

House Bill 1390

By: Representative Bell of the 75<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-12-191 of the Official Code of Georgia Annotated, relating to  
2 possession, manufacture, distribution, or sale of low THC oil and penalties, so as to revise  
3 penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Code Section 16-12-191 of the Official Code of Georgia Annotated, relating to possession,  
7 manufacture, distribution, or sale of low THC oil and penalties, is amended as follows:

8 "16-12-191.

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

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

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

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

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

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

- 29 (i) A program participant;  
30 (ii) A parent, guardian, or legal custodian of a program participant;  
31 (iii) An employee of the board of regents designated to participate in the research  
32 program;  
33 (iv) A program agent;  
34 (v) A program collaborator and their designated employees;  
35 (vi) A program supplier and their designated employees;  
36 (vii) A program physician;  
37 (viii) A program clinical researcher;  
38 (ix) Program pharmacy personnel; or  
39 (x) Other program medical personnel; and

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

42 (2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses,  
43 purchases, or has under his or her control 20 fluid ounces or less of low THC oil without  
44 complying with subparagraphs (A), (B), and (C) of paragraph (1) of this subsection shall  
45 be punished as for a misdemeanor by a fine not to exceed \$300.00.

46 ~~(c) Notwithstanding any provision of Chapter 13 of this title, any person having possession~~  
47 ~~of, purchasing, or having under his or her control more than 20 fluid ounces of low THC~~  
48 ~~oil but less than 160 fluid ounces of low THC oil or who manufactures, distributes,~~  
49 ~~dispenses, sells, purchases, or possesses with the intent to distribute low THC oil shall be~~  
50 ~~guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not~~  
51 ~~less than one year nor more than ten years, a fine not to exceed \$50,000.00, or both.~~

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

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

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

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

64 ~~(e) Subsections (c) and (d) of this Code section shall not apply to a person involved in a~~  
65 ~~research program being conducted by the Board of Regents of the University System of~~  
66 ~~Georgia or its authorized agent as an employee of the board of regents designated to~~  
67 ~~participate in such program, a program agent, a program collaborator and their designated~~

68 ~~employees, a program supplier and their designated employees, a physician, clinical~~  
69 ~~researcher, pharmacy personnel, or other medical personnel.~~

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

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

80

## SECTION 2.

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