

The Senate Committee on Agriculture and Consumer Affairs offered the following substitute to SB 22:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp  
2 farming, so as to provide for intent; to provide for definitions; to provide for license and  
3 permit fees, surety bonds, and eligibility; to provide for and require retail consumable hemp  
4 establishment licenses and wholesale consumable hemp establishment licenses; to allow  
5 persons convicted of any misdemeanor or a felony not related to a state or federally  
6 controlled substance within ten years of the application date to grow and process industrial  
7 hemp; to provide for exemptions for criminal background checks, federal criminal history  
8 reports, and classifiable electronically recorded fingerprints upon permit and license  
9 renewals; to provide for compliance with applicable laws; to require package requirements,  
10 labeling, and certificates of analysis for hemp products; to provide for ongoing reporting; to  
11 amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses  
12 against public health and morals, so as to prohibit the purchase of, sale of, and the offering  
13 of samples of hemp products by or to any individual under the age of 21 years old; to provide  
14 for inspections, enforcement, and penalties for violations; to provide for venue; to provide  
15 for rules and regulations; to provide for related matters; to provide for an effective date; to  
16 repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18

**SECTION 1.**

19 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp farming,  
20 is amended in Code Section 2-23-2, relating to intent, by revising paragraphs (5) and (6) and  
21 by adding a new paragraph to read as follows:

22 "(5) Balance the desire to explore the cultivation and processing of hemp with public  
23 health, safety, and welfare regarding the potential for unwanted and unlawful uses of  
24 chemical elements of hemp; and

25 (6) Enable the department, licensees, and universities to promote the cultivation and  
26 processing of hemp and the commercial sale of hemp products; and

27 (7) Have revenue produced as a result of this chapter appropriated to the department for  
28 costs of administering this chapter."

29

**SECTION 2.**

30 Said chapter is further amended in Code Section 2-23-3, relating to definitions, by revising  
31 paragraph (6) and paragraph (12) and by adding new paragraphs to read as follows:

32 "(1.2) 'Consumable hemp products' means a hemp product intended to be ingested,  
33 absorbed, or inhaled by humans or animals."

34 "(3.1) 'Full panel certificate of analysis' means a document, produced by a laboratory  
35 which is unaffiliated with the processor and which has been accredited pursuant to the  
36 standards of the International Organization for Standardization for the competence,  
37 impartiality, and consistent operation of laboratories, attesting to the composition of a  
38 product, and which shall include a designation indicating whether the product passed or  
39 failed."

40 "(6) 'Hemp products' means ~~all products with the federally defined THC level for hemp~~  
41 ~~derived from, or made by, processing hemp plants or plant parts that are prepared in a~~  
42 ~~form available for legal commercial sale, but not including food products infused with~~  
43 ~~THC unless approved by the United States Food and Drug Administration~~ all finished

44 products with a concentration of delta-9-THC, isomers of delta-9-THC, and esters of  
45 delta-9-THC of not more than the federally defined THC level for hemp that is derived  
46 from or made by processing a hemp plant or plant part and prepared in a form available  
47 for commercial sale. Hemp products shall not be considered controlled substances solely  
48 due to the presence of hemp or hemp derived cannabinoids.

49 (6.1) 'Industrial hemp product' means any hemp product that is not a consumable hemp  
50 product."

51 "(8.1) 'Passing,' with regard to a full-panel certificate of analysis, means that the  
52 full-panel certificate of analysis attests to the final packaged product's composition of the  
53 following grouping of assays and, where applicable, that the final packaged product  
54 contains equal to or less than the maximum acceptable contaminant levels set forth:

55 (A) Cannabinoids:

56 (i) Total tetrahydrocannabinol (THC) sum percentage by weight of  
57 Delta-9-tetrahydrocannabinol; and Delta-9-tetrahydrocannabinolicacid;

58 (ii) Cannabidiol (CBD);

59 (iii) Cannabidiolic Acid (CBDA);

60 (iv) Cannabigerol (CBG);

61 (v) Cannabigerol Acid (CBGA);

62 (vi) Cannabinol (CBN);

63 (vii) Delta-8-tetrahydrocannabinol (Delta-8-THC);

64 (viii) Any isomer of Delta-9-THC, (e.g., Delta-8-THC, Delta-10-THC,  
65 Delta-11-THC); and

66 (ix) Any ester of Delta-9-THC (e.g. THC-O) or Delta-9(11)  
67 exo-tetrahydrocannabinol (Exo-THC);

68 (B) Heavy metals:

69 (i) Arsenic, in an amount less than 1.5 parts per million;

70 (ii) Cadmium, in an amount less than 0.5 parts per million;

- 71 (iii) Chromium, in an amount less than 0.5 parts per million;  
72 (iv) Lead, in an amount less than 0.5 parts per million; and  
73 (v) Mercury, in an amount less than 0.3 parts per million;  
74 (C) Residual pesticides:  
75 (i) Abamectin, in an amount less than 0.3 parts per million;  
76 (ii) Acephate, in an amount less than 5 parts per million;  
77 (iii) Acequinocyl, in an amount less than 4 parts per million;  
78 (iv) Acetamiprid, in an amount less than 5 parts per million;  
79 (v) Aldicarb, in an amount less than 0.01 parts per million;  
80 (vi) Azoxystrobin, in an amount less than 40 parts per million;  
81 (vii) Bifenazate, in an amount less than 5 parts per million;  
82 (viii) Bifenthrin, in an amount less than 0.5 parts per million;  
83 (ix) Chlormequat Chloride, in an amount less than 0.01 parts per million;  
84 (x) Chlordane, in an amount less than 0.01 parts per million;  
85 (xi) Chlorpyrifos, in an amount less than 0.01 parts per million;  
86 (xii) Cyfluthrin, in an amount less than 1 parts per million;  
87 (xiii) Daminozide, in an amount less than 0.01 parts per million;  
88 (xiv) Diazinon, in an amount less than 0.2 parts per million;  
89 (xv) Dichlorvos, in an amount less than 0.01 parts per million;  
90 (xvi) Dimethoate, in an amount less than 0.2 parts per million;  
91 (xvii) Etoxazole, in an amount less than 1.5 parts per million;  
92 (xviii) Fenoxycarb, in an amount less than 0.01 parts per million;  
93 (xix) Fenhexamid, in an amount less than 10 parts per million;  
94 (xx) Fluoxastrobin, in an amount less than 0.01 parts per million;  
95 (xxi) Fipronil, in an amount less than 0.01 parts per million;  
96 (xxii) Imazalil, in an amount less than 0.01 parts per million;  
97 (xxiii) Imidacloprid, in an amount less than 3 parts per million;

- 98 (xxiv) Malathion, in an amount less than 5 parts per million;  
99 (xxv) Myclobutanil, in an amount less than 9 parts per million;  
100 (xxvi) Paclobutrazol, in an amount less than 0.01 parts per million;  
101 (xxvii) Permethrin, in an amount less than 20 parts per million;  
102 (xxviii) Spirotetramat, in an amount less than 13 parts per million;  
103 (xxix) Thiachlopid, in an amount less than 0.01 parts per million; and  
104 (xxx) Trifloxystrobin, in an amount less than 30 parts per million;  
105 (D) Residual solvents:  
106 (i) Acetones, in an amount less than 5000 parts per million;  
107 (ii) Butanes, in an amount less than 5000 parts per million;  
108 (iii) Benzene, in an amount less than 1.0 parts per million;  
109 (iv) Methanol, in an amount less than 3000 parts per million;  
110 (v) Ethanol, in an amount less than 5000 parts per million;  
111 (vi) Heptanes, in an amount less than 5000 parts per million;  
112 (vii) Hexane, in an amount less than 10 parts per million;  
113 (viii) Toluene, in an amount less than 890 parts per million; and  
114 (ix) Total Xylenes (m,o,p-xylene), in an amount less than 1.0 parts per million;  
115 (E) Any visible foreign or extraneous material that is not intended to be part of the  
116 product being produced, including, but not limited to, mold, hair, insects, metal, or  
117 plastic;  
118 (F) Microbiological impurities, meeting the following colony-forming unit in per  
119 gram (CFU/g) levels:  
120 (i) Total viable aerobic bacteria, not exceeding 105 CFU/g;  
121 (ii) Total Yeast and Mold, not exceeding 10,000 CFU/g;  
122 (iii) Total Coliforms, not exceeding 103 CFU/g;  
123 (iv) Bile-tolerant Gram Negative Bacteria, not exceeding 103 CFU/g;  
124 (v) E. coli (pathogenic strains) and Salmonella, not detected in 1 gram; and

- 125 (vi) Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, less than 1 CFU/g;  
126 (G) Mycotoxins:  
127 (i) Aflatoxin B1 at less than 20 µg (micrograms) of any mycotoxin per kg of material;  
128 (ii) Aflatoxin B2 at less than 20 µg (micrograms) of any mycotoxin per kg of  
129 material;  
130 (iii) Aflatoxin G1 at less than 20 µg (micrograms) of any mycotoxin per kg of  
131 material;  
132 (iv) Aflatoxin G 2at less than 20 µg (micrograms) of any mycotoxin per kg of  
133 material; and  
134 (v) Ochratoxin A at less than 20 µg (micrograms) of any mycotoxin per kg of  
135 material;  
136 (H) Vitamin E acetate in an amount less than 100 parts per million in an inhalable  
137 hemp product."  
138 "(10.1) 'QR code' means a quick response code that is a type of machine-readable,  
139 two-dimensional barcode that stores information about a product."  
140 "(12) 'Retail consumable hemp establishment license' means a license issued by the  
141 department under the authority of this chapter to an establishment that prepares or sells  
142 prepackaged consumable hemp products to an end consumer.  
143 (13) 'THC' means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination  
144 of tetrahydrocannabinol and tetrahydrocannabinolic acid.  
145 (14) 'Wholesale consumable hemp establishment license' means a license issued by the  
146 department under the authority of this chapter to an establishment that manufactures,  
147 processes, packs, holds, or prepares consumable hemp products for sale to other  
148 businesses."

149

**SECTION 3.**

150 Said chapter is further amended in Code Section 2-23-5, relating to procedure for licensing,  
151 fees, licensing requirements, and limitations on licenses, by revising paragraph (2) of  
152 subsection (a) and subsection (c) as follows:

153 "(2) Hemp grower licenses shall be issued for one calendar year at an annual license fee  
154 of \$50.00 per acre cultivated up to a maximum license fee of ~~\$5,000.00~~ \$1,000.00."

155 "(c)(1) Upon receipt of an application for a hemp grower license, the department shall  
156 conduct a criminal background check and is authorized to obtain a federal criminal  
157 history report in accordance with paragraph (2) of this subsection for an individual or, if  
158 the applicant is a business entity, all key participants seeking to obtain a hemp grower  
159 license. For renewal of any previously issued license, a background check shall not be  
160 required.

161 (2) At least one set of classifiable electronically recorded fingerprints of the individual  
162 applicant or, if the applicant is a business entity, one set of classifiable electronically  
163 recorded fingerprints of each key participant shall be submitted to the department in  
164 accordance with the fingerprint system of identification established by the director of the  
165 Federal Bureau of Investigation. The department shall transmit the fingerprints to the  
166 Georgia Crime Information Center, which shall submit the fingerprints to the Federal  
167 Bureau of Investigation for a search of bureau records and an appropriate report and shall  
168 promptly conduct a search of state records based upon the fingerprints. After receiving  
169 the report from the Georgia Crime Information Center and the Federal Bureau of  
170 Investigation, the department shall review the record for all individuals or key  
171 participants, as applicable. For renewal of any previously issued license, such set of  
172 classifiable electronically recorded fingerprints shall not be required for any individual  
173 applicant or key participant who has already submitted such.

174 (3) No license shall be issued to any applicant who has been convicted of a ~~misdemeanor~~  
175 ~~involving sale of or trafficking in a controlled substance or~~ a felony related to a state or

176 federally controlled substance within ten years of the date of application or who  
177 materially falsifies any information contained in a license application.

178 (4) Upon receipt of an application for renewal of any previously issued license, the  
179 department may require a signed affidavit stating that the licensee has not had a material  
180 change to his or her permit eligibility."

181 **SECTION 4.**

182 Said chapter is further amended in Code Section 2-23-6, relating to procedure for permitting  
183 and limitations on permits and interests, by revising subsections (c) through (g) as follows:

184 "(c)(1) Upon receipt of an application for a hemp processor permit, the department shall  
185 conduct a criminal background check and is authorized to obtain a federal criminal  
186 history report in accordance with paragraph (2) of this subsection for an individual or, if  
187 the applicant is a business entity, all key participants seeking to obtain a hemp processor  
188 permit. For renewal of any previously issued permit, such criminal background check  
189 or federal criminal history report shall not be required for any individual applicant or key  
190 participant who has undergone such.

191 (2) At least one set of classifiable electronically recorded fingerprints of the individual  
192 applicant or, if the applicant is a business entity, one set of classifiable electronically  
193 recorded fingerprints of each key participant shall be submitted to the department in  
194 accordance with the fingerprint system of identification established by the director of the  
195 Federal Bureau of Investigation. The department shall transmit the fingerprints to the  
196 Georgia Crime Information Center, which shall submit the fingerprints to the Federal  
197 Bureau of Investigation for a search of bureau records and an appropriate report and shall  
198 promptly conduct a search of state records based upon the fingerprints. After receiving  
199 the report from the Georgia Crime Information Center and the Federal Bureau of  
200 Investigation, the department shall review the record for all individuals or key  
201 participants, as applicable. For renewal of any previously issued license, such set of

202 classifiable electronically recorded fingerprints shall not be required for any individual  
203 applicant or key participant who has already submitted such.

204 (3) No permit shall be issued to any applicant who has been convicted of ~~a misdemeanor~~  
205 ~~involving sale of or trafficking in a controlled substance~~ or a felony related to a state or  
206 federally controlled substance within ten years of the date of application or who  
207 materially falsifies any information contained in a license application.

208 (d) The department shall ~~annually~~ accept applications for hemp processor permits to be  
209 issued by the department and renew on an annual basis.

210 (e) Hemp processor permits shall be issued for ~~one~~ five calendar ~~year~~ years at ~~an annual~~  
211 a permit fee of \$25,000.00, to be paid in annual installments of \$5,000.00, so long as no  
212 administrative action has been taken by the department regarding such permittee under this  
213 chapter. If annual permit fee installments are not paid according to the preapproved  
214 schedule, the department may revoke the permit. The department may annually require a  
215 signed affidavit stating that the permittee has not had a material change to his or her permit  
216 eligibility.

217 (f) Issuance of any hemp processor permit shall be conditioned upon the permittee's  
218 compliance with Code Section 2-23-7 prior to initiating hemp processing activities.

219 (g) A permittee may also apply for and be issued no more than one hemp grower license.  
220 No permittee shall be required to obtain a retail consumable hemp establishment license  
221 or wholesale consumable hemp establishment license pursuant to Code Section 2-23-6.2  
222 or a hemp grower license pursuant to Code Section 2-23-5 in order to operate in such  
223 capacities."

## 224 **SECTION 5.**

225 Said chapter is further amended in Code Section 2-23-6.1, relating to procedure for  
226 permitting and limitations on permits and interests, by revising subsection (a) as follows:

227 "(a) Any applicant for a hemp processor permit shall make and deliver to the  
228 Commissioner a surety bond executed by a surety corporation authorized to transact  
229 business in this state and approved by the Commissioner. Any and all bond applications  
230 shall be accompanied by a certificate of good standing issued by the Commissioner of  
231 Insurance. If any company issuing a bond shall be removed from doing business in this  
232 state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner  
233 within 30 days. The bond ~~shall be in such amount as the Commissioner may determine,~~  
234 ~~not exceeding an amount equal to 2 percent of the amount of hemp purchased from~~  
235 ~~licensees by the permittee in the most recent calendar year; provided, however, that the~~  
236 ~~minimum amount of such bond shall be \$300,000.00 and the maximum amount shall be~~  
237 ~~\$1 million~~ \$50,000.00. Such bond shall be upon a form prescribed or approved by the  
238 Commissioner and shall be conditioned to secure the faithful accounting for and payment  
239 to licensees for hemp purchased by such permittee as well as to secure the permittee's  
240 compliance with the requirements of this chapter. Whenever the Commissioner shall  
241 determine that a previously approved bond has for any cause become insufficient, the  
242 Commissioner may require an additional bond or bonds to be given in compliance with this  
243 Code section. Unless the additional bond or bonds are given within the time fixed by  
244 written demand therefor, or if the bond of a permittee is canceled, the permit of such  
245 permittee shall be immediately revoked by operation of law without notice or hearing, and  
246 such permittee shall be ineligible to reapply for such permit for a period of four years after  
247 such revocation."

248 **SECTION 6.**

249 Said chapter is further amended by adding a new Code section to read as follows:

250 "2-23-6.2.

251 (a) A retail consumable hemp establishment license shall be issued by the department.

252 Such license shall be issued for one calendar year at an annual permit fee of \$250.00.

253 (b) A wholesale consumable hemp establishment license shall be issued by the department.  
254 Such license shall be issued for one calendar year at an annual permit fee of \$1,500.00.  
255 (c) No retail establishment shall sell or offer for sale any consumable hemp product in this  
256 state without first obtaining a retail consumable hemp establishment license issued by the  
257 department.  
258 (d) No person shall act as a wholesaler or distributor of consumable hemp products in this  
259 state without first obtaining a wholesale consumable hemp establishment license issued by  
260 the department."

261 **SECTION 7.**

262 Said chapter is further amended by adding new Code sections to read as follows:

263 "2-23-9.1.

264 (a) No consumable hemp product shall be sold or otherwise distributed in this state unless  
265 the manufacturer has, within the last 12 months, contracted for a full-panel certificate of  
266 analysis to be conducted on such product and such analysis has been designated as passing.  
267 (b) Any consumable hemp product sold or otherwise distributed in this state shall bear  
268 conspicuous labeling providing the information from a passing certificate of analysis  
269 conducted on the product within the last 12 months or allowing a consumer to access such  
270 information using a QR code.  
271 (c) The department shall randomly test consumable hemp products available for purchase  
272 at retail consumable hemp establishments to ensure compliance with this Code section.  
273 Such testing shall be conducted in compliance with this chapter and with regulations  
274 promulgated by the department.  
275 (d) In the event that a test sample reveals a delta-9-THC concentration of more than the  
276 federally defined THC level for hemp, all related hemp products shall be disposed of in  
277 compliance with this chapter and with regulations promulgated by the department.

278 2-23-9.2.

279 Any hemp product packaged in a form available for legal commercial sale in this state and  
280 intended for human consumption shall have a maximum concentration of delta-9-THC,  
281 isomers of delta-9-THC, and esters of delta-9-THC of 25mg per individual dose and 500mg  
282 per individual package."

283 **SECTION 8.**

284 Said chapter is further amended in Code Section 2-23-11, relating to plan for regulation;  
285 approval, by adding a new subsection as follows:

286 "(c) The department may submit an amended plan to the secretary of agriculture of the  
287 United States if or when required by any amendment to this chapter, the rules and  
288 regulations promulgated by the department pursuant to this chapter, or federal law or  
289 regulation."

290 **SECTION 9.**

291 Said chapter is further amended in Code Section 2-23-12, relating to rules and regulations,  
292 as follows:

293 "2-23-12.

294 ~~The department, in consultation with the Georgia Bureau of Investigation, shall~~ may  
295 promulgate rules and regulations as necessary to implement the provisions of this chapter.  
296 ~~Such rules and regulations shall include the plan provided for in Code Section 2-23-11~~  
297 ~~upon the approval of such plan by the secretary of agriculture of the United States."~~

298 **SECTION 10.**

299 Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against  
300 public health and morals, is amended by adding a new article to read as follows:

301 "ARTICLE 10

302 16-12-240.

303 As used in this article, the term:

304 (1) 'Community service' means a public service which an individual under the age of 21  
305 years might appropriately be required to perform as punishment for certain offenses  
306 provided for in this article as determined by a court of competent jurisdiction.

307 (2) 'Consumable hemp products' has the same meaning as provided in Code  
308 Section 2-23-3.

309 (3) 'Person' means any natural person or any firm, partnership, company, corporation, or  
310 other entity.

311 (4) 'Proper identification' means any document issued by a governmental agency that  
312 contains a description of an individual, such individual's photograph, or both; provides  
313 such individual's date of birth; and includes, without being limited to, a passport, military  
314 identification card, driver's license, or an identification card authorized under Code  
315 Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth  
316 certificate.

317 16-12-241.

318 (a)(1) It shall be unlawful for any person to knowingly:

319 (A) Sell or barter, directly or indirectly, any consumable hemp product to any  
320 individual under the age of 21 years;

321 (B) Purchase any consumable hemp product for any individual under the age of 21  
322 years; or

323 (C) Advise, counsel, or compel any individual under the age of 21 years to smoke,  
324 inhale, chew, or use consumable hemp products.

325 (2)(A) The prohibition contained in paragraph (1) of this subsection shall not apply  
326 with respect to the sale of consumable hemp products by a person when such person has

327 been furnished with proper identification showing that the individual to whom the  
328 consumable hemp products are sold is 21 years of age or older.

329 (B) In any case where a reasonable or prudent person could reasonably be in doubt as  
330 to whether or not the individual to whom consumable hemp products are to be sold or  
331 otherwise furnished is 21 years of age or older, it shall be the duty of the person selling  
332 or otherwise furnishing such consumable hemp products to request to see and to be  
333 furnished with proper identification in order to verify the age of such individual. The  
334 failure to make such request and verification in any case where the individual to whom  
335 the consumable hemp products are sold or otherwise furnished is less than 21 years of  
336 age may be considered by the trier of fact in determining whether the person who sold  
337 or otherwise furnished such consumable hemp products did so knowingly.

338 (3) Any person that violates this subsection shall be guilty of a misdemeanor.

339 (b)(1) It shall be unlawful for any individual under the age of 21 years to:

340 (A) Purchase, attempt to purchase, or possess for personal use any consumable hemp  
341 products; or

342 (B) Misrepresent his or her identity or age or use any false identification for the  
343 purpose of purchasing or procuring any consumable hemp products.

344 (2) An individual under the age of 21 years who commits an offense provided for in  
345 paragraph (1) of this subsection or in paragraph (1) of subsection (a) of this Code section  
346 shall be punished by requiring the performance of community service not to exceed 20  
347 hours that may be related to the awareness of the health hazards of consumable hemp  
348 product use.

349 16-12-242.

350 (a) Any person owning or operating a place of business in which consumable hemp  
351 products are sold or offered for sale shall post in a conspicuous place a sign which shall  
352 contain the following statement:

353 'SALE OF CONSUMABLE HEMP PRODUCTS TO INDIVIDUALS UNDER 21  
354 YEARS OF AGE IS PROHIBITED BY LAW.'

355 Such sign shall be printed in letters of at least one-half inch in height.

356 (b) Any person that fails to comply with the requirements of subsection (a) of this Code  
357 section shall be guilty of a misdemeanor.

358 16-12-243.

359 (a) As used in this Code section, the term 'consumable hemp product sample' means a  
360 consumable hemp product distributed to members of the general public at no cost for  
361 purposes of promoting the product.

362 (b) It shall be unlawful for any person to distribute any consumable hemp product sample  
363 to any individual under the age of 21 years.

364 (c) A person distributing consumable hemp product samples shall require proof of age  
365 from a prospective recipient in any case where a reasonable or prudent person could  
366 conclude on the basis of appearance that such prospective recipient may be under the age  
367 of 21 years.

368 (d) It shall be unlawful for any individual under the age of 21 years to receive or attempt  
369 to receive any consumable hemp product sample.

370 (e) No person shall distribute consumable hemp product samples on any public street,  
371 sidewalk, or park within 500 feet of any school or playground when such facilities are  
372 being used primarily by individuals under the age of 21 years.

373 (f) A violation of subsection (b), (c), or (e) of this Code section shall be punished as a  
374 misdemeanor. A violation of subsection (d) of this Code section shall be punished as  
375 provided for in paragraph (2) of subsection (b) of Code Section 16-12-171.

376 16-12-244.

377 (a) The provisions of this article shall be enforced through actions brought in any court of  
378 competent jurisdiction by the prosecuting district attorney for the county in which the  
379 alleged violation occurred as well as through administrative citations issued by special  
380 agents or enforcement officers of the Commissioner of Agriculture. Any fine collected for  
381 a violation of such provisions shall be paid to the clerk of the court of the jurisdiction in  
382 which the violation occurred. Upon receipt of a fine for any violation of such provision,  
383 such clerk shall promptly notify the Commissioner of Agriculture of the violation.

384 (b) The Commissioner of Agriculture, acting through special agents or enforcement  
385 officers, shall annually conduct random, unannounced inspections at locations where  
386 consumable hemp products are sold or distributed to ensure compliance with this article.  
387 Individuals under the age of 21 years may be enlisted to test compliance with this article;  
388 provided, however, that such individuals may be used to test compliance with this article  
389 only if the testing is conducted under the direct supervision of such special agents or  
390 enforcement officers and written parental consent for such individuals has been provided.  
391 Any other use of individuals under the age of 21 years to test compliance with this article  
392 or any other similar provisions shall be unlawful, and the person or persons responsible for  
393 such use shall be subject to the penalties prescribed in this article.

394 16-12-245.

395 The Commissioner of Agriculture is authorized to make reasonable rules and regulations  
396 for the administration and enforcement of this article. The Commissioner of Agriculture  
397 may designate employees of the Department of Agriculture for the purpose of  
398 administering and enforcing this article and may delegate to employees of such department  
399 any of the duties required of the Commissioner of Agriculture pursuant to this article."

400

**SECTION 11.**

401 Sections 1 through 5 and 7 through 11 of this Act shall become effective upon this Acts  
402 approval by the Governor or upon its becoming law without such approval. Section 6 of this  
403 Act shall become effective January 1, 2024.

404

**SECTION 12.**

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