

House Bill 797

By: Representative Tran of the 80<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the  
2 Department of Public Health, so as to revise provisions relating to the Low THC Oil Patient  
3 Registry; to provide for online payment for registration cards; to provide for registry cards  
4 to be delivered through certified mail; to require physicians to see a registered patient every  
5 six months; to require physicians to complete an education course relating to low THC oil  
6 prior to certifying any patients; to prohibit employers from discriminating against an  
7 employee based on his or her status as a registered patient; to provide for related matters; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to the Department  
12 of Public Health, is amended by revising Code Section 31-2A-18, relating to the Low THC  
13 Oil Patient Registry, as follows:

14 "31-2A-18.

15 (a) As used in this Code section, the term:

16 (1) 'Board' means the Georgia Composite Medical Board.

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- 17 (2) 'Caregiver' means the parent, guardian, or legal custodian of an individual who is less  
18 than 18 years of age or the legal guardian of an adult.
- 19 (3) 'Condition' means:
- 20 (A) Cancer, when such disease is diagnosed as end stage or the treatment produces  
21 related wasting illness or recalcitrant nausea and vomiting;
- 22 (B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end  
23 stage;
- 24 (C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;
- 25 (D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;
- 26 (E) Crohn's disease;
- 27 (F) Mitochondrial disease;
- 28 (G) Parkinson's disease, when such disease is diagnosed as severe or end stage;
- 29 (H) Sickle cell disease, when such disease is diagnosed as severe or end stage;
- 30 (I) Tourette's syndrome, when such syndrome is diagnosed as severe;
- 31 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at  
32 least 18 years of age, or severe autism, when diagnosed for a patient who is less than  
33 18 years of age;
- 34 (K) Epidermolysis bullosa;
- 35 (L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;
- 36 (M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as  
37 severe or end stage;
- 38 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;
- 39 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing  
40 of a trauma for a patient who is at least 18 years of age; or
- 41 (P) Intractable pain.
- 42 (4) 'Department' means the Department of Public Health.

43 (5) 'Intractable pain' means pain that has a cause that cannot be removed and for which,  
44 according to generally accepted medical practice, the full range of pain management  
45 modalities appropriate for the patient has been used for a period of at least six months  
46 without adequate results or with intolerable side effects.

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

48 (7) 'Physician' means an individual licensed to practice medicine pursuant to Article 2  
49 of Chapter 34 of Title 43.

50 (8) 'Registered patient' means an individual who has been issued a registration card  
51 pursuant to this Code section.

52 ~~(8)~~(9) 'Registry' means the Low THC Oil Patient Registry.

53 (b) There is established within the department the Low THC Oil Patient Registry.

54 (c) The purpose of the registry is to provide a registration of individuals and caregivers  
55 who have been issued registration cards. The department shall establish procedures and  
56 promulgate rules and regulations for the establishment and operation of the registration  
57 process and dispensing of registry cards to individuals and caregivers. On and after April  
58 1, 2024, the department shall provide for online payment for registry cards through the  
59 department's website and an option for individuals and caregivers to receive their registry  
60 cards through certified mail.

61 (d)(1) The department shall issue a registration card to ~~individuals who have~~ any  
62 individual who has been certified to the department by his or her physician as being  
63 diagnosed with a condition or is an inpatient or outpatient in a hospice program and ~~have~~  
64 has been authorized by such physician to use low THC oil as treatment. The department  
65 shall issue a registration card to a caregiver when the circumstances warrant the issuance  
66 of such card.

67 (2) A physician shall be required to reevaluate a registered patient at least once every six  
68 months before recertifying such patient. In such reevaluation, the physician shall:

- 69 (A) Determine if the patient still meets the requirements contained in this Code section  
70 for certification; and
- 71 (B) Identify and document in the registered patient's medical records whether such  
72 patient experienced either of the following related to the use of low THC oil:
- 73 (i) An adverse drug interaction with any prescription or nonprescription medication;  
74 or
- 75 (ii) A reduction in the use of, or dependence on, other types of controlled substances,  
76 as defined in Code Section 16-13-21.
- 77 (3) The board shall establish procedures and promulgate rules and regulations to assist  
78 physicians in providing required uniform information relating to certification and any  
79 other matter relating to the issuance of certifications. In promulgating such rules and  
80 regulations, the board shall require that physicians have a doctor-patient relationship  
81 when certifying an individual as needing low THC oil and physicians shall be required  
82 to be treating such individual for the specific condition requiring such treatment or be  
83 treating such individual in a hospice program. Prior to certifying any patients pursuant  
84 to this Code section, a physician shall be required to complete a physician education  
85 course established or approved by the board relating to treating conditions with low THC  
86 oil, including side effects, adverse reactions, dosages, and possible drug interactions.  
87 Such course shall be made available for completion online.
- 88 (4) A physician shall seek and review information about a patient from the prescription  
89 drug monitoring program data base established pursuant to Code Section 16-13-57 prior  
90 to certifying or recertifying such patient to the department as being diagnosed with a  
91 specific condition that requires the use of low THC oil as treatment.
- 92 (e) The board shall require physicians to issue semiannual reports to the board. Such  
93 reports shall require physicians to provide information, including, but not limited to,  
94 dosages recommended for a particular condition, patient clinical responses, levels of  
95 tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance,

96 responses to treatment, side effects, and drug interactions. Such reports shall be used for  
97 research purposes to determine the efficacy of the use of low THC oil as a treatment for  
98 conditions.

99 (f) Information received and records kept by the department for purposes of administering  
100 this Code section shall be confidential; provided, however, that such information shall be  
101 disclosed, subject to the provisions of the federal Health Insurance Portability and  
102 Accountability Act of 1996, P.L. 104-191, and any regulations promulgated thereunder:

103 (1) Upon written request of an individual or caregiver registered pursuant to this Code  
104 section for information related to the individual or his or her caregiver;

105 (2) To peace officers and prosecuting attorneys for the purpose of:

106 (A) Verifying that an individual in possession of a registration card is registered  
107 pursuant to this Code section; or

108 (B) Determining that an individual in possession of low THC oil is registered pursuant  
109 to this Code section; and

110 (3) To government entities and other entities for statistical, research, educational,  
111 instructional, drug abuse prevention, or grant application purposes after removing all  
112 personal identifiers from the health information and removing all information that could  
113 be used to identify prescribers.

114 (g) The board shall develop a waiver form that will advise that the use of cannabinoids and  
115 ~~THC-containing~~ THC-containing products have not been approved by the FDA and the  
116 clinical benefits are unknown and may cause harm. Any patient or caregiver shall sign  
117 such waiver prior to his or her approval for registration.

118 (h) The board, in coordination with the Department of Public Health, shall annually review  
119 the conditions included in paragraph (3) of subsection (a) of this Code section and  
120 recommend additional conditions that have been shown through medical research to be  
121 effectively treated with low THC oil. Such recommendations shall include recommended  
122 dosages for a particular condition, patient responses to treatment with respect to the

123 particular condition, and drug interactions with other drugs commonly taken by patients  
124 with the particular condition. Such recommendations shall be made jointly by the board  
125 and the Department of Public Health to the General Assembly no later than December 1  
126 of each year.

127 (i)(1) No employer may discharge, threaten, refuse to hire, or otherwise discriminate or  
128 retaliate against an employee regarding an employee's compensation, terms, conditions,  
129 location, or privileges solely on the basis of such employee's status as a registered patient.

130 (2) Nothing in this Code section shall be construed to require an employer to make any  
131 accommodation of the use of low THC oil on the property or premises of any place of  
132 employment. This Code section shall in no way limit an employer's ability to discipline  
133 an employee for being under the influence of low THC oil in the workplace or for  
134 working while under the influence of low THC oil when the employee's conduct falls  
135 below the standard of care normally accepted for that position."

136

## SECTION 2.

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