

The House Committee on Judiciary Non-Civil offers the following substitute to HB 65:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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

~~(C)(B) Such person has in his or her possession a registration card issued by another state that allows the same possession of low THC oil. Such substance is in a pharmaceutical container labeled by the manufacturer indicating the percentage of tetrahydrocannabinol therein.~~

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

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

SECTION 2.

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

"(3) 'Condition' means:

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

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

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

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

(E) Crohn's disease;

(F) Mitochondrial disease;

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

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

(I) Tourette's syndrome;

(J) Autism spectrum disorder;

(K) Epidermolysis bullosa;

(L) Alzheimer's disease;

(M) Human immunodeficiency virus;

(N) Acquired immune deficiency syndrome;

(O) Autoimmune disease; or

(P) Peripheral neuropathy.

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

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

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

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

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

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

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

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

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

SECTION 3.

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