

Senate Bill 270

By: Senator Summers of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to access to medical cannabis, so as to provide for legislative oversight; to authorize
3 the location of retail outlets for the dispensing of low THC oil and products to registered
4 patients at Class 1 and Class 2 production facilities; to authorize the dispensing of low THC
5 oil and products from any Class 1 or Class 2 production licensee by any dispensing licensee;
6 to provide for additional Class 1 and Class 2 production licenses; to provide for criteria; to
7 amend Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the
8 Low THC Oil Patient Registry, so as to add ulcerative colitis as a condition for which low
9 THC oil may be used for treatment; to provide for related matters; to repeal conflicting laws;
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
14 access to medical cannabis, is amended by revising Code Section 16-12-206, relating to
15 annual, nontransferable dispensing license, adoption of rules, and fees, as follows:

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16 "16-12-206.

17 (a)(1) Upon request by a licensed pharmacy in this state, the State Board of Pharmacy
18 shall be authorized to develop an annual, nontransferable specialty dispensing license for
19 an independent pharmacy with a registered office located within this state to dispense low
20 THC oil and products to registered patients. The State Board of Pharmacy shall develop
21 rules and regulations regarding dispensing pharmacies in this state in accordance with the
22 requirements contained in subsection (b) of this Code section.

23 (2) The commission shall be authorized to issue five dispensing licenses to each Class
24 1 production licensee and each Class 2 production licensee for retail outlets to dispense
25 low THC oil and products to registered patients. In addition, the commission shall be
26 authorized to issue a dispensing license for a retail outlet to each Class 1 production
27 licensee and each Class 2 production licensee for the purpose of establishing a retail
28 outlet for the dispensing of low THC oil and products to registered patients at the location
29 of the Class 1 production licensee's production facility or at the location of the Class 2
30 production licensee's production facility. The commission shall ensure that dispensing
31 licenses shall be issued so that retail outlets are dispersed throughout the state. The
32 commission shall develop rules and regulations regarding retail dispensing licensees in
33 this state in accordance with the requirements contained in subsection (b) of this Code
34 section. The commission shall be authorized to issue one additional dispensing license
35 to each Class 1 and Class 2 production licensee when the Low THC Oil Patient Registry
36 established and maintained pursuant to Code Section 31-2A-18 reaches 25,000 patients
37 and for every increase of 10,000 patients thereafter.

38 (b) The State Board of Pharmacy and the commission shall separately adopt rules relating
39 to the dispensing of low THC oil and products, with the State Board of Pharmacy
40 promulgating rules and regulations for pharmacies that dispense low THC oil and products
41 and the commission promulgating rules and regulations for other retail outlets that dispense
42 low THC oil and products. Such rules shall include but not be limited to:

- 43 (1) Standards, procedures, and protocols for the effective use of low THC oil and
44 products as authorized by state law and related rules and regulations;
- 45 (2) Standards, procedures, and protocols for the dispensing of low THC oil and products
46 by a pharmacy with a dispensing license and by retail dispensing licensees and for the
47 utilization of a tracking system;
- 48 (3) Procedures and protocols to provide that no low THC oil or products may be sold to
49 or transferred to a location outside of this state;
- 50 (4) The establishment of standards, procedures, and protocols for determining the
51 amount of usable low THC oil and products that is necessary to constitute an adequate
52 supply for registered patients in this state to ensure uninterrupted availability for a period
53 of one month, including amounts for topical treatments;
- 54 (5) The establishment of standards, procedures, and protocols to ensure that all low THC
55 oil and products dispensed are consistently pharmaceutical grade;
- 56 (6) The establishment of standards and procedures for the revocation, suspension, and
57 nonrenewal of dispensing licenses;
- 58 (7) The establishment of other licensing, renewal, and operational standards which are
59 deemed necessary by the State Board of Pharmacy and the commission;
- 60 (8) The establishment of standards and procedures for testing low THC oil and products
61 for levels of tetrahydrocannabinol or other testing parameters deemed appropriate by the
62 State Board of Pharmacy and the commission;
- 63 (9) The establishment of health, safety, and security requirements for pharmacies and
64 retail dispensing licensees dispensing low THC oil and products; and
- 65 (10) Requirements for the issuance of dispensing licenses to pharmacies and Class 1 and
66 Class 2 production licensees.
- 67 (c) The commission shall be authorized, by rules and regulations, to establish fees for
68 dispensing licenses to Class 1 and Class 2 production licensees commensurate with the
69 location of the retail outlet and demand for low THC oil and products at such location.

70 (d) Each dispensing location shall be authorized to sell low THC oil and products from any
71 Class 1 or Class 2 production licensee in this state."

72 **SECTION 2.**

73 Said article is further amended by revising Code Section 16-12-207, relating to establishment
74 of Medical Cannabis Commission Oversight Committee, membership, inspections, provision
75 of information, plan for accredited lab testing, and patient and physician input, as follows:
76 "16-12-207.

77 (a) ~~The~~ There is created as a joint committee of the General Assembly shall establish a the
78 Georgia Access to Medical Cannabis Commission Legislative Oversight Committee with
79 ~~two members appointed by the Lieutenant Governor and two members appointed by the~~
80 ~~Speaker of the House of Representatives to be composed of the members of the House~~
81 Committee on Regulated Industries and the Senate Economic Development Committee.
82 The chairpersons of such committees shall serve as cochairpersons of the legislative
83 oversight committee. The oversight committee shall periodically inquire into and review
84 the operations of the Georgia Access to Medical Cannabis Commission, as well as
85 periodically review and evaluate the success with which the commission is accomplishing
86 its statutory duties and functions as provided in this chapter. The oversight committee may
87 conduct any independent audit or investigation of the commission that it deems necessary.
88 Any member of the Georgia Access to Medical Cannabis Commission Legislative
89 Oversight Committee shall be permitted to inspect any production facility upon request and
90 after reasonable notice is provided to the production facility.

91 (b) The commission shall promptly provide any document or information requested by the
92 legislative oversight committee that is in its possession, provided that the commission shall
93 not share documents containing data identifying individual patients or physicians,
94 information marked as trade secrets by applicants or licensees, information that in the view
95 of the commission would interfere with an ongoing licensing applicant selection process,

96 or information that in the judgment of the commission would create law enforcement or
 97 security risks to the citizens of Georgia.

98 (c) ~~No later than August 1, 2021, the oversight committee shall recommend to the~~
 99 ~~commission a process and plan for providing accredited lab testing of products produced~~
 100 ~~by licensees and for labeling such products. The commission shall consider the~~
 101 ~~recommendations of the oversight committee in adopting policies, procedures, and~~
 102 ~~regulations regarding such testing and labeling~~ Reserved.

103 (d) The legislative oversight committee may regularly seek input from patients and
 104 physicians as to the availability and quality of products produced pursuant to this chapter,
 105 and recommend to the commission changes to policies, procedures, and regulations to
 106 improve availability and quality. The commission shall consider such recommendations
 107 in adopting policies, procedures, and regulations."

108

SECTION 3.

109 Said article is further amended by revising subsection (a) of Code Section 16-12-211, relating
 110 to Class 1 production licenses, application fees, revocation, and limitation of ownership, as
 111 follows:

112 "(a) The commission may issue up to ~~two~~ six Class 1 production licenses, provided that
 113 the total number of Class 1 and Class 2 production licenses shall not exceed 13 production
 114 licenses. A Class 1 production licensee shall be authorized to:

115 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to
 116 100,000 square feet of cultivation space; and

117 (2) Manufacture low THC oil and products."

118 **SECTION 4.**

119 Said article is further amended by revising subsection (a) of Code Section 16-12-212, relating
120 to Class 2 production licenses, application fees, revocation, and limitation of ownership, as
121 follows:

122 "(a) The commission may issue up to ~~four~~ nine Class 2 production licenses, provided that
123 the total number of Class 1 and Class 2 production licenses shall not exceed 13 production
124 licenses. A Class 2 production licensee shall be authorized to:

- 125 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to
126 50,000 square feet of cultivation space; and
127 (2) Manufacture low THC oil and products."

128 **SECTION 5.**

129 Said article is further amended by revising subsection (a) of Code Section 16-12-221, relating
130 to contracts awarded through bids or proposals, minimum contract terms and renewals,
131 subcontracting, and giving or receiving things of value limited, by designating the existing
132 text as paragraph (1) and adding a new paragraph as follows:

133 "(2) No later than July 31, 2023, the commission shall award up to four additional
134 Class 1 production licenses and up to five additional Class 2 production licenses. Such
135 licenses shall be awarded to the apparent successful applicants identified in the
136 commission's notices of intent to award, dated July 24, 2021, pursuant to its competitive
137 application request for proposals for Class 1 and Class 2 production licenses, and shall
138 be awarded to those applicants that filed post-award protests to such notices of intent to
139 award who have appealed the decisions regarding such protests. A person that filed a
140 post-award protest which is on appeal who had applied for both a Class 1 and a Class 2
141 production license pursuant to such notices of intent to award shall choose which class
142 of license such person wants to receive. A person designated under this subsection shall
143 be awarded or issued either a Class 1 or a Class 2 production license, but not both. The

144 aggregate number of Class 1 and Class 2 production licenses awarded or issued shall not
145 exceed six licenses."

146 **SECTION 6.**

147 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the Low THC
148 Oil Patient Registry, is amended by revising paragraph (3) of subsection (a) as follows:

149 "(3) 'Condition' means:

150 (A) Cancer, when such disease is diagnosed as end stage or the treatment produces
151 related wasting illness or recalcitrant nausea and vomiting;

152 (B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end
153 stage;

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

155 (D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;

156 (E) Crohn's disease;

157 (F) Mitochondrial disease;

158 (G) Parkinson's disease, when such disease is diagnosed as severe or end stage;

159 (H) Sickle cell disease, when such disease is diagnosed as severe or end stage;

160 (I) Tourette's syndrome, when such syndrome is diagnosed as severe;

161 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at
162 least 18 years of age, or severe autism, when diagnosed for a patient who is less than
163 18 years of age;

164 (K) Epidermolysis bullosa;

165 (L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;

166 (M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as
167 severe or end stage;

168 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;

169 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing
170 of a trauma for a patient who is at least 18 years of age; ~~or~~
171 (P) Intractable pain; or
172 (Q) Ulcerative colitis."

173

SECTION 7.

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