

Senate Bill 220

By: Senators Brass of the 6th, Summers of the 13th, Hatchett of the 50th, Strickland of the 42nd, Jackson of the 41st and others

AS PASSED SENATE

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 revise the duties of the Georgia Access to Medical Cannabis Commission; to provide for
8 the provision of certain information by licensees; to provide limitations on the provision of
9 such information; to repeal the prohibition on certain manners of ingesting medical cannabis;
10 to 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 provide for definitions; to provide a short title; to provide for related matters; to repeal
14 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 "Putting Georgia's Patients First 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 16-12-204, relating to nontransferable designated university licenses to produce low THC oil and products, research and reporting of collected information, and license revocation;

- (3) Code Section 16-12-206, relating to annual, nontransferable dispensing license, adoption of rules, and fees;
- (4) 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;
- (5) Code Section 16-12-211, relating to class 1 production licenses, application fee, revocation, and limitation on ownership;
- (6) Code Section 16-12-212, relating to class 2 production licenses, application fees, revocation, and limitation on ownership;
- (7) Code Section 16-12-213, relating to tracking system requirements;
- (8) 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;
- (9) Code Section 16-12-217, relating to on-demand access to facilities, provision of samples, testing, and secured transportation;
- (10) Code Section 16-12-224, relating to limitation on ownership by member or former member of the Georgia Access to Medical Cannabis Commission, limitation on physician's involvement, and identification when contributing to political campaigns;
- (11) Code Section 16-12-226, relating to sales and use taxes applicable;
- (12) Code Section 16-12-230, relating to requirements for dispensing low THC oil and products;
- (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.

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 in Code Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver forms, and annual review and recommendations, 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.

SECTION 2-4.

Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, is amended in Code Section 51-1-29.6, relating to liability of health care institutions and providers regarding low THC oil, by replacing "low THC oil" and "Low THC oil" with "medical cannabis" and "Medical cannabis", respectively.

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) '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, ~~'low THC oil' means an oil~~ that contains an amount of cannabidiol and not more than ~~5 percent~~ 50 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~~ include:

(A) ~~Products~~ products 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 defined in Code Section 2-23-3.

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

(3) 'Registered patient' 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~~ 2.0 ounces or less of ~~low THC oil~~ medical cannabis or a product or products containing an equivalent amount of medical cannabis if such ~~substance~~ 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 a registered patient ~~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 pursuant to Code Section 31-2A-18; 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~~ registered patient who possesses, purchases, or has under his or her control ~~20 fluid ounces~~ 2.0 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~~ 2.0 ounces or less of ~~low-THC oil~~ medical cannabis or a product or products containing an equivalent amount of medical cannabis 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~~ medical cannabis or product or products 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 such person who possesses, purchases, or has under his or her control ~~20 fluid ounces~~ 2.0 ounces or less of ~~low-THC oil~~ medical cannabis or a product or products containing an equivalent amount of medical cannabis without complying with ~~subparagraphs (A), (B), and (C) of~~ paragraph (1) of this subsection shall be punished as for a misdemeanor.

~~(c) Notwithstanding any provision of Chapter 13 of this title, any person~~ Any registered patient having possession of, purchasing, or having under his or her control more than 20 fluid ounces 2.0 ounces of ~~low-THC oil~~ but less than 160 fluid ounces of ~~low-THC oil~~ or who manufactures, distributes, dispenses, sells, purchases, or possesses with the intent to distribute ~~low-THC oil~~ 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 medical cannabis or a product or products containing an equivalent amount of medical cannabis shall be subject to the penalties set forth in Chapter 13 of this title.

~~(d) 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 shall be guilty of the felony offense of trafficking in low-THC oil and, upon conviction thereof, shall be punished as follows:~~

~~(1) If the quantity of low-THC oil is at least 160 fluid ounces but less than 31,000 fluid 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 is at least 31,000 fluid ounces but less than 154,000 fluid 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 is 154,000 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)(d) Subsection~~ 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~~ its designated employees, a program supplier and ~~their~~ its designated employees, a physician, clinical researcher, pharmacy personnel, or other medical personnel.

~~(f) Subsections (c) and (d) of this Code section shall not apply to a designated university, pharmacy, or licensee under Article 9 of Chapter 12 of Title 16, provided that such possession, purchase, control, sale, manufacturing, distribution, or dispensing is solely conducted in accordance with the provisions of Article 9 of Chapter 12 of Title 16.~~

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

SECTION 3-2.

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

"16-12-200.

As used in this article, the term:

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

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

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

(4) 'Class 2 production license' means a license to produce and manufacture ~~low-THC oil~~ medical cannabis and 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~~ medical cannabis and products in accordance with this article.

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

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

(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~~ medical cannabis and 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, including medical cannabis ~~low-THC oil~~ delivered through an oil; or tincture, transdermal patch, lotion, or capsule, ~~except as prohibited by Code Section 16-12-234,~~ but not including:

(A) Hemp products;

(B) Any any food products infused with low-THC oil containing medical cannabis, including, ~~but not limited to,~~ cookies; and candies; or

(C) Raw plant material or any products containing raw plant material, ~~or edibles.~~

(16) 'Registered patient' means an individual who is legally authorized to possess and use ~~low-THC oil~~ medical cannabis and products pursuant to Code Section 31-2A-18.

(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~~ medical cannabis and 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 16-12-203, relating to the powers, duties, and responsibilities of the Georgia Access to Medical Cannabis Commission, as follows:

"16-12-203.

The commission shall have the following powers, duties, and responsibilities:

(1) To apply for, receive, and administer state funds appropriated to the commission, private grants and donations, and other funds and donations. The commission's annual distributions shall be capped and limited to funds received from the sources specified in

242 this paragraph. The commission shall ensure that its funds are not used as a supplement
243 or secondary payor to any other third-party payor;

244 (2) To execute a contract or contracts to purchase or obtain ~~low-THC oil~~ medical
245 cannabis, cannabis, cannabinoids, or any other derivative, compound, or substantially
246 similar products from any available legal source and to provide logistics related thereto
247 in accordance with this article. Such contract or contracts may be executed with one or
248 more qualified corporations or with one or more governmental entities. Purchases made
249 pursuant to this paragraph shall not be subject to state purchasing laws contained in
250 Article 3 of Chapter 5 of Title 50 or in other provisions of the Official Code of Georgia
251 Annotated;

252 (3) To utilize funds appropriated to the commission as may be necessary to purchase and
253 transport ~~low-THC oil~~ medical cannabis and products to the State of Georgia for use by
254 registered patients;

255 (4) To develop, establish, maintain, and administer a ~~low-THC oil~~ medical cannabis and
256 products distribution network to obtain and distribute ~~low-THC oil~~ medical cannabis and
257 products to registered patients in this state and to coordinate the best use of facilities and
258 resources to operate such distribution network;

259 (5) To establish procedures for inspecting production facilities operated by designated
260 universities;

261 (6) To establish requirements and procedures to ensure quality control, security, and
262 oversight of ~~low-THC oil~~ medical cannabis and products production in this state,
263 including, but not limited to, testing for purity and dosage levels and verification that
264 product labels accurately reflect product content;

265 (7) To provide for oversight of tracking systems;

266 (8) To coordinate and assist in the collection of data to evaluate the provision of ~~low~~
267 ~~THC oil~~ medical cannabis and products in this state;

(9) To study the provision of ~~low-THC oil~~ medical cannabis and products in this state to determine the best practices and methods of providing such services, to determine what changes are needed to improve the provision of ~~low-THC oil~~ medical cannabis and products, and to report any proposed legislative changes to the General Assembly each year;

(10) To coordinate its activities with the Department of Public Health;

(10.1) To engage in public awareness activities concerning the medical cannabis program in this state and effective uses of medical cannabis and products, including, but not limited to, publishing materials and conducting outreach and public education activities to inform members of the public, law enforcement, and healthcare providers about the medical cannabis program in this state and the potential benefits that medical cannabis and products may have to eligible patients;

(11) To employ an executive director and other staff and to establish duties and responsibilities of such persons;

(12) To employ and manage consultants, as deemed necessary, in order to fulfill its duties and responsibilities under this article;

(13) To review new treatment and delivery methods for ~~low-THC oil~~ medical cannabis and products that may result from medical research and are not otherwise inconsistent with this article, and recommend statutory changes to the General Assembly to authorize such treatment and delivery methods and products;

(14) To be responsible for the noncriminal enforcement of the provisions of this article and to have all of the necessary duties, power, and authority to carry out such responsibility;

(15) To be authorized to draft, adopt, amend, repeal, and enforce such rules and regulations as it deems necessary for the administration and enforcement of this article in the protection of public health, safety, and welfare;

(16) To enforce qualifications for licensure; and

(17) To levy fines for failure by a Class 1 production licensee, Class 2 production licensee, or dispensing licensee to operate in accordance with rules and regulations established by the commission within 14 days of written notice by the commission of specific violations. Such fines shall not exceed \$25,000.00 for a first offense, \$50,000.00 for a failure to remedy the offense within 60 days after written notice of a first offense, and \$75,000.00 for subsequent failures to remedy noncompliance within 90 days after written notice of a first offense. Following a third written notice of a recurring violation, the commission may also order a licensee to cease operations for a period of up to 30 days to correct the violation. Any such fines or orders to cease operations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

SECTION 3-4.

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.

(b)(1) Except as provided in paragraph (2) of this subsection, no licensee shall advertise or market low THC oil medical cannabis or products to registered patients or the public; provided, however, that third party associations representing the medical cannabis industry shall not be subject to this prohibition.

(2) A; provided, however, that a licensee shall be authorized to provide information:

(A) Regarding regarding its low THC oil medical cannabis and products directly to physicians and healthcare providers; and

(B) About the legal and safe uses of medical cannabis and products to registered patients or the public.

(3) Any information provided by a licensee pursuant to paragraph (2) of this subsection shall not:

(A) Include any medical claim, unless such claim is supported by reliable scientific evidence;

(B) Make any false or misleading claim; or

(C) Be attractive to children or otherwise directly or indirectly targeted to individuals under 21 years of age. For purposes of this subparagraph, the term 'attractive to children' shall have the same meaning as set forth in Code Section 2-23-3."

SECTION 3-5A.

Said chapter is further amended by revising subsection (a) of Code Section 16-12-230, relating to requirements for dispensing low THC oil and products, as follows:

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

SECTION 3-5.

Said chapter is further amended by revising Code Section 16-12-225, relating to criminal offenses and penalties, as follows:

"16-12-225.

(a) A licensee or licensee's employee who knowingly or willfully encourages, causes, abets, connives, conspires, or aids in the endangerment of patients, trafficking of ~~low-THC oil~~ medical cannabis, products, or its manufacturing by-products, or criminal distribution of raw materials and agricultural inputs, including but not limited to seeds, under this part shall be guilty of a felony and, upon conviction thereof, be punished by a fine not to exceed \$100,000.00, imprisonment for not less than five nor more than ten years, or both.

(b) Any person whose acts or omissions of gross, willful, or wanton negligence contribute to or cause the endangerment of patients, trafficking of ~~low-THC oil~~ medical cannabis, products, or its manufacturing by-products, or criminal distribution of raw materials and agricultural inputs, including but not limited to seeds, under this part shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction thereof, be punished by a fine of up to \$5,000.00, imprisonment for up to 12 months, or both.

(c) Failure to comply with all other provisions of this part shall be punishable by a fine of up to \$500.00 for the first offense. All persons convicted of a second or subsequent offense shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of up to \$1,000.00, imprisonment for up to six months, or both, for each violation.

(d) The provisions of this Code section shall not preclude prosecution and punishment for the commission of any offense otherwise provided by law."

SECTION 3-6.

Said chapter is further amended by revising Code Section 16-12-231, relating to exemptions from arrest, prosecutions, or penalty, as follows:

"16-12-231.

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

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

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

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

(4) The commission or its employees or contractors associated with the production of ~~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 3-7.

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

399 **SECTION 3-8.**

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

403 "(16) 'Marijuana' means all parts of the plant of the genus Cannabis, whether growing or
404 not, the seeds thereof, the resin extracted from any part of such plant, and every
405 compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,
406 or resin, but shall not include samples as described in subparagraph (P) of paragraph (3)
407 of Code Section 16-13-25; shall not include the completely defoliated mature stalks of
408 such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized
409 samples of seeds of the plant which are incapable of germination; and shall not include
410 hemp or hemp products, as such terms are defined in Code Section 2-23-3, or medical
411 cannabis or products, as such terms are defined in Code Sections 16-12-190 and
412 16-12-200, respectively, when in the possession or control of a person authorized to
413 possess and control such medical cannabis or products under the provisions of Article 8
414 or Article 9 of Chapter 12 of this title. Such term shall not include products approved by
415 the federal Food and Drug Administration under Section 505 of the federal Food, Drug,
416 and Cosmetic Act."

417 **SECTION 3-9.**

418 Said article is further amended in Code Section 16-13-25, relating to Schedule I, by revising
419 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 3-10.

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 in Code Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver forms, and annual review and recommendations, by revising paragraph (3) of subsection (a) as follows: forms, and annual review and recommendations, by revising paragraphs (2) and (3) of subsection (a) as follows:

"(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 any of the following, provided that the patient's symptoms associated with any such condition can reasonably be expected to be relieved by the use of medical cannabis and the potential benefits of such use to the patient outweigh the potential health risks that such use might pose to the patient:

(A) Any cancer except skin cancer, unless it is metastatic skin cancer ~~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;~~

471 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing
472 of a trauma for a patient who is at least 18 years of age; ~~or~~
473 (P) Intractable pain; or
474 (Q) Lupus."

475 **PART IV**
476 **SECTION 4-1.**

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