

The Senate Committee on Regulated Industries and Utilities offered the following substitute to HB 34:

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 limits on the total concentration of intoxicating
3 cannabinoids in consumable hemp products; to revise provisions concerning the certificate
4 of analysis applicable to consumable hemp products; to provide for a conspicuous label; to
5 provide milligram limits on THC in consumable hemp products; to provide for definitions;
6 to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp
10 Farming Act," is amended by revising Code Section 2-23-3, relating to definitions, as
11 follows:

12 "2-23-3.

13 As used in this chapter, the term:

14 (1) 'Attractive to children' means the use of any characters or symbols designed to
15 appeal, or would likely appeal, primarily to individuals under 21 years of age, including

16 but not limited to anthropomorphized animals, creatures, promotional characters, licensed
17 characters, or inanimate objects; depictions of children; or depictions of candy.

18 (2) 'Commercial sale' means the sale of products in the stream of commerce at retail, at
19 wholesale, and online.

20 (3) 'Consumable hemp product' means a hemp product intended to be ingested, absorbed,
21 or inhaled by humans or animals.

22 (4) 'Contaminant' means a foreign substance or compound that may, if ingested,
23 absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such
24 term shall include, without limitation, heavy metals, pesticide residues, residual solvents
25 or processing chemicals, and any other substance or compound that the department
26 determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health
27 of a human or animal.

28 (5) 'Cultivate' means to plant, water, grow, and harvest a plant or crop.

29 (6) 'Delta-9-THC' means delta-9-tetrahydrocannabinol.

30 (7) 'Delta-9-THCA' means delta-9-tetrahydrocannabinolic acid.

31 (8) Reserved.

32 (9) 'Full panel certificate of analysis' means a report, produced by a laboratory which is
33 unaffiliated with the processor or manufacturer and which has been accredited pursuant
34 to the standards of the International Organization for Standardization for the competence,
35 impartiality, and consistent operation of laboratories, attesting to the composition of a
36 product.

37 (10) 'Handle' means to possess or store hemp plants for any period of time other than
38 during the actual transport of such plants from the premises of a person licensed to
39 cultivate or permitted to process hemp or a college or university authorized to conduct
40 research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted
41 person or to a college or university authorized to conduct research pursuant to Code

42 Section 2-23-4; provided, however, that such term shall not include possessing or storing
43 finished hemp products.

44 (11) 'Hemp' means the Cannabis sativa L. plant and any part of such plant, including the
45 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts
46 of isomers, whether growing or not, with a total delta-9-THC concentration that does not
47 exceed the legal limit.

48 (12) 'Hemp grower licensee' means an individual or business entity possessing a hemp
49 grower license issued by the department under the authority of this chapter to handle and
50 cultivate hemp in the State of Georgia.

51 (13) 'Hemp products' means all products with a total delta-9-THC concentration that does
52 not exceed the legal limit that are derived from, or made by, processing hemp plants or
53 plant parts and that are prepared in a form available for commercial sale.

54 (14) 'Industrial hemp product' means any hemp product that is not a consumable hemp
55 product.

56 (14.1) 'Intoxicating cannabinoids' means and includes:

57 (A) THC and any isomers, derivatives, salts, salts of isomers, analogues, halogen
58 analogues, or homologues of THC, including, but not limited to,
59 delta-8-tetrahydrocannabinol (delta-8-THC), delta-9-tetrahydrocannabinol
60 (delta-9-THC), delta-10-tetrahydrocannabinol (delta-10-THC),
61 delta-11-tetrahydrocannabinol (delta-11-THC), and exo-tetrahydrocannabinol
62 (exo-THC); and

63 (B) Hexahydrocannabinol (HHC) and any isomers, derivatives, salts, salts of isomers,
64 analogues, halogen analogues, or homologues of HHC.

65 (15) 'Key participant' means a sole proprietor, a partner in a partnership, or a person with
66 executive managerial control in a corporation when such sole proprietor, partnership, or
67 corporation is an applicant to be a hemp grower licensee or a permittee. A person with
68 executive managerial control in a corporation includes persons serving as a chief

69 executive officer, chief operating officer, chief financial officer, or any other individual
70 identified in regulations promulgated by the department. Such term shall not include
71 nonexecutive managers, such as farm, field, or shift managers.

72 (16) 'Legal limit' means a total delta-9-THC concentration that is the lesser of:

73 (A) 0.3 percent; or

74 (B) The percentage limit set forth in 7 U.S.C. Section 1639o.

75 (17) 'Licensee' means an individual or business entity possessing a license issued by the
76 department under the authority of this chapter.

77 (18) 'Manufacture' means to create, produce, manipulate, combine, or package.

78 (19) 'Manufacturer license' means a license issued by the department under the authority
79 of this chapter to an individual or business entity that manufactures consumable hemp
80 products or industrial hemp products in this state.

81 (20) 'Measurement of uncertainty' means the parameter, associated with the result of a
82 measurement, that characterizes the dispersion of the values that could reasonably be
83 attributed to the particular quantity subject to measurement.

84 (21) 'Permittee' means an individual or business entity possessing a hemp processor
85 permit issued by the department under the authority of this chapter to handle and process
86 hemp in the State of Georgia.

87 (22)(A) 'Process' or 'processing,' except as otherwise provided in subparagraph (B) of
88 this paragraph, means converting an agricultural commodity into a legally marketable
89 form.

90 (B) Such term shall not include:

91 (i) Merely placing raw or dried material into another container or packaging raw or
92 dried material for resale; or

93 (ii) Traditional farming practices such as those commonly known as drying, shucking
94 and bucking, storing, trimming, and curing.

95 (23) 'QR code' means a quick response code that is a type of machine-readable,
96 two-dimensional barcode that stores information about a product.

97 (24) 'Registered laboratory' means an individual or business entity that tests or analyzes
98 any plant within the genus Cannabis, including but not limited to hemp, and products
99 made from or derived from such plant, including but not limited to hemp products and
100 consumable hemp products, and that has registered with the department under this
101 chapter.

102 (25) 'Research' or 'researching' means experimental field, greenhouse, or laboratory
103 activity for the ultimate purpose of developing new hemp varieties and products,
104 improving existing hemp products, developing new uses for existing hemp products, or
105 developing or improving methods for producing hemp products.

106 (26) 'Retail consumable hemp establishment license' means a license issued by the
107 department under the authority of this chapter to an individual or business entity that
108 prepares or sells prepackaged consumable hemp products to consumers.

109 (27) 'THC' means tetrahydrocannabinol, ~~tetrahydrocannabinolic acid, or a combination~~
110 ~~of tetrahydrocannabinol and tetrahydrocannabinolic acid.~~

111 (28) 'Total concentration of intoxicating cannabinoids' means the concentration of all
112 THC and other intoxicating cannabinoids within a sample.

113 ~~(28)~~(29) 'Total delta-9-THC concentration' means a concentration of delta-9-THC as
114 determined by Code Section 2-23-3.1.

115 ~~(29)~~(30) 'Wholesale consumable hemp license' means a license issued by the department
116 under the authority of this chapter to an individual or business entity that sells, in bulk,
117 prepackaged consumable hemp products to retail consumable hemp establishment
118 licensees or to other retail establishments located outside of the State of Georgia that are
119 authorized to sell consumable hemp products to consumers in the jurisdiction where such
120 establishments are located."

121 **SECTION 2.**

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

124 "2-23-9.1.

125 (a)(1) No consumable hemp product shall be sold or otherwise distributed in this state
 126 if such product has a total concentration of intoxicating cannabinoids that exceeds 0.3
 127 percent, determined on a dry weight basis where applicable.

128 (2) No consumable hemp product shall be sold or otherwise distributed in this state if
 129 such product is in violation of any federal law regarding the total amount of
 130 tetrahydrocannabinols allowable in hemp derived cannabinoid products.

131 ~~(a)~~(b) No consumable hemp product shall be sold or otherwise distributed in this state
 132 unless the processor or manufacturer has, within the last 12 months, contracted for a full
 133 panel certificate of analysis to be conducted on such product and such analysis has been
 134 conducted and made available to the public. Such full panel certificate of analysis shall,
 135 at a minimum:

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

138 (A) ~~THC~~ Intoxicating cannabinoids;

139 (B) Cannabidiol (CBD);

140 (C) Cannabidiolic acid (CBDA);

141 (D) Cannabigerol (CBG);

142 (E) Cannabigerolic acid (CBGA);

143 (F) Cannabinol (CBN); and

144 ~~(G) Hexahydrocannabinol (HHC); and~~

145 ~~(H)~~(G) Any other compound or groups of compounds that the department determines
 146 is necessary to protect the health and safety of consumers; and

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

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

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

155 (2) A conspicuous label providing the information from the full panel certificate of
156 analysis conducted on such product within the last 12 months pursuant to subsection ~~(a)~~
157 ~~(b)~~ of this Code section or allowing a consumer to access such information using a QR
158 code: ; ~~and~~

159 (3) A conspicuous label stating: 'CONSUMPTION OF THIS PRODUCT MAY IMPAIR
160 THE ABILITY TO OPERATE A MOTOR VEHICLE. CONSUMPTION OF THIS
161 PRODUCT BEFORE OPERATING A MOTOR VEHICLE MAY CONSTITUTE A
162 VIOLATION OF O.C.G.A. 40-6-391(a)(6), DRIVING UNDER THE INFLUENCE.'

163 ~~(e)~~(d) The department shall randomly inspect and test consumable hemp products
164 available for purchase at retail establishments to ensure compliance with this Code section.
165 Such investigations and testing shall be conducted in compliance with this chapter and with
166 the rules and regulations promulgated by the department.

167 ~~(d)~~(e) In the event that an inspection or test of a consumable hemp product conducted by
168 the department pursuant to subsection ~~(e)~~ ~~(d)~~ of this Code section reveals that such product:

169 (1) Does not bear:

170 (A) The sticker required under paragraph (1) of subsection ~~(b)~~ ~~(c)~~ of this Code section;
171 or

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

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

174 (3) Has a total concentration of intoxicating cannabinoids that exceeds 0.3 percent;
 175 ~~(3)~~(4) Contains one or more contaminants in excess of the maximum levels established
 176 by the department; or
 177 ~~(4)~~(5) Has a composition that is materially different from what is shown on the full panel
 178 certificate of analysis conducted on such product within the last 12 months pursuant to
 179 subsection ~~(a)~~ (b) of this Code section,
 180 such product and all related consumable hemp products shall be disposed of in compliance
 181 with this chapter and with the rules and regulations promulgated by the department.
 182 ~~(e)~~(f) Any person who violates the provisions of subsection ~~(a)~~ or ~~(b)~~ or (c) of this Code
 183 section shall be guilty of a misdemeanor."

184

SECTION 3.

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

187 "2-23-9.2.

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

190 (1) Is not attractive to children;

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

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

196 (4) Is tamper evident and child resistant.

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

198 (1) Is attractive to children;

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

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

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

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

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

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

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

215 (A) A food product; or

216 (B) A drink or beverage that contains alcohol or constitutes an alcoholic beverage
217 under Title 3.

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

221 (d)(1) Except as otherwise provided in paragraphs (2), (3), and (4) of this subsection, no
222 consumable hemp product shall be sold or otherwise distributed in this state if such
223 product has more than:

224 (A) Ten milligrams of intoxicating cannabinoids per serving; or

225 (B) One-hundred fifty milligrams of intoxicating cannabinoids per container.

226 (2) No consumable hemp product that constitutes a drink or beverage shall be sold or
227 otherwise distributed in this state if such product:

228 (A) Has more than five milligrams of intoxicating cannabinoids per 12 fluid ounces of
229 liquid, or the proportionate equivalent thereof; or

230 (B) Is packaged in a container that exceeds 12 fluid ounces of liquid.

231 (3) No consumable hemp product that is intended for topical application shall be sold or
232 otherwise distributed in this state if such product is packaged in a container that has more
233 than 1,000 milligrams of intoxicating cannabinoids.

234 (4) No consumable hemp product that constitutes a tincture shall be sold or otherwise
235 distributed in this state if such product:

236 (A) Has more than one milligram of intoxicating cannabinoids per one milliliter of
237 liquid, or the proportionate equivalent thereof; or

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

239

SECTION 4.

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