

Senate Bill 33

By: Senators Kirkpatrick of the 32nd, Watson of the 1st, Cowser of the 46th, Watson of the 11th, Parent of the 44th and others

AS PASSED SENATE

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 revise and provide for definitions;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

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

11 "2-23-3.

12 As used in this chapter, the term:

13 (1) 'Attractive to children' means the use of any characters or symbols designed to
14 appeal, or would likely appeal, primarily to individuals under 21 years of age, including
15 but not limited to anthropomorphized animals, creatures, promotional characters, licensed
16 characters, or inanimate objects; depictions of children; or depictions of candy.

- 17 (2) 'Commercial sale' means the sale of products in the stream of commerce at retail, at
18 wholesale, and online.
- 19 (3) 'Consumable hemp product' means a hemp product intended to be ingested, absorbed,
20 or inhaled by humans or animals.
- 21 (4) 'Contaminant' means a foreign substance or compound that may, if ingested,
22 absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such
23 term shall include, without limitation, heavy metals, pesticide residues, residual solvents
24 or processing chemicals, and any other substance or compound that the department
25 determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health
26 of a human or animal.
- 27 (5) 'Cultivate' means to plant, water, grow, and harvest a plant or crop.
- 28 (6) 'Delta-9-THC' means delta-9-tetrahydrocannabinol.
- 29 (7) 'Delta-9-THCA' means delta-9-tetrahydrocannabinolic acid.
- 30 (8) Reserved.
- 31 (9) 'Full panel certificate of analysis' means a report, produced by a laboratory which is
32 unaffiliated with the processor or manufacturer and which has been accredited pursuant
33 to the standards of the International Organization for Standardization for the competence,
34 impartiality, and consistent operation of laboratories, attesting to the composition of a
35 product.
- 36 (10) 'Handle' means to possess or store hemp plants for any period of time other than
37 during the actual transport of such plants from the premises of a person licensed to
38 cultivate or permitted to process hemp or a college or university authorized to conduct
39 research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted
40 person or to a college or university authorized to conduct research pursuant to Code
41 Section 2-23-4; provided, however, that such term shall not include possessing or storing
42 finished hemp products.

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

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

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

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

55 (14.1) 'Intoxicating cannabinoids' means and includes:

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

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

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

69 identified in regulations promulgated by the department. Such term shall not include
70 nonexecutive managers, such as farm, field, or shift managers.

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

72 (A) 0.3 percent; or

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

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

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

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

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

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

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

89 (B) Such term shall not include:

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

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

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

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

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

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

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

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

112 ~~(28)~~(29) 'Total delta-9-THC concentration' means a concentration of delta-9-THC as
113 determined by Code Section 2-23-3.1.

114 ~~(29)~~(30) 'Wholesale consumable hemp license' means a license issued by the department
115 under the authority of this chapter to an individual or business entity that sells, in bulk,
116 prepackaged consumable hemp products to retail consumable hemp establishment
117 licensees or to other retail establishments located outside of the State of Georgia that are
118 authorized to sell consumable hemp products to consumers in the jurisdiction where such
119 establishments are located."

120 **SECTION 2.**

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

123 "2-23-9.1.

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

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

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

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

135 (B) Cannabidiol (CBD);

136 (C) Cannabidiolic acid (CBDA);

137 (D) Cannabigerol (CBG);

138 (E) Cannabigerolic acid (CBGA);

139 (F) Cannabinol (CBN); and

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

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

143 (2) Attest that the product, in its final packaged form, does not contain any contaminants
144 in excess of the maximum levels established by the department. In establishing such
145 maximum levels, the department shall consider the American Herbal Pharmacopoeia

146 monographs or such other scientific resources that the department determines is accurate,
147 reliable, and relevant.

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

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

151 (2) A conspicuous label providing the information from the full panel certificate of
152 analysis conducted on such product within the last 12 months pursuant to subsection ~~(a)~~

153 (b) of this Code section or allowing a consumer to access such information using a QR
154 code.

155 ~~(c)~~(d) The department shall randomly inspect and test consumable hemp products
156 available for purchase at retail establishments to ensure compliance with this Code section.

157 Such investigations and testing shall be conducted in compliance with this chapter and with
158 the rules and regulations promulgated by the department.

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

161 (1) Does not bear:

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

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

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

166 (3) Has a total concentration of intoxicating cannabinoids that exceeds 0.3 percent;

167 ~~(3)~~(4) Contains one or more contaminants in excess of the maximum levels established
168 by the department; or

169 ~~(4)~~(5) Has a composition that is materially different from what is shown on the full panel
170 certificate of analysis conducted on such product within the last 12 months pursuant to

171 subsection ~~(a)~~ (b) of this Code section,

172 such product and all related consumable hemp products shall be disposed of in compliance
173 with this chapter and with the rules and regulations promulgated by the department.
174 ~~(e)~~(f) Any person who violates the provisions of subsection ~~(a)~~ or (b) or (c) of this Code
175 section shall be guilty of a misdemeanor."

176

SECTION 3.

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