

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:

16

PART I

17

SECTION 1-1.

18 This Act shall be known and may be cited as the "Putting Georgia's Patients First Act."

19

PART II

20

SECTION 2-1.

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

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

29

SECTION 2-2.

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

34 (1) Code Section 16-12-201, relating to prohibition against producing, growing,
35 manufacturing, or dispensing low THC oil or products;
36 (2) Code Section 16-12-204, relating to nontransferable designated university licenses to
37 produce low THC oil and products, research and reporting of collected information, and
38 license revocation;

39 (3) Code Section 16-12-206, relating to annual, nontransferable dispensing license,
40 adoption of rules, and fees;

41 (4) Code Section 16-12-210, relating to powers, duties, and responsibilities of the Georgia
42 Access to Medical Cannabis Commission, no undue burden on patients, and remission of
43 fees;

44 (5) Code Section 16-12-211, relating to class 1 production licenses, application fee,
45 revocation, and limitation on ownership;

46 (6) Code Section 16-12-212, relating to class 2 production licenses, application fees,
47 revocation, and limitation on ownership;

48 (7) Code Section 16-12-213, relating to tracking system requirements;

49 (8) Code Section 16-12-216, relating to Bureau of Investigation, Access to Medical
50 Cannabis Commission, and Composite Medical Board to jointly establish procedures to
51 ensure compliance;

52 (9) Code Section 16-12-217, relating to on-demand access to facilities, provision of
53 samples, testing, and secured transportation;

54 (10) Code Section 16-12-224, relating to limitation on ownership by member or former
55 member of the Georgia Access to Medical Cannabis Commission, limitation on physician's
56 involvement, and identification when contributing to political campaigns;

57 (11) Code Section 16-12-226, relating to sales and use taxes applicable;

58 (12) Code Section 16-12-230, relating to requirements for dispensing low THC oil and
59 products;

60 (13) Code Section 16-12-233, relating to contracts not against public policy;

61 (14) Code Section 16-12-235, relating to research in compliance with federal regulations;
62 and

63 (15) Code Section 16-12-235.1, relating to possession of low THC oil and products by
64 colleges and universities for research purposes, permitting requirements, and inspection.

65

SECTION 2-3.

66 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
67 general provisions relative to the Department of Public Health, is amended in Code Section
68 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver forms,
69 and annual review and recommendations, by replacing "low THC oil" and "Low THC oil"
70 with "medical cannabis" and "Medical cannabis", respectively, and by replacing "Low THC
71 Oil Patient Registry" with "Medical Cannabis Patient Registry" wherever such terms occur.

72

SECTION 2-4.

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

77

PART III

78

SECTION 3-1.

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

82

"ARTICLE 8

83 16-12-190.

84 As used in this article, the term:

85 (1) 'Medical cannabis' means any plant within the genus Cannabis and any part of such
86 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.

113 (2) Notwithstanding any provision of Chapter 13 of this title, any person registered
114 patient who possesses, purchases, or has under his or her control ~~20 fluid ounces~~ 2.0
115 ~~ounces or less of low THC oil~~ medical cannabis or a product or products containing an
116 equivalent amount of medical cannabis without complying with paragraph (1) of this
117 subsection shall be punished as for a misdemeanor.

118 (b)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for any
119 person to possess, purchase, or have under his or her control ~~20 fluid ounces~~ 2.0 ounces
120 or less of ~~low THC oil~~ medical cannabis or a product or products containing an
121 equivalent amount of medical cannabis if:

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

125 (i) A program participant;
126 (ii) A parent, guardian, or legal custodian of a program participant;
127 (iii) An employee of the board of regents designated to participate in the research
128 program;
129 (iv) A program agent;
130 (v) A program collaborator and their designated employees;
131 (vi) A program supplier and their designated employees;
132 (vii) A program physician;
133 (viii) A program clinical researcher;
134 (ix) Program pharmacy personnel; or
135 (x) Other program medical personnel; and

136 (B) Such ~~substance~~ medical cannabis or product or products is in a pharmaceutical
137 container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol
138 therein.

139 (2) Notwithstanding any provision of Chapter 13 of this title, any such person who
140 possesses, purchases, or has under his or her control ~~20~~ fluid ounces 2.0 ounces or less
141 of ~~low~~ THC oil medical cannabis or a product or products containing an equivalent
142 amount of medical cannabis without complying with subparagraphs (A), (B), and (C) of
143 paragraph (1) of this subsection shall be punished as for a misdemeanor.

144 (c) ~~Notwithstanding any provision of Chapter 13 of this title, any person Any registered~~
145 ~~patient~~ having possession of, purchasing, or having under his or her control more than ~~20~~
146 fluid ounces 2.0 ounces of ~~low~~ THC oil but less than ~~160~~ fluid ounces of ~~low~~ THC oil or
147 who manufactures, distributes, dispenses, sells, purchases, or possesses with the intent to
148 distribute ~~low~~ THC oil shall be guilty of a felony and, upon conviction thereof, shall be
149 punished by imprisonment for not less than one year nor more than ten years, a fine not to
150 exceed ~~\$50,000.00~~, or both medical cannabis or a product or products containing an
151 equivalent amount of medical cannabis shall be subject to the penalties set forth in Chapter
152 13 of this title.

153 (d) Notwithstanding any provision of Chapter 13 of this title, any person who sells,
154 manufactures, delivers, brings into this state, purchases, or has possession of ~~160~~ or more
155 fluid ounces of ~~low~~ THC oil shall be guilty of the felony offense of trafficking in ~~low~~ THC
156 oil and, upon conviction thereof, shall be punished as follows:

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

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

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

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

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

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

181 SECTION 3-2.

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

184 "16-12-200.

185 As used in this article, the term:

- 186 (1) 'Applicant' means a corporate entity applying for a license pursuant to this article.
- 187 (2) 'Available capital' means corporate assets that are available to fund business
188 operations in the event a license is awarded pursuant to Part 2 of this article.
- 189 (3) 'Class 1 production license' means a license to produce and manufacture ~~low THC~~
190 ~~oil~~ medical cannabis and products issued pursuant to Code Section 16-12-211.

191 (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.

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

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

194 (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.

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

196 (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.

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

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

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

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

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

202 (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

217 rights with respect to such interests, then both shall be considered an owner of such
218 interests.

219 (15) 'Product' means all products that are derived from, or made by, processing medical
220 cannabis and that are prepared in a form available for commercial sale, including medical
221 cannabis low THC oil delivered through an oil; or tincture, transdermal patch, lotion, or
222 capsule, except as prohibited by Code Section 16-12-234, but not including:

223 (A) Hemp products;

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

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

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

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

233 **SECTION 3-3.**

234 Said chapter is further amended by revising Code Section 16-12-203, relating to the powers,
235 duties, and responsibilities of the Georgia Access to Medical Cannabis Commission, as
236 follows:

237 "16-12-203.

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

239 (1) To apply for, receive, and administer state funds appropriated to the commission,
240 private grants and donations, and other funds and donations. The commission's annual
241 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;

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

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

274 (10.1) To engage in public awareness activities concerning the medical cannabis
275 program in this state and effective uses of medical cannabis and products, including, but
276 not limited to, publishing materials and conducting outreach and public education
277 activities to inform members of the public, law enforcement, and healthcare providers
278 about the medical cannabis program in this state and the potential benefits that medical
279 cannabis and products may have to eligible patients;

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

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

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

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

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

294 (16) To enforce qualifications for licensure; and

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

305 **SECTION 3-4.**

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

309 "16-12-215.

310 (a) No licensee shall operate in any location, whether for cultivation, harvesting, and
311 processing of marijuana or for processing, manufacturing, packaging, or distributing ~~low~~
312 ~~THC oil~~ medical cannabis or products, within a 3,000 foot radius of a covered entity,
313 measured from property boundary to property boundary. No dispensing licensee may
314 operate in any location within a 1,000 foot radius of a covered entity, measured from
315 property boundary to property boundary. Notwithstanding the provisions of this
316 subsection, local governments may, via use of existing zoning powers otherwise provided
317 by law, allow dispensing licensees only to locate in places other than those provided in this
318 subsection so long as such modification is needed to allow retail outlets to be established
319 to service registered patients residing within such local jurisdiction. As used in this
320 subsection, the term 'covered entity' means a public or private school; an early care and

321 education program as defined in Code Section 20-1A-2; or a church, synagogue, or other
322 place of public religious worship, in existence prior to the date of licensure of such licensee
323 by the commission or State Board of Pharmacy.

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

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

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

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

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

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

337 (B) Make any false or misleading claim; or

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

SECTION 3-5A.

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

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

347

SECTION 3-5.

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

350 "16-12-225.

351 (a) A licensee or licensee's employee who knowingly or willfully encourages, causes,
352 abets, connives, conspires, or aids in the endangerment of patients, trafficking of ~~low THC~~
353 ~~oil~~ medical cannabis, products, or its manufacturing by-products, or criminal distribution
354 of raw materials and agricultural inputs, including but not limited to seeds, under this part
355 shall be guilty of a felony and, upon conviction thereof, be punished by a fine not to exceed
356 \$100,000.00, imprisonment for not less than five nor more than ten years, or both.

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

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

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

369

SECTION 3-6.

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

372 "16-12-231.

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

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

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

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

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

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

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

395

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:

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

SECTION 3-10.

431 Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to
432 general provisions relative to the Department of Public Health, is amended in Code
433 Section 31-2A-18, relating to low THC oil patient registry, registration cards, reports, waiver
434 forms, and annual review and recommendations, by revising paragraph (3) of subsection (a)
435 as follows: forms, and annual review and recommendations, by revising paragraphs (2) and
436 (3) of subsection (a) as follows:

437 "(2) 'Caregiver' means:

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

440 (B) An adult who is designated by a patient as being an individual authorized to
441 provide assistance, and who is willing to provide such assistance, with purchasing,

442 possessing, and administering medical cannabis or products for such patient's use; or
443 (C) A healthcare institution as defined in Code Section 51-1-29.6 where a patient is
444 receiving health or medical care for a condition and where such institution agrees to

445 allow such patient to possess and use medical cannabis or products on such institution's
446 premises.

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

451 (A) Any cancer except skin cancer, unless it is metastatic skin cancer ~~Cancer when such~~
452 ~~disease is diagnosed as end stage or the treatment produces related wasting illness or~~
453 ~~recalcitrant nausea and vomiting;~~

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

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

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

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

459 (F) Mitochondrial disease;

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

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

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

463 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
464 ~~least 18 years of age, or severe autism, when diagnosed for a patient who is less than~~
465 ~~18 years of age;~~

466 (K) Epidermolysis bullosa;

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

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

470 (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.