

The House Committee on Regulated Industries offers the following substitute to SB 254:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp Farming Act," so as to authorize licensed retail dealers in distilled spirits to obtain retail consumable hemp establishment licenses; to authorize licensed retail dealers in distilled spirits to sell or offer for sale consumable hemp products to consumers; to revise certain definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp Farming Act," is amended by revising Code Section 2-23-9.2, relating to consumable hemp products, packaging, advertising, and distribution, as follows:

"2-23-9.2.

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

(1) Is not attractive to children;

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

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

(4) Is tamper evident and child resistant.

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

(1) Is attractive to children;

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

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

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

(c)(1) As used in this ~~subsection~~ Code section, the term:

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

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

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

(A) A food product; or

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

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

(d) Notwithstanding any provision of this chapter, any provision of Title 3, or any rules and regulations promulgated by the Commissioner of the Department of Revenue pursuant to Chapter 4 of Title 3, a licensed retail dealer in distilled spirits may obtain a retail consumable hemp establishment license and, upon obtaining such license, such licensed retail dealer may sell or offer for sale consumable hemp products to consumers in accordance with the provisions of this chapter and the rules and regulations promulgated by the Commissioner pursuant to this chapter."

SECTION 2.

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