

## Senate Bill 22

By: Senators Kirkpatrick of the 32nd, Robertson of the 29th, Hufstetler of the 52nd, Payne of the 54th, Butler of the 55th and others

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 amend a definition; to amend Chapter 12 of Title 16 of the Official Code  
3 of Georgia Annotated, relating to offenses against public health and morals, so as to prohibit  
4 the purchase of, sale of, and the offering of samples of hemp products by or to any individual  
5 under the age of 18 years old; to provide for inspections, enforcement, and penalties for  
6 violations; to provide for venue; to provide for rules and regulations; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to hemp farming,  
11 is amended in Code Section 2-23-3, relating to definitions, by revising paragraph (3) as  
12 follows:

13 "(3) 'Federally defined THC level for hemp' means a ~~delta-9~~-THC concentration of not  
14 more than 0.3 percent on a dry weight basis, or as defined in 7 U.S.C. Section 1639o,  
15 whichever is greater."

16 **SECTION 2.**

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17 Said chapter is further amended in Code Section 2-23-8, relating to sampling and random  
18 testing of hemp, by revising paragraph (2) of subsection (b) as follows:

19 "(2) In the event that a test sample reveals a ~~delta-9~~-THC concentration of more than the  
20 federally defined THC level for hemp, the licensee's entire lot with the same global  
21 positioning coordinates shall be disposed of in compliance with this chapter and with  
22 regulations promulgated by the department."

23 **SECTION 3.**

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

26 "ARTICLE 10

27 16-12-240.

28 As used in this article, the term:

29 (1) 'Community service' means a public service which an individual under the age of 18  
30 years might appropriately be required to perform as punishment for certain offenses  
31 provided for in this article as determined by a court of competent jurisdiction.

32 (2) 'Hemp' has the same meaning as provided in Code Section 2-23-3.

33 (3) 'Hemp products' means all products with the federally defined THC level for hemp  
34 derived from, or made by, processing hemp plants or plant parts that are prepared in a  
35 form available for legal commercial sale and intended for human consumption.

36 (4) 'Person' means any natural person or any firm, partnership, company, corporation, or  
37 other entity.

38 (5) 'Proper identification' means any document issued by a governmental agency that  
39 contains a description of an individual, such individual's photograph, or both; provides  
40 such individual's date of birth; and includes, without being limited to, a passport, military  
41 identification card, driver's license, or an identification card authorized under Code

42 Sections 40-5-100 through 40-5-104. Proper identification shall not include a birth  
43 certificate.

44 16-12-241.

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

46 (A) Sell or barter, directly or indirectly, any hemp product to any individual under the  
47 age of 18 years;

48 (B) Purchase any hemp product for any individual under the age of 18 years; or

49 (C) Advise, counsel, or compel any individual under the age of 18 years to smoke,  
50 inhale, chew, or use hemp products.

51 (2)(A) The prohibition contained in paragraph (1) of this subsection shall not apply  
52 with respect to the sale of hemp products by a person when such person has been  
53 furnished with proper identification showing that the individual to whom the hemp  
54 products are sold is 18 years of age or older.

55 (B) In any case where a reasonable or prudent person could reasonably be in doubt as  
56 to whether or not the individual to whom hemp products are to be sold or otherwise  
57 furnished is 18 years of age or older, it shall be the duty of the person selling or  
58 otherwise furnishing such hemp products to request to see and to be furnished with  
59 proper identification in order to verify the age of such individual. The failure to make  
60 such request and verification in any case where the individual to whom the hemp  
61 products are sold or otherwise furnished is less than 18 years of age may be considered  
62 by the trier of fact in determining whether the person who sold or otherwise furnished  
63 such hemp products did so knowingly.

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

65 (b)(1) It shall be unlawful for any individual under the age of 18 years to:

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

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

69 (2) An individual under the age of 18 years who commits an offense provided for in  
70 paragraph (1) of this subsection or in paragraph (1) of subsection (a) of this Code section  
71 shall be punished as follows:

72 (A) By requiring the performance of community service not to exceed 20 hours that  
73 may be related to the awareness of the health hazards of hemp product use;

74 (B) By requiring attendance at a publicly or privately sponsored lecture or discussion  
75 on the health hazards of hemp product use, provided that such lecture or discussion is  
76 offered without charge to the individual under the age of 18 years;

77 (C) When an individual under the age of 18 years fails to comply with such imposed  
78 community service or commits a third or subsequent violation within the same calendar  
79 year as the first violation, by requiring the Department of Driver Services to withhold  
80 issuance of or to suspend the driver's license or driving privilege of such individual for  
81 a period of 45 consecutive days; or

82 (D) By any combination of the punishments described in this paragraph.

83 16-12-242.

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

87 'SALE OF HEMP PRODUCTS TO INDIVIDUALS UNDER 18 YEARS OF AGE IS  
88 PROHIBITED BY LAW.'

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

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

92 16-12-243.

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

96 (b) It shall be unlawful for any person to distribute any hemp product sample to any  
97 individual under the age of 18 years.

98 (c) A person distributing hemp product samples shall require proof of age from a  
99 prospective recipient in any case where a reasonable or prudent person could conclude on  
100 the basis of appearance that such prospective recipient may be under the age of 18 years.

101 (d) It shall be unlawful for any individual under the age of 18 years to receive or attempt  
102 to receive any hemp product sample.

103 (e) No person shall distribute hemp product samples on any public street, sidewalk, or park  
104 within 500 feet of any school or playground when such facilities are being used primarily  
105 by individuals under the age of 18 years.

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

109 16-12-244.

110 (a) The provisions of this article shall be enforced through actions brought in any court of  
111 competent jurisdiction by the prosecuting district attorney for the county in which the  
112 alleged violation occurred as well as through administrative citations issued by special  
113 agents or enforcement officers of the state revenue commissioner. Any fine collected for  
114 a violation of such provisions shall be paid to the clerk of the court of the jurisdiction in  
115 which the violation occurred. Upon receipt of a fine for any violation of such provision,  
116 such clerk shall promptly notify the state revenue commissioner of the violation.

117 (b) The state revenue commissioner, acting through special agents or enforcement officers,  
118 shall annually conduct random, unannounced inspections at locations where hemp products  
119 are sold or distributed to ensure compliance with this article. Individuals under the age  
120 of 18 years may be enlisted to test compliance with this article; provided, however, that  
121 such individuals may be used to test compliance with this article only if the testing is  
122 conducted under the direct supervision of such special agents or enforcement officers and  
123 written parental consent for such individuals has been provided. Any other use of  
124 individuals under the age of 18 years to test compliance with this article or any other  
125 similar provisions shall be unlawful, and the person or persons responsible for such use  
126 shall be subject to the penalties prescribed in this article. The state revenue commissioner  
127 shall prepare annually for submission by the Governor to the secretary of the United States  
128 Department of Health and Human Services the report required by Section 1926 of Subpart I  
129 of Part B of Title XIX of the federal Public Health Service Act, 42 U.S.C. 300x-26.

130 16-12-245.

131 The state revenue commissioner is authorized to make reasonable rules and regulations for  
132 the administration and enforcement of this article. The state revenue commissioner may  
133 designate employees of the Department of Revenue for the purpose of administering and  
134 enforcing this article and may delegate to employees of such department any of the duties  
135 required of the state revenue commissioner pursuant to this article."

136

### **SECTION 3.**

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