

\_\_\_\_\_ 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 under  
3 certain circumstances; to provide for limits on the total THC concentration in consumable  
4 hemp products; to revise provisions concerning the certificate of analysis applicable to  
5 consumable hemp products; to provide for violations and penalties; to provide compliance  
6 with federal rules and regulations; to provide for definitions; to provide for related matters;  
7 to provide for effective dates; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **PART I**  
10 **SECTION 1-1.**

11 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp  
12 Farming Act," is amended in Code Section 2-23-3, relating to definitions, by revising  
13 paragraph (3) as follows:



38 conducted and made available to the public. Such full panel certificate of analysis shall,  
39 at a minimum:

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

42 (A) THC;

43 (B) Cannabidiol (CBD);

44 (C) Cannabidiolic acid (CBDA);

45 (D) Cannabigerol (CBG);

46 (E) Cannabigerolic acid (CBGA);

47 (F) Cannabinol (CBN);

48 (G) Hexahydrocannabinol (HHC); and

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

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

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

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

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

62 (c) The department shall randomly inspect and test consumable hemp products available  
63 for purchase at retail establishments to ensure compliance with this Code section. Such

64 investigations and testing shall be conducted in compliance with this chapter and with the  
65 rules and regulations promulgated by the department.

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

68 (1) Does not bear:

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

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

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

72 (3) Contains one or more contaminants in excess of the maximum levels established by  
73 the department; or

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

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

78 such product and all related consumable hemp products shall be disposed of in compliance  
79 with this chapter and with the rules and regulations promulgated by the department.

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

82 **SECTION 1-4.**

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

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

89 **SECTION 1-5.**

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

91 "2-23-13.

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

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

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

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

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

105 } **PART II**  
 106 }

**SECTION 2-1.**

107 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Hemp  
 108 Farming Act," is amended in Code Section 2-23-3, relating to definitions, by revising  
 109 paragraph (11) and adding a new paragraph to read as follows:

110 "(3.5) 'Container' means the innermost wrapping, packaging, or vessel in direct contact  
 111 with a consumable hemp product in which the final such product is enclosed for retail  
 112 sale to consumers, including a jar, bottle, bag, box, packet, can, carton, or cartridge. Such

113 term does not include bulk shipping containers or outer wrappings that are not essential  
 114 for the final retail delivery or sale to an end consumer for personal or household use."

115 "(11) 'Hemp' means the Cannabis sativa L. plant and any part of such plant, including the  
 116 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts  
 117 of isomers, whether growing or not, with a total ~~delta-9-THC~~ THC concentration that  
 118 does not exceed the legal limit. Such term does not include:

119 (A) Any viable seeds from a Cannabis sativa L. plant that exceed a total  
 120 tetrahydrocannabinols concentration, including tetrahydrocannabinolic acid of 0.3  
 121 percent in the plant on a dry weight basis;

122 (B) Any intermediate hemp derived cannabinoid product containing:

123 (i) Cannabinoids that are not capable of being naturally produced by a Cannabis  
 124 sativa L. plant;

125 (ii) Cannabinoids that:

126 (I) Are capable of being naturally produced by a Cannabis sativa L. plant; and

127 (II) Were synthesized or manufactured outside the plant; or

128 (iii) Constitute more than a 0.3 percent combined total of:

129 (I) Total tetrahydrocannabinols, including tetrahydrocannabinolic acid; and

130 (II) Any other cannabinoids that have similar effects or are marketed to have  
 131 similar effects on humans or animals as a tetrahydrocannabinol;

132 (C) Any intermediate hemp derived cannabinoid products which are marketed to be  
 133 sold as a final product or directly to an end consumer for personal or household use; or

134 (D) Any consumable hemp products containing:

135 (i) Cannabinoids that are not capable of being naturally produced by a Cannabis  
 136 sativa L. plant;

137 (ii) Cannabinoids that:

138 (I) Are capable of being naturally produced by a Cannabis sativa L. plant; and

139 (II) Were synthesized or manufactured outside the plant; or

140 (iii) Greater than 0.4 milligrams combined total per container of:

141 (I) Total tetrahydrocannabinols, including tetrahydrocannabinolic acid; and

142 (II) Any other cannabinoids that have similar effects or are marketed to have  
143 similar effects on humans or animals as a tetrahydrocannabinol."

144 **SECTION 2-2.**

145 Said chapter is further amended by revising Code Section 2-23-12, relating to rules and  
146 regulations, as follows:

147 "2-23-12.

148 (a) The department may promulgate rules and regulations as necessary to implement the  
149 provisions of this chapter.

150 (b) Within 180 days of the publication by the United States Department of Agriculture of  
151 rules or regulations clarifying any provision of this chapter, the department shall adopt such  
152 rules as appropriate to comply with such federal rule or regulation." ?

153 **PART III**

154 **SECTION 3-1.**

155 (a) Part I of this Act shall become effective on September 1, 2026.

156\* (b) Part II of this Act shall become effective within 30 days of the publication by any federal  
157 department or agency of any rule or regulation clarifying the applicability of Part II of this  
158 Act.

159 **SECTION 3-2.**

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