annual permit fee installments are not paid according to the preapproved
213 schedule, the department may revoke the permit. The department may annually require a
214 signed affidavit stating that the permittee has not had a material change to his or her permit
215 eligibility.

216 (f) Issuance of any hemp processor permit shall be conditioned upon the permittee's
217 compliance with Code Section 2-23-7 prior to initiating hemp processing activities.

218 (g) A permittee may also apply for and be issued no more than one hemp grower license.
219 No permittee shall be required to obtain a retail consumable hemp establishment license
220 or wholesale consumable hemp establishment license pursuant to Code Section 2-23-6.2
221 or a hemp grower license pursuant to Code Section 2-23-5 in order to operate in such
222 capacities."

223 **SECTION 5.**

224 Said chapter is further amended in Code Section 2-23-6.1, relating to procedure for
225 permitting and limitations on permits and interests, by revising subsection (a) as follows:

226 "(a) Any applicant for a hemp processor permit shall make and deliver to the
227 Commissioner a surety bond executed by a surety corporation authorized to transact
228 business in this state and approved by the Commissioner. Any and all bond applications
229 shall be accompanied by a certificate of good standing issued by the Commissioner of
230 Insurance. If any company issuing a bond shall be removed from doing business in this
231 state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner
232 within 30 days. The bond ~~shall be in such amount as the Commissioner may determine,~~
233 ~~not exceeding an amount equal to 2 percent of the amount of hemp purchased from~~
234 ~~licensees by the permittee in the most recent calendar year; provided, however, that the~~
235 ~~minimum amount of such bond shall be \$300,000.00 and the maximum amount shall be~~
236 ~~\$1 million~~ \$50,000.00. Such bond shall be upon a form prescribed or approved by the
237 Commissioner and shall be conditioned to secure the faithful accounting for and payment
238 to licensees for hemp purchased by such permittee as well as to secure the permittee's
239 compliance with the requirements of this chapter. Whenever the Commissioner shall
240 determine that a previously approved bond has for any cause become insufficient, the
241 Commissioner may require an additional bond or bonds to be given in compliance with this
242 Code section. Unless the additional bond or bonds are given within the time fixed by
243 written demand therefor, or if the bond of a permittee is canceled, the permit of such
244 permittee shall be immediately revoked by operation of law without notice or hearing, and
245 such permittee shall be ineligible to reapply for such permit for a period of four years after
246 such revocation."

247 **SECTION 6.**

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

249 "2-23-6.2.

250 (a) A retail consumable hemp establishment license shall be issued by the department.
251 Such license shall be issued for one calendar year at an annual permit fee of \$250.00.

- 252 (b) A wholesale consumable hemp establishment license shall be issued by the department.
253 Such license shall be issued for one calendar year at an annual permit fee of \$1,500.00.
254 (c) No retail establishment shall sell or offer for sale any consumable hemp product in this
255 state without first obtaining a retail consumable hemp establishment license issued by the
256 department.
257 (d) No person shall act as a wholesaler or distributor of consumable hemp products in this
258 state without first obtaining a wholesale consumable hemp establishment license issued by
259 the department."

260 **SECTION 7.**

261 Said chapter is further amended by adding new Code sections to read as follows:

262 "2-23-9.1.

- 263 (a) No consumable hemp product shall be sold or otherwise distributed in this state unless
264 the manufacturer has, within the last 12 months, contracted for a full-panel certificate of
265 analysis to be conducted on such product and such analysis has been designated as passing.
266 (b) Any consumable hemp product sold or otherwise distributed in this state shall bear
267 conspicuous labeling providing the information from a passing certificate of analysis
268 conducted on the product within the last 12 months or allowing a consumer to access such
269 information using a QR code.
270 (c) The department shall randomly test consumable hemp products available for purchase
271 at retail consumable hemp establishments to ensure compliance with this Code section.
272 Such testing shall be conducted in compliance with this chapter and with regulations
273 promulgated by the department.
274 (d) In the event that a test sample reveals a delta-9-THC concentration of more than the
275 federally defined THC level for hemp, all related hemp products shall be disposed of in
276 compliance with this chapter and with regulations promulgated by the department.

277 2-23-9.2.

278 Any consumable hemp product shall have a maximum total concentration of any
279 combination of delta-9-THC, isomers of delta-9-THC, and esters of delta-9-THC of 25mg
280 per individual dose and 500mg per individual package."

281 **SECTION 8.**

282 Said chapter is further amended in Code Section 2-23-11, relating to plan for regulation;
283 approval, by adding a new subsection as follows:

284 "(c) The department may submit an amended plan to the secretary of agriculture of the
285 United States if or when required by any amendment to this chapter, the rules and
286 regulations promulgated by the department pursuant to this chapter, or federal law or
287 regulation."

288 **SECTION 9.**

289 Said chapter is further amended in Code Section 2-23-12, relating to rules and regulations,
290 as follows:

291 "2-23-12.

292 ~~The department, in consultation with the Georgia Bureau of Investigation, shall may~~
293 ~~promulgate rules and regulations as necessary to implement the provisions of this chapter.~~
294 ~~Such rules and regulations shall include the plan provided for in Code Section 2-23-11~~
295 ~~upon the approval of such plan by the secretary of agriculture of the United States."~~

296 **SECTION 10.**

297 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against
298 public health and morals, is amended by adding a new article to read as follows:

299 "ARTICLE 10

300 16-12-240.

301 As used in this article, the term:

302 (1) 'Community service' means a public service which an individual under the age of 21
303 years might appropriately be required to perform as punishment for certain offenses
304 provided for in this article as determined by a court of competent jurisdiction.

305 (2) 'Consumable hemp products' has the same meaning as provided in Code
306 Section 2-23-3.

307 (3) 'Person' means any natural person or any firm, partnership, company, corporation, or
308 other entity.

309 (4) 'Proper identification' means any document issued by a governmental agency that
310 contains a description of an individual, such individual's photograph, or both; provides
311 such individual's date of birth; and includes, without being limited to, a passport, military
312 identification card, driver's license, or an identification card authorized under Code
313 Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth
314 certificate.

315 16-12-241.

316 (a)(1) It shall be unlawful for any person to knowingly:

317 (A) Sell or barter, directly or indirectly, any consumable hemp product to any
318 individual under the age of 21 years;

319 (B) Purchase any consumable hemp product for any individual under the age of 21
320 years; or

321 (C) Advise, counsel, or compel any individual under the age of 21 years to smoke,
322 inhale, chew, or use consumable hemp products.

323 (2)(A) The prohibition contained in paragraph (1) of this subsection shall not apply
324 with respect to the sale of consumable hemp products by a person when such person has

325 been furnished with proper identification showing that the individual to whom the
326 consumable hemp products are sold is 21 years of age or older.

327 (B) In any case where a reasonable or prudent person could reasonably be in doubt as
328 to whether or not the individual to whom consumable hemp products are to be sold or
329 otherwise furnished is 21 years of age or older, it shall be the duty of the person selling
330 or otherwise furnishing such consumable hemp products to request to see and to be
331 furnished with proper identification in order to verify the age of such individual. The
332 failure to make such request and verification in any case where the individual to whom
333 the consumable hemp products are sold or otherwise furnished is less than 21 years of
334 age may be considered by the trier of fact in determining whether the person who sold
335 or otherwise furnished such consumable hemp products did so knowingly.

336 (3) Any person that violates this subsection shall be guilty of a misdemeanor.

337 (b)(1) It shall be unlawful for any individual under the age of 21 years to:

338 (A) Purchase, attempt to purchase, or possess for personal use any consumable hemp
339 products; or

340 (B) Misrepresent his or her identity or age or use any false identification for the
341 purpose of purchasing or procuring any consumable hemp products.

342 (2) An individual under the age of 21 years who commits an offense provided for in
343 paragraph (1) of this subsection or in paragraph (1) of subsection (a) of this Code section
344 shall be punished by requiring the performance of community service not to exceed 20
345 hours that may be related to the awareness of the health hazards of consumable hemp
346 product use.

347 16-12-242.

348 (a) Any person owning or operating a place of business in which consumable hemp
349 products are sold or offered for sale shall post in a conspicuous place a sign which shall
350 contain the following statement:

351 'SALE OF CONSUMABLE HEMP PRODUCTS TO INDIVIDUALS UNDER 21
352 YEARS OF AGE IS PROHIBITED BY LAW.'

353 Such sign shall be printed in letters of at least one-half inch in height.

354 (b) Any person that fails to comply with the requirements of subsection (a) of this Code
355 section shall be guilty of a misdemeanor.

356 16-12-243.

357 (a) As used in this Code section, the term 'consumable hemp product sample' means a
358 consumable hemp product distributed to members of the general public at no cost for
359 purposes of promoting the product.

360 (b) It shall be unlawful for any person to distribute any consumable hemp product sample
361 to any individual under the age of 21 years.

362 (c) A person distributing consumable hemp product samples shall require proof of age
363 from a prospective recipient in any case where a reasonable or prudent person could
364 conclude on the basis of appearance that such prospective recipient may be under the age
365 of 21 years.

366 (d) It shall be unlawful for any individual under the age of 21 years to receive or attempt
367 to receive any consumable hemp product sample.

368 (e) No person shall distribute consumable hemp product samples on any public street,
369 sidewalk, or park within 500 feet of any school or playground when such facilities are
370 being used primarily by individuals under the age of 21 years.

371 (f) A violation of subsection (b), (c), or (e) of this Code section shall be punished as a
372 misdemeanor. A violation of subsection (d) of this Code section shall be punished as
373 provided for in paragraph (2) of subsection (b) of Code Section 16-12-171.

374 16-12-244.

375 (a) The provisions of this article shall be enforced through actions brought in any court of
376 competent jurisdiction by the prosecuting district attorney for the county in which the
377 alleged violation occurred as well as through administrative citations issued by special
378 agents or enforcement officers of the Commissioner of Agriculture. Any fine collected for
379 a violation of such provisions shall be paid to the clerk of the court of the jurisdiction in
380 which the violation occurred. Upon receipt of a fine for any violation of such provision,
381 such clerk shall promptly notify the Commissioner of Agriculture of the violation.

382 (b) The Commissioner of Agriculture, acting through special agents or enforcement
383 officers, shall annually conduct random, unannounced inspections at locations where
384 consumable hemp products are sold or distributed to ensure compliance with this article.
385 Individuals under the age of 21 years may be enlisted to test compliance with this article;
386 provided, however, that such individuals may be used to test compliance with this article
387 only if the testing is conducted under the direct supervision of such special agents or
388 enforcement officers and written parental consent for such individuals has been provided.
389 Any other use of individuals under the age of 21 years to test compliance with this article
390 or any other similar provisions shall be unlawful, and the person or persons responsible for
391 such use shall be subject to the penalties prescribed in this article.

392 16-12-245.

393 The Commissioner of Agriculture is authorized to make reasonable rules and regulations
394 for the administration and enforcement of this article. The Commissioner of Agriculture
395 may designate employees of the Department of Agriculture for the purpose of
396 administering and enforcing this article and may delegate to employees of such department
397 any of the duties required of the Commissioner of Agriculture pursuant to this article."

398

SECTION 11.

399 Sections 1 through 5 and 7 through 11 of this Act shall become effective upon this Acts
400 approval by the Governor or upon its becoming law without such approval. Section 6 of this
401 Act shall become effective January 1, 2024.

402

SECTION 12.

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