

House Bill 65 (COMMITTEE SUBSTITUTE)

By: Representatives Peake of the 141st, Gravley of the 67th, Powell of the 32nd, Clark of the 98th, Battles of the 15th, and others

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. Such substance is in a
23 pharmaceutical container labeled by the manufacturer indicating the percentage of
24 tetrahydrocannabinol therein.

25 (2) Notwithstanding any provision of Chapter 13 of this title, any person who possesses
26 or has under his or her control 20 fluid ounces or less of low THC oil without complying

27 with subparagraphs (A), (B), and (C) of paragraph (1) of this subsection shall be punished
 28 as for a misdemeanor."

29 **SECTION 2.**

30 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the
 31 establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards,
 32 quarterly reports, and waiver forms, is amended by revising paragraphs (3) through (7) of
 33 subsection (a) and subsections (c) through (e) as follows:

34 "(3) 'Condition' means:

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

37 (B) Amyotrophic lateral sclerosis, ~~when such diagnosis is severe or end stage;~~

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

39 (D) Multiple sclerosis, ~~when such diagnosis is severe or end stage;~~

40 (E) Crohn's disease;

41 (F) Mitochondrial disease;

42 (G) Parkinson's disease, ~~when such diagnosis is severe or end stage; or~~

43 (H) Sickle cell disease, ~~when such diagnosis is severe or end stage;~~

44 (I) Tourette's syndrome;

45 (J) Autism spectrum disorder;

46 (K) Epidermolysis bullosa;

47 (L) Alzheimer's disease;

48 (M) Human immunodeficiency virus;

49 (N) Acquired immune deficiency syndrome;

50 (O) Autoimmune disease; or

51 (P) Peripheral neuropathy.

52 (4) 'Department' means the Department of Public Health.

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

54 (6) 'Physician' means an individual licensed to practice medicine pursuant to Article 2
 55 of Chapter 34 of Title 43.

56 (7) 'Registry' means the Low THC Oil Patient Registry."

57 "(c) The purpose of the registry is to provide a registration of individuals and caregivers
 58 who have been issued registration cards. The department shall establish procedures and
 59 promulgate rules and regulations for the establishment and operation of the registration
 60 process and dispensing of registry cards to individuals and caregivers. ~~Only individuals~~
 61 ~~residing in this state for at least one year or a child born in this state less than one year old~~
 62 ~~shall be eligible for registration under this Code section. Nothing in this Code section shall~~

63 ~~apply to any Georgia residents living temporarily in another state for the purpose of~~
64 ~~securing THC oil for treatment of any condition under this Code section.~~

65 (d) The department shall issue a registration card to individuals ~~and caregivers as soon as~~
66 ~~practicable but no later than September 1, 2015, when an individual has~~ who have been
67 certified to the department by his or her physician as being diagnosed with a condition or
68 is an inpatient or outpatient in a hospice program and ~~has~~ has been authorized by such
69 physician to use low THC oil as treatment ~~for such condition.~~ The department shall issue
70 a registration card to a caregiver when the circumstances warrant the issuance of such card.

71 The board shall establish procedures and promulgate rules and regulations to assist
72 physicians in providing required uniform information relating to certification and any other
73 matter relating to the issuance of certifications. In promulgating such rules and regulations,
74 the board shall require that physicians have a doctor-patient relationship when certifying
75 an individual as needing low THC oil and physicians shall be required to be treating ~~an~~
76 such individual for the specific condition requiring such treatment or be treating such
77 individual in a hospice program.

78 (e) The board shall require physicians to issue ~~quarterly~~ annual reports to the board. Such
79 reports shall require physicians to provide information, including, but not limited to,
80 dosages recommended for a particular condition, patient clinical responses, compliance,
81 responses to treatment, side effects, and drug interactions."

82 **SECTION 3.**

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