

Senate Bill 350

By: Senators Kirkpatrick of the 32nd, Cowser of the 46th, Jackson of the 41st, Robertson of the 29th, Kennedy of the 18th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
2 offenses against public health and morals, so as to prohibit the sale of consumable hemp
3 products to individuals under the age of 21 years; to prohibit the purchase or possession of
4 consumable hemp products by individuals under the age of 21 years; to prohibit the
5 misrepresentation of an individual's age or identification in order to purchase consumable
6 hemp products; to require the posting of certain signs concerning the legal age to purchase
7 consumable hemp products; to provide penalties for violations; to provide definitions; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

13 "ARTICLE 10

14 16-12-240.

15 As used in this article, the term:

16 (1) 'Consumable hemp product' means any product that is:

17 (A) Derived from hemp;

18 (B) Designed to be ingested, absorbed, or inhaled by humans or animals; and

19 (C) Does not constitute or contain marijuana or a controlled substance, as such terms
20 are defined in Code Section 16-13-21.

21 Such term shall not include any product that contains low THC oil as defined in Code
22 Section 16-12-190.

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

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

26 (4) 'Proper identification' means any document issued by a governmental agency that
27 contains a description of an individual, such individual's photograph, or both; provides
28 such individual's date of birth; and includes, without limitation, a passport, military
29 identification card, driver's license, or an identification card authorized under Code
30 Sections 40-5-100 through 40-5-104; provided, however, that such term shall not include
31 a birth certificate.

32 16-12-241.

33 (a) It shall be unlawful for any person to knowingly sell, furnish, or cause to be furnished,
34 directly or through another person, any consumable hemp product to any individual under
35 the age of 21 years.

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

37 (1) Purchase, attempt to purchase, or possess any consumable hemp product; or

38 (2) Misrepresent his or her identity or age or use any false identification for the purpose
39 of obtaining, or attempting to obtain, any consumable hemp product.

40 (c)(1) The prohibition contained in subsection (a) of this Code section shall not apply
41 with respect to the sale of any consumable hemp product by a person when such person
42 has been furnished with proper identification showing that the individual to whom the
43 consumable hemp product is sold is 21 years of age or older.

44 (2) In any case where a reasonable or prudent person could reasonably be in doubt as to
45 whether or not the individual to whom any consumable hemp product is to be sold or
46 otherwise furnished is 21 years of age or older, it shall be the duty of the person selling
47 or otherwise furnishing such consumable hemp product to request to see and to be
48 furnished with proper identification in order to verify the age of such individual. The
49 failure to make such request and verification in any case where the individual to whom
50 any consumable hemp product is sold or otherwise furnished is under the age of 21 years
51 may be considered by the trier of fact in determining whether the person who sold or
52 otherwise furnished such consumable hemp product did so knowingly.

53 (d) Nothing contained in this Code section shall be construed to prohibit any individual
54 under the age of 21 years from dispensing, serving, selling, or handling any consumable
55 hemp product as part of employment in any place of business that requires such individual
56 to dispense, serve, sell, or handle consumable hemp products.

57 (e) Any person that violates this Code section shall be guilty of a misdemeanor.

58 16-12-242.

59 (a) Any person owning or operating a place of business in which any consumable hemp
60 product is offered for sale shall post in a conspicuous place a sign which shall contain the
61 following statement:

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

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

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

67 **SECTION 2.**

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