

Senate Bill 16

By: Senators Watson of the 1st, Unterman of the 45th, Hufstetler of the 52nd, Millar of the 40th, Kirk of the 13th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Sections 16-12-191 and 31-2A-18 of the Official Code of Georgia
2 Annotated, relating to possession, manufacture, distribution, or sale of low THC oil, and the
3 establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards,
4 quarterly reports, and waiver forms, respectively, so as to change provisions relating to the
5 possession of low THC oil; to change provisions relating to conditions and eligibility; to
6 provide a definition; to change certain reporting requirements; to provide for related matters;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 16-12-191 of the Official Code of Georgia Annotated, relating to possession,
11 manufacture, distribution, or sale of low THC oil, is amended by revising subsection (a) as
12 follows:

13 "(a)(1) Notwithstanding any provision of Chapter 13 of this title, it shall be lawful for
14 any person to possess or have under his or her control 20 fluid ounces or less of low THC
15 oil if such substance is in a pharmaceutical container labeled by the manufacturer
16 indicating the percentage of tetrahydrocannabinol therein and:

17 (A) Such person is registered with the Department of Public Health as set forth in Code
18 Section 31-2A-18; and

19 ~~(B) Such person~~ has in his or her possession a registration card issued by the
20 Department of Public Health; ~~and or~~

21 ~~(C)(B) Such person has in his or her possession a registration card issued by another~~
22 state that allows the same possession of low THC oil as provided by this state's law;
23 provided, however, that such registration card shall not be lawful authority when such
24 person has been present in this state for 45 days or more. Such substance is in a
25 pharmaceutical container labeled by the manufacturer indicating the percentage of
26 tetrahydrocannabinol therein.

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

31 **SECTION 2.**

32 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the
 33 establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards,
 34 quarterly reports, and waiver forms, is amended by revising paragraph (3) of subsection (a)
 35 and subsections (c) through (e) as follows:

36 "(3) 'Condition' means:

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

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

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

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

44 (E) Crohn's disease;

45 (F) Mitochondrial disease;

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

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

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

51 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
 52 least 18 years of age, or severe autism, when diagnosed for a patient who is less than
 53 18 years of age;

54 (K) Epidermolysis bullosa;

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

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

58 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage."

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

63 ~~residing in this state for at least one year or a child born in this state less than one year old~~
 64 ~~shall be eligible for registration under this Code section. Nothing in this Code section shall~~
 65 ~~apply to any Georgia residents living temporarily in another state for the purpose of~~
 66 ~~securing THC oil for treatment of any condition under this Code section.~~

67 (d) The department shall issue a registration card to individuals ~~and caregivers as soon as~~
 68 ~~practicable but no later than September 1, 2015, when an individual has who have been~~
 69 ~~certified to the department by his or her physician as being diagnosed with a condition or~~
 70 ~~is an inpatient or outpatient in a hospice program and ~~has~~ have been authorized by such~~
 71 ~~physician to use low THC oil as treatment ~~for such condition~~. The department shall issue~~
 72 ~~a registration card to a caregiver when the circumstances warrant the issuance of such card.~~
 73 The board shall establish procedures and promulgate rules and regulations to assist
 74 physicians in providing required uniform information relating to certification and any other
 75 matter relating to the issuance of certifications. In promulgating such rules and regulations,
 76 the board shall require that physicians have a doctor-patient relationship when certifying
 77 an individual as needing low THC oil and physicians shall be required to be treating ~~an~~
 78 ~~such individual for the specific condition requiring such treatment or be treating such~~
 79 ~~individual in a hospice program.~~

80 (e) The board shall require physicians to issue ~~quarterly~~ semiannual reports to the board.
 81 Such reports shall require physicians to provide information, including, but not limited to,
 82 dosages recommended for a particular condition, patient clinical responses, levels of
 83 ~~tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance,~~
 84 ~~responses to treatment, side effects, and drug interactions."~~

85 **SECTION 3.**

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