

House Bill 265

By: Representatives Sainz of the 180<sup>th</sup>, Cooper of the 45<sup>th</sup>, Stephens of the 164<sup>th</sup>, and  
Townsend of the 179<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, the "Georgia  
2 Hemp Farming Act," so as to provide limits on the total concentration of THC and other  
3 intoxicating cannabinoids in consumable hemp products; to revise provisions concerning the  
4 certificate of analysis applicable to consumable hemp products; to provide criminal penalties;  
5 to provide limits on the milligrams of THC and other intoxicating cannabinoids in  
6 consumable hemp products in the form of gummies; to revise and provide for definitions; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "2-23-3.

14 As used in this chapter, the term:

15 (1) 'Attractive to children' means the use of any characters or symbols designed to  
16 appeal, or would likely appeal, primarily to individuals under 21 years of age, including

but not limited to anthropomorphized animals, creatures, promotional characters, licensed characters, or inanimate objects; depictions of children; or depictions of candy.

(2) 'Commercial sale' means the sale of products in the stream of commerce at retail, at wholesale, and online.

(3) 'Consumable hemp product' means a hemp product intended to be ingested, absorbed, or inhaled by humans or animals.

(4) 'Contaminant' means a foreign substance or compound that may, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such term shall include, without limitation, heavy metals, pesticide residues, residual solvents or processing chemicals, and any other substance or compound that the department determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal.

(5) 'Cultivate' means to plant, water, grow, and harvest a plant or crop.

(6) 'Delta-9-THC' means delta-9-tetrahydrocannabinol.

(7) 'Delta-9-THCA' means delta-9-tetrahydrocannabinolic acid.

(8) Reserved.

(9) 'Full panel certificate of analysis' means a report, produced by a laboratory which is unaffiliated with the processor or manufacturer and which has been accredited pursuant to the standards of the International Organization for Standardization for the competence, impartiality, and consistent operation of laboratories, attesting to the composition of a product.

(10) 'Handle' means to possess or store hemp plants for any period of time other than during the actual transport of such plants from the premises of a person licensed to cultivate or permitted to process hemp or a college or university authorized to conduct research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted person or to a college or university authorized to conduct research pursuant to Code

Section 2-23-4; provided, however, that such term shall not include possessing or storing finished hemp products.

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

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

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

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

(15) 'Key participant' means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation when such sole proprietor, partnership, or corporation is an applicant to be a hemp grower licensee or a permittee. A person with executive managerial control in a corporation includes persons serving as a chief executive officer, chief operating officer, chief financial officer, or any other individual identified in regulations promulgated by the department. Such term shall not include nonexecutive managers, such as farm, field, or shift managers.

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

(A) 0.3 percent; or

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

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

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

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

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

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

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

(B) Such term shall not include:

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

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

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

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

(25) 'Research' or 'researching' means experimental field, greenhouse, or laboratory activity for the ultimate purpose of developing new hemp varieties and products,

improving existing hemp products, developing new uses for existing hemp products, or developing or improving methods for producing hemp products.

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

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

(28) 'THC and other intoxicating cannabinoids' means and includes:

(A) THC and any isomers, derivatives, salts, isomers of salts, analogues, halogen analogues, or homologues of THC, including, but not limited to, delta-8-tetrahydrocannabinol (delta-8-THC), delta-9-tetrahydrocannabinol (delta-9-THC), delta-10-tetrahydrocannabinol (delta-10-THC), delta-11-tetrahydrocannabinol (delta-11-THC), tetrahydrocannabinolic acid (THCA), exo-tetrahydrocannabinol (exo-THC), THC-O-acetate (THC-OA), THC-O-phosphate (THC-O), tetrahydrocannabiphorol (THCP), tetrahydrocannabivarin (THCV), tetrahydrocannabihexol (THCH), tetrahydrocannabioctyl (THCJD), and tetrahydrocannabutol (THCB);

(B) Cannabinol (CBN) and any isomers, derivatives, salts, isomers of salts, analogues, halogen analogues, or homologues of CBN; and

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

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

~~(28)~~(30) 'Total delta-9-THC concentration' means a concentration of delta-9-THC as determined by Code Section 2-23-3.1.

~~(29)~~(31) 'Wholesale consumable hemp license' means a license issued by the department under the authority of this chapter to an individual or business entity that sells, in bulk, prepackaged consumable hemp products to retail consumable hemp establishment licensees or to other retail establishments located outside of the State of Georgia that are authorized to sell consumable hemp products to consumers in the jurisdiction where such establishments are located."

## SECTION 2.

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

"2-23-9.1.

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

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

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

(A) THC and other intoxicating cannabinoids;

(B) Cannabidiol (CBD);

(C) Cannabidiolic acid (CBDA);

(D) Cannabigerol (CBG);

(E) Cannabigerolic acid (CBGA); and

~~(F) Cannabinol (CBN);~~

~~(G)~~ Hexahydrocannabinol (HHH); and

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

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

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

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

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

~~(c)~~(d) The department shall randomly inspect and test consumable hemp products available for purchase at retail establishments to ensure compliance with this Code section. Such investigations and testing shall be conducted in compliance with this chapter and with the rules and regulations promulgated by the department.

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

(1) Does not bear:

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

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

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

(3) Has a total concentration of THC and other intoxicating cannabinoids that exceeds 0.3 percent;

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

~~(4)~~(5) Has a composition that is materially different from what is shown on the full panel certificate of analysis conducted on such product within the last 12 months pursuant to subsection ~~(a)~~ (b) of this Code section,

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

~~(e)~~(f) Any person who violates the provisions of subsection (a), (b), or ~~(b)~~ (c) of this Code section shall be guilty of a misdemeanor."

### SECTION 3.

Said chapter is further amended in Code Section 2-23-9.2, relating to consumable hemp products, packaging, and advertising, by revising subsection (c) as follows:

"(c)(1) As used in this subsection, the term:

(A) 'Food product' means any product intended to be consumed by humans for physical subsistence; provided, however, that such term shall not include products that constitute drinks or beverages.

(B) 'Gummy' means a gelatinous substance in the form of a cube, sphere, prismatoid, ovoid, or other shape that is designed for human ingestion.

(2) No consumable hemp product shall be sold or otherwise distributed in this state if such product constitutes or is a component of:

(A) A food product; or

(B) A drink or beverage that contains alcohol or constitutes an alcoholic beverage under Title 3.

