

House Bill 440

By: Representatives Clark of the 100th, Werkheiser of the 157th, Prince of the 132nd, Mathiak of the 82nd, Carpenter of the 4th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend various provisions of the Official Code of Georgia Annotated, so as to rename low
2 THC oil as medical cannabis; to amend Chapter 12 of Title 16, Article 2 of Chapter 13 of
3 Title 16, and Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated,
4 relating to offenses against the public health and morals, regulation of controlled substances,
5 and general provisions relative to the Department of Public Health, respectively, so as to
6 clarify and revise criminal penalties; to clarify and revise exemptions to criminal penalties;
7 to clarify provisions relating to the minimum distance licensees must be from covered
8 entities; to revise provisions relating to the Georgia Access to Medical Cannabis
9 Commission; to repeal the prohibition on certain manners of ingesting medical cannabis; to
10 exclude the lawful possession and control of medical cannabis from the provisions of the
11 Georgia Controlled Substances Act; to revise the list of diagnosed conditions for which a
12 medical cannabis registration card can be issued; to provide for conforming changes; to
13 revise and provide for definitions; to provide a short title; to provide for related matters; to
14 repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

This Act shall be known and may be cited as the "Providing Effective Access to Cannabis for Health (PEACH) Act."

PART II**SECTION 2-1.**

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by replacing "low THC oil" and "Low THC oil" with "medical cannabis" and "Medical cannabis", respectively, wherever such terms occur in:

- (1) Code Section 2-11-36, relating to seeds used in production of low THC oil;
- (2) Code Section 2-23-9.2, relating to consumable hemp products, packaging, advertising, and distribution; and
- (3) Code Section 2-23-9.3, relating to location of retail establishments selling or distributing consumable hemp products.

SECTION 2-2.

Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to access to medical cannabis, is amended by replacing "low THC oil" and "Low THC oil" with "medical cannabis" and "Medical cannabis", respectively, and by replacing "Low THC Oil Patient Registry" with "Medical Cannabis Patient Registry" wherever such terms occur in:

- (1) Code Section 16-12-201, relating to prohibition against producing, growing, manufacturing, or dispensing low THC oil or products;
- (2) Code Section 16-12-203, relating to powers, duties, and responsibilities;

- (3) Code Section 16-12-204, relating to nontransferable designated university licenses to produce low THC oil and products, research and reporting of collected information, and license revocation;
- (4) Code Section 16-12-206, relating to annual, nontransferable dispensing license, adoption of rules, and fees;
- (5) Code Section 16-12-210, relating to powers, duties, and responsibilities of the Georgia Access to Medical Cannabis Commission, no undue burden on patients, and remission of fees;
- (6) Code Section 16-12-211, relating to class 1 production licenses, application fee, revocation, and limitation on ownership;
- (7) Code Section 16-12-212, relating to class 2 production licenses, application fees, revocation, and limitation on ownership;
- (8) Code Section 16-12-213, relating to tracking system requirements;
- (9) Code Section 16-12-216, relating to Bureau of Investigation, Access to Medical Cannabis Commission, and Composite Medical Board to jointly establish procedures to ensure compliance;
- (10) Code Section 16-12-217, relating to on-demand access to facilities, provision of samples, testing, and secured transportation;
- (11) Code Section 16-12-225, relating to criminal offenses and penalties;
- (12) Code Section 16-12-226, relating to sales and use taxes applicable;
- (13) Code Section 16-12-233, relating to contracts not against public policy;
- (14) Code Section 16-12-235, relating to research in compliance with federal regulations; and
- (15) Code Section 16-12-235.1, relating to possession of low THC oil and products by colleges and universities for research purposes, permitting requirements, and inspection.

SECTION 2-3.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, is amended by revising Code Section 51-1-29.6, relating to liability of health care institutions and providers regarding low THC oil, as follows:

"51-1-29.6.

(a) As used in this Code section, the term:

(1) 'Caregiver' shall have the same meaning as set forth in Code Section 31-2A-18.

(2) '~~Health-care~~ Healthcare institution' shall have the same meaning as set forth in Code Section 51-1-29.5.

(3) '~~Health-care~~ Healthcare provider' means any person licensed, certified, or registered under Chapter 9, 10A, 11, 11A, 26, 28, 30, 33, 34, 35, 39, or 44 of Title 43 or Chapter 4 of Title 26.

(4) '~~Low THC oil~~ Medical cannabis' shall have the same meaning as set forth in Code Section 16-12-190.

(5) 'Product' shall have the same meaning as set forth in Code Section 16-12-200.

(b) A ~~health-care~~ healthcare institution shall not be subject to any civil liability, penalty, licensing sanction, or other detrimental action and a ~~health-care~~ healthcare provider shall not be subject to any civil liability, penalty, denial of a right or privilege, disciplinary action by a professional licensing board, or other detrimental action for allowing an individual or caregiver to possess, administer, or use ~~low THC oil~~ medical cannabis or products on the premises of a ~~health-care~~ healthcare institution or offices of a ~~health-care~~ healthcare provider, provided that the possession of such substance is in accordance with the laws of this state."

PART III
SECTION 3-1.

Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against the public health and morals, is amended by revising Article 8, relating to regulation of low THC oil, as follows:

"ARTICLE 8

16-12-190.

As used in this article, the term:

(1) 'Commission' shall have the same meaning as set forth in Code Section 16-12-200.

(2) 'Designated university' shall have the same meaning as set forth in Code Section 16-12-200.

(3) 'Georgia based college or university' means a college or university located in this state that has a permit issued by the commission pursuant to Code Section 16-12-235.1 to possess medical cannabis or products.

(4) 'Independent laboratory' means a laboratory approved by the commission pursuant to Code Section 16-12-217 to test medical cannabis or products.

(5) 'Licensee' shall have the same meaning as set forth in Code Section 16-12-200.

(6) 'Marijuana' shall have the same meaning as set forth in Code Section 16-13-21.

(7) 'Medical cannabis' means any plant within the genus Cannabis and any part of such plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, that contains 'low THC oil' means an oil that contains an amount of cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid, which does not contain plant material exhibiting the external

~~morphological features of the plant of the genus Cannabis. Such term shall not mean products and that is produced in accordance with the provisions of Article 9 of this chapter; provided, however, that such term shall not include:~~

~~(A) Drugs approved by the federal Food and Drug Administration under Section 505 of the federal Food, Drug, and Cosmetic Act; or~~

~~(B) Hemp or hemp products, as such terms are defined in Code Section 2-23-3.~~

~~(8) 'Product' shall have the same meaning as set forth in Code Section 16-12-200.~~

16-12-191.

(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess, purchase, or have under his or her control ~~20 fluid ounces or less of low THC oil if such substance~~ 2.5 ounces or less of medical cannabis or a product or products containing an equivalent amount of medical cannabis if such medical cannabis or product or products is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein and:

(A) Such person is registered with the Department of Public Health as set forth in Code Section 31-2A-18 and has in his or her possession a registration card issued by the Department of Public Health; or

(B) Such person has in his or her possession a registration card issued by another state that allows the same possession of ~~low THC oil~~ medical cannabis as provided by this state's law; provided, however, that such registration card shall not be lawful authority when such person has been present in this state for 45 days or more.

(2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses, purchases, or has under his or her control ~~20 fluid~~ 2.5 ounces or less of low THC oil medical cannabis or a product or products containing an equivalent amount of medical cannabis without complying with paragraph (1) of this subsection shall be punished as for a misdemeanor.

~~(b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any person to possess, purchase, or have under his or her control 20 fluid ounces or less of low THC oil if:~~

~~(A) Such person is involved in a clinical research program being conducted by the Board of Regents of the University System of Georgia or any authorized clinical trial or research study in this state or their authorized agent as:~~

~~(i) A program participant;~~

~~(ii) A parent, guardian, or legal custodian of a program participant;~~

~~(iii) An employee of the board of regents designated to participate in the research program;~~

~~(iv) A program agent;~~

~~(v) A program collaborator and their designated employees;~~

~~(vi) A program supplier and their designated employees;~~

~~(vii) A program physician;~~

~~(viii) A program clinical researcher;~~

~~(ix) Program pharmacy personnel; or~~

~~(x) Other program medical personnel; and~~

~~(B) Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein.~~

~~(2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses, purchases, or has under his or her control 20 fluid ounces or less of low THC oil without complying with subparagraphs (A), (B), and (C) of paragraph (1) of this subsection shall be punished as for a misdemeanor.~~

~~(c)(b)~~ Notwithstanding any provision of Chapter 13 of this title, any person having possession of, purchasing, or having under his or her control more than 20 fluid ounces of low THC oil but less than 160 fluid ounces of low THC oil 2.5 ounces but less than 20 ounces of medical cannabis or a product or products containing an equivalent amount of

medical cannabis or who manufactures, distributes, dispenses, sells, purchases, or possesses with the intent to distribute ~~low THC oil~~ medical cannabis or products shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years, a fine not to exceed \$50,000.00, or both.

~~(d)(c)~~ Notwithstanding any provision of Chapter 13 of this title, any person who sells, manufactures, delivers, brings into this state, purchases, or has possession of ~~160 or more fluid ounces of low THC oil~~ 20 or more ounces of medical cannabis or a product or products containing an equivalent amount of medical cannabis shall be guilty of the felony offense of trafficking in ~~low THC oil~~ medical cannabis and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of ~~low THC oil~~ medical cannabis is at least ~~160 fluid~~ 20 ounces but less than ~~31,000 fluid~~ 3,875 ounces, by imprisonment for not less than five years nor more than ten years and a fine not to exceed \$100,000.00;

(2) If the quantity of ~~low THC oil~~ medical cannabis is at least ~~31,000 fluid~~ 3,875 ounces but less than ~~154,000 fluid~~ 19,250 ounces, by imprisonment for not less than seven years nor more than 15 years and a fine not to exceed \$250,000.00; and

(3) If the quantity of ~~low THC oil~~ medical cannabis is ~~154,000~~ 19,250 or more fluid ounces, by imprisonment for not less than ten years nor more than 20 years and a fine not to exceed \$1 million.

~~(e) Subsections (c) and (d) of this Code section shall not apply to a person involved in a research program being conducted by the Board of Regents of the University System of Georgia or its authorized agent as an employee of the board of regents designated to participate in such program, a program agent, a program collaborator and their designated employees, a program supplier and their designated employees, a physician, clinical researcher, pharmacy personnel, or other medical personnel.~~

~~(f)(d)~~ Subsections ~~(c) and (d)~~ (a), (b), and (c) of this Code section shall not apply to a ~~designated university, pharmacy, or licensee under Article 9 of Chapter 12 of Title 16~~ the

190 following entities and their employees, agents, or contractors, provided that such
191 possession, purchase, control, sale, manufacturing, distribution, or dispensing is solely
192 conducted in accordance with ~~the provisions of~~ and pursuant to Article 9 of ~~Chapter 12 of~~
193 ~~Title 16~~ this chapter:

194 (1) The commission;

195 (2) A designated university;

196 (3) A Georgia based college or university;

197 (4) An independent laboratory; or

198 (5) A licensee.

199 ~~(g)(e)~~ Nothing in this article shall require an employer to permit or accommodate the use,
200 consumption, possession, transfer, display, transportation, purchase, sale, or growing of
201 marijuana in any form, or to affect the ability of an employer to have a written zero
202 tolerance policy prohibiting the on-duty, and off-duty, use of marijuana, or prohibiting any
203 employee from having a detectable amount of marijuana in such employee's system while
204 at work."

205 **SECTION 3-2.**

206 Said chapter is further amended by revising Code Section 16-12-200, relating to definitions
207 relative to access to medical cannabis, as follows:

208 "16-12-200.

209 As used in this article, the term:

210 (1) 'Applicant' means a corporate entity applying for a license pursuant to this article.

211 (2) 'Available capital' means corporate assets that are available to fund business
212 operations in the event a license is awarded pursuant to Part 2 of this article.

213 (2.1) 'Caregiver' shall have the same meaning as set forth in Code Section 31-2A-18.

214 (3) 'Class 1 production license' means a license to produce and manufacture ~~low-THC~~
215 ~~oil and~~ medical cannabis or products issued pursuant to Code Section 16-12-211.

(4) 'Class 2 production license' means a license to produce and manufacture ~~low-THC oil and~~ medical cannabis or products issued pursuant to Code Section 16-12-212.

(5) 'Commission' means the Georgia Access to Medical Cannabis Commission created pursuant to Code Section 16-12-202.

(6) 'Designated universities' means the University of Georgia and Fort Valley State University.

(7) 'Designated university license' means a license issued by the commission pursuant to this article to a designated university to, separately or jointly, produce, manufacture, and purchase ~~low-THC oil and~~ medical cannabis or products in accordance with this article.

(8) 'Dispense' means the sale or provision of ~~low-THC oil and~~ medical cannabis or products to registered patients by a dispensing licensee.

(9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy or the commission pursuant to Code Section 16-12-206 to dispense ~~low-THC oil and~~ medical cannabis or products to registered patients.

(10) 'Grow' means cultivating and harvesting cannabis for use in producing ~~low-THC oil and~~ medical cannabis or products.

(10.1) 'Hemp products' shall have the same meaning as set forth in Code Section 2-23-3.

(11) 'Licensee' means any business, or owner of such business, with a valid license issued pursuant to this article.

~~(12) 'Low-THC oil' shall have the same meaning as set forth in Code Section 16-12-190.~~

~~(13)~~ 'Manufacture' means to process cannabis to produce ~~low-THC oil and~~ medical cannabis or products.

(13) 'Medical cannabis' shall have the same meaning as set forth in Code Section 16-12-190.

(14) 'Owner' means any person who directly or indirectly owns, actually or beneficially, or controls 5 percent or greater of interests of the applicant or any licensee. In the event

that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then both shall be considered an owner of such interests.

(15) 'Product' means all products that are derived from, or made by, processing medical cannabis and that are prepared in a form available for commercial sale ~~low THC oil delivered through an oil, tincture, transdermal patch, lotion, or capsule, except as prohibited by Code Section 16-12-234,~~ but not including hemp products or any food products infused with medical cannabis ~~low THC oil, including, but not limited to, cookies, candies, or edibles.~~

(16) 'Registered patient' means an individual who ~~is legally authorized to possess and use low THC oil and products pursuant to Code Section 31-2A-18~~ has been issued a registration card.

(16.1) 'Registration card' means a card or other document authorizing an individual to possess and use medical cannabis or products that has been issued by:

(A) The Department of Public Health pursuant to Code Section 31-2A-18; or

(B) The governmental agency of another state that allows the same possession of medical cannabis or products as provided by this state's law; provided, however, that such a card or other document shall not be lawful authority to possess and use medical cannabis or products in this state when the individual to whom it was issued has been present in this state for 45 days or more.

(17) 'Tracking system' means a seed-to-sale tracking system to track marijuana that is grown, processed, manufactured, transferred, stored, or disposed of and ~~low THC oil and medical cannabis or products that are transferred, stored, sold, dispensed, or disposed of pursuant to this article."~~

SECTION 3-3.

Said chapter is further amended by revising Code Section 16-12-215, relating to limitations on locations, advertising or marketing prohibited, and information available to physicians, as follows:

"16-12-215.

(a) No licensee shall operate in any location, whether for cultivation, harvesting, and processing of marijuana or for processing, manufacturing, packaging, or distributing ~~low THC oil~~ medical cannabis or products, within a 3,000 foot radius of a covered entity, measured from property boundary to property boundary. No dispensing licensee may operate in any location within a 1,000 foot radius of a covered entity, measured from property boundary to property boundary. Notwithstanding the provisions of this subsection, local governments may, via use of existing zoning powers otherwise provided by law, allow dispensing licensees only to locate in places other than those provided in this subsection so long as such modification is needed to allow retail outlets to be established to service registered patients residing within such local jurisdiction. As used in this subsection, the term 'covered entity' means a public or private school; an early care and education program as defined in Code Section 20-1A-2; or a church, synagogue, or other place of public religious worship, in existence prior to the date of licensure of such licensee by the commission ~~or State Board of Pharmacy~~. This subsection shall not apply to any entity that holds a dispensing license issued by the State Board of Pharmacy.

(b) No licensee shall advertise or market ~~low THC oil~~ medical cannabis or products to registered patients or the public; provided, however, that a licensee shall be authorized to provide information regarding its ~~low THC oil and~~ medical cannabis or products directly to physicians."

SECTION 3-4.

Said chapter is further amended by revising Code Section 16-12-224, relating to limitation on ownership by member or former member of the commission, limitation on physicians involvement, and identification when contributing to political campaigns, as follows:

"16-12-224.

(a) No current member of the commission, or former member of the commission for a period of five years from the date such individual ceased to be a member, shall own, operate, have a financial interest in, or be employed by a ~~low THC oil~~ medical cannabis or product manufacturer or distributor, including any licensee under this part.

(b) No physician who, presently or during the period of such business relationship, certifies individuals ~~to the commission~~ pursuant to Code Section 31-2A-18 for the use of ~~low THC oil and~~ medical cannabis or products to treat certain conditions shall own, operate, have a financial interest in, or be employed by a ~~low THC oil~~ medical cannabis or product manufacturer or distributor, including any licensee under this part. This subsection shall not prohibit a physician from furnishing a registered patient or his or her caregiver, upon request, with the names of ~~low THC oil~~ medical cannabis and product manufacturers or distributors. Any physician violating this Code section shall be guilty of a misdemeanor.

(c) A licensee that makes a campaign contribution pursuant to Article 2 of Chapter 5 of Title 21 shall identify itself as a licensee under this part to the recipient of such campaign contribution."

SECTION 3-5.

Said chapter is further amended by revising Code Sections 16-12-230 and 16-12-231, relating to requirements for dispensing low THC oil and products and exemptions from arrest, prosecutions, or penalty, respectively, as follows:

315 "16-12-230.

316 (a) ~~Low THC oil and~~ Medical cannabis or products shall only be dispensed to registered
317 patients or caregivers in this state by a dispensing licensee or directly from the commission
318 pursuant to this article.

319 (b) A pharmacist who dispenses ~~low THC oil~~ medical cannabis or products shall seek and
320 review information on a registered patient from the prescription drug monitoring program
321 data base established pursuant to Code Section 16-13-57 prior to dispensing ~~low THC oil~~
322 medical cannabis or products to the registered patient.

323 16-12-231.

324 The following persons and entities, when acting in accordance with the provisions of this
325 article, shall not be subject to arrest, prosecution, or any civil or administrative penalty,
326 including a civil penalty or disciplinary action by a professional licensing board, or be
327 denied any right or privilege, for the medical use, prescription, administration,
328 manufacture, distribution, or transport of ~~low THC oil~~ medical cannabis or products:

329 (1) A registered patient who is in possession of an amount of ~~low THC oil~~ medical
330 cannabis or products authorized under Code Section 16-12-191 or such patient's
331 caregiver, parent, or guardian;

332 (2) A physician who certifies a patient to the Department of Public Health as being
333 diagnosed with a condition or in a hospice program and authorized to use ~~low THC oil~~
334 medical cannabis or products for treatment pursuant to Code Section 31-2A-18;

335 (3) A pharmacist or pharmacy that dispenses or provides ~~low THC oil~~ medical cannabis
336 or products to a registered patient or such patient's caregiver, parent, or guardian;

337 (4) The commission or its employees or contractors associated with the production of
338 ~~low THC oil~~ medical cannabis or products in accordance with this article;

(5) A designated university, an employee of a designated university, or any other person associated with the production of ~~low THC oil~~ medical cannabis or products in accordance with this article; and

(6) A licensee or an ~~An~~ employee, contractor, or agent of a licensee with proper identification associated with the production, manufacture, distribution, transport, or sale of ~~low THC oil~~ medical cannabis or products in accordance with this article."

SECTION 3-6.

Said chapter is further amended by repealing in its entirety Code Section 16-12-234, relating to unlawful ways to ingest low THC oil or products, and designating such Code section as reserved.

SECTION 3-7.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended in Code Section 16-13-21, relating to definitions, by revising paragraph (16) as follows:

"(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, but shall not include samples as described in subparagraph (P) of paragraph (3) of Code Section 16-13-25; shall not include the completely defoliated mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination; and shall not include hemp or hemp products, as such terms are defined in Code Section 2-23-3, or medical cannabis or products, as such terms are defined in Code Sections 16-12-190 and 16-12-200, respectively, when in the possession or control of a person authorized to possess and control such medical cannabis or products under the provisions of Article 8

or Article 9 of Chapter 12 of this title. Such term shall not include products approved by the federal Food and Drug Administration under Section 505 of the federal Food, Drug, and Cosmetic Act."

SECTION 3-8.

Said article is further amended in Code Section 16-13-25, relating to Schedule I, by revising subparagraph (P) of paragraph (3) as follows:

"(P) Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant material exhibiting the external morphological features of the plant of the genus Cannabis, but not including such substance when found in hemp or hemp products, as such terms are defined in Code Section 2-23-3, or in medical cannabis or products, as such terms are defined in Code Sections 16-12-190 and 16-12-200, respectively, when in the possession or control of a person authorized to possess or control such medical cannabis or products under the provisions of Article 8 or Article 9 of Chapter 12 of this title. Tetrahydrocannabinols do not include products approved by the federal Food and Drug Administration under Section 505 of the federal Food, Drug, and Cosmetic Act;"

SECTION 3-9.

Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to the Department of Public Health, is amended by revising Code Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver forms, and annual review and recommendations, as follows:

"31-2A-18.

(a) As used in this Code section, the term:

(1) 'Board' means the Georgia Composite Medical Board.

(2) 'Caregiver' means:

~~(A) A the parent, guardian, or legal custodian of an individual who is less than 18 years of age or the legal guardian of an adult;~~

~~(B) An adult who is designated by a patient as being an individual authorized to provide assistance, and who is willing to provide such assistance, with purchasing, possessing, and administering medical cannabis or products for such patient's use; or~~

~~(C) A healthcare institution as defined in Code Section 51-1-29.6 where a patient is receiving health or medical care for a condition and where such institution agrees to allow such patient to possess and use medical cannabis or products on such institution's premises.~~

(3) 'Condition' means:

~~(A) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness or recalcitrant nausea and vomiting;~~

~~(B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end stage;~~

~~(C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;~~

~~(D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;~~

~~(E) ~~Crohn's disease~~ Inflammatory bowel disease;~~

~~(F) Mitochondrial disease;~~

~~(G) Parkinson's disease, when such disease is diagnosed as severe or end stage;~~

~~(H) Sickle cell disease, when such disease is diagnosed as severe or end stage;~~

~~(I) Tourette's syndrome, when such syndrome is diagnosed as severe;~~

~~(J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at least 18 years of age, or severe autism, when diagnosed for a patient who is less than 18 years of age;~~

~~(K) Epidermolysis bullosa;~~

~~(L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;~~

(M) ~~Acquired immune deficiency syndrome, when such syndrome is diagnosed as severe or end stage;~~

(N) ~~Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;~~

(O) ~~Post-traumatic stress disorder resulting from direct exposure to or the witnessing of a trauma for a patient who is at least 18 years of age; or~~

(P) Intractable pain;

(Q) Lupus; or

(R) Any other condition, disease, disorder, or syndrome for which:

(i) An opioid has been or could be prescribed pursuant to generally accepted medical practice;

(ii) A physician determines, in his or her clinical opinion, that a patient with such condition, disease, disorder, or syndrome would likely receive medical, palliative, or therapeutic benefits from the use of medical cannabis or products; or

(iii) A patient is receiving inpatient or outpatient hospice care.

(4) 'Department' means the Department of Public Health.

(5) 'Intractable pain' means pain that has a cause that cannot be removed and for which, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used for a period of at least six months without adequate results or with intolerable side effects.

(6) ~~'Low THC oil~~ Medical cannabis' shall have the same meaning as set forth in Code Section 16-12-190.

(7) 'Physician' means an individual licensed to practice medicine pursuant to Article 2 of Chapter 34 of Title 43.

(8) 'Product' shall have the same meaning as set forth in Code Section 16-12-200.

(9) 'Registry' means the Low-THC Oil Medical Cannabis Patient Registry.

(b) There is established within the department the ~~Low-THC Oil~~ Medical Cannabis Patient Registry.

(c) The purpose of the registry is to provide a registration of individuals and caregivers who have been issued registration cards. The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to individuals and caregivers.

(d) The department shall issue a registration card to any individual who has been certified to the department by his or her physician as being diagnosed with a condition or is an inpatient or outpatient in a hospice program and has been authorized by such physician to use low ~~THC-oil~~ medical cannabis or products as treatment. The department shall issue a registration card to a caregiver when the circumstances warrant the issuance of such card. The board shall establish procedures and promulgate rules and regulations to assist physicians in providing required uniform information relating to certification and any other matter relating to the issuance of certifications. In promulgating such rules and regulations, the board shall require that physicians have a doctor-patient relationship when certifying an individual as needing ~~low-THC-oil~~ medical cannabis or products and physicians shall be required to be treating such individual for the specific condition requiring such treatment or be treating such individual in a hospice program. A physician shall seek and review information about a patient from the prescription drug monitoring program data base established pursuant to Code Section 16-13-57 prior to certifying such patient to the department as being diagnosed with a specific condition that requires the use of ~~low-THC-oil~~ medical cannabis or products as treatment. A registration card issued pursuant to this Code section shall be valid for five years from the date of issuance so long as the ~~individual patient~~ or caregiver remains eligible for receipt of such card based on the continued diagnosis of such ~~individual patient~~ with a condition. If the ~~individual patient~~ or caregiver requests delivery of the registration card, the department shall deliver such card either via ~~certified~~ mail or by secure electronic means, including email, whichever delivery method is specified by such patient or caregiver.

(e) The board shall require physicians to issue semiannual reports to the board. Such reports shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition, patient clinical responses, levels of tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance, responses to treatment, side effects, and drug interactions. Such reports shall be used for research purposes to determine the efficacy of the use of ~~low-THC oil~~ medical cannabis or products as a treatment for conditions.

(f) Information received and records kept by the department for purposes of administering this Code section shall be confidential; provided, however, that such information shall be disclosed, subject to the provisions of the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

(1) Upon written request of an individual or caregiver registered pursuant to this Code section for information related to the individual or his or her caregiver;

(2) To peace officers and prosecuting attorneys for the purpose of:

(A) Verifying that an individual in possession of a registration card is registered pursuant to this Code section; or

(B) Determining that an individual in possession of ~~low-THC oil~~ medical cannabis or products is registered pursuant to this Code section; and

(3) To government entities and other entities for statistical, research, educational, instructional, drug abuse prevention, or grant application purposes after removing all personal identifiers from the health information and removing all information that could be used to identify prescribers.

(g) The board shall develop a waiver form that will advise that the use of cannabinoids and THC containing products have not been approved by the FDA and the clinical benefits are unknown and may cause harm. Any patient or caregiver shall sign such waiver prior to his or her approval for registration.

494 (h) The board, in coordination with the Department of Public Health, shall annually review
495 the conditions included in paragraph (3) of subsection (a) of this Code section and
496 recommend additional conditions that have been shown through medical research to be
497 effectively treated with ~~low THC oil~~ medical cannabis or products. Such recommendations
498 shall include recommended dosages for a particular condition, patient responses to
499 treatment with respect to the particular condition, and drug interactions with other drugs
500 commonly taken by patients with the particular condition. Such recommendations shall
501 be made jointly by the board and the Department of Public Health to the General Assembly
502 no later than December 1 of each year."

503 **PART IV**
504 **SECTION 4-1.**

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