

The Senate Committee on Agriculture and Consumer Affairs offered the following substitute to SB 494:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to the
2 'Georgia Hemp Farming Act,' so as to regulate hemp products; to provide for definitions; to
3 prohibit persons from performing certain activities without licenses; to provide for penalties;
4 to revise disqualifications for a hemp grower license; to revise disqualifications for a hemp
5 processor permit; to revise the annual fee for such a permit; to provide for the issuance of
6 retail consumable hemp establishment licenses; to provide for the issuance of wholesale
7 consumable hemp licenses; to provide for the issuance of manufacturer licenses; to provide
8 for the registration of laboratories; to revise provisions concerning violations; to conform
9 terminology; to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 23 of Title 2 of the Official Code of Georgia Annotated, relating to the 'Georgia
13 Hemp Farming Act,' is amended in Code Section 2-23-2, relating to intent, by revising
14 paragraph (6) as follows:

15 "(6) Enable the department, hemp grower licensees, and universities to promote the
16 cultivation and processing of hemp and the commercial sale of hemp products."

17

SECTION 2.

18 Said chapter is further amended by revising Code Section 2-23-3, relating to definitions, as
19 follows:

20 "2-23-3.

21 As used in this chapter, the term:

22 (1) 'Commercial sale' means the sale of products in the stream of commerce at retail, at
23 wholesale, and online.

24 (1.2) 'Consumable hemp product' means a hemp product intended to be ingested,
25 absorbed, or inhaled by humans or animals.

26 (2) 'Cultivate' means to plant, water, grow, and harvest a plant or crop.

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

30 (4) 'Handle' means to possess or store hemp plants for any period of time ~~on premises~~
31 ~~owned, operated, or controlled by a person licensed to cultivate or permitted to process~~
32 ~~hemp, or to possess or store hemp plants in a vehicle for any period of time~~ other than
33 during the actual transport of such plants from the premises of a person licensed to
34 cultivate or permitted to process hemp or a college or university authorized to conduct
35 research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted
36 person or to a college or university authorized to conduct research pursuant to Code
37 Section 2-23-4; provided, however, that this term shall not include possessing or storing
38 finished hemp products.

39 (5) 'Hemp' means the Cannabis sativa L. plant and any part of such plant, including the
40 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts
41 of isomers, whether growing or not, with the federally defined THC level for hemp or a
42 lower level.

43 (5.1) 'Hemp grower licensee' means an individual or business entity possessing a hemp
44 grower license issued by the department under the authority of this chapter to handle and
45 cultivate hemp in the State of Georgia.

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

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

52 (7) 'Key participant' means a sole proprietor, a partner in a partnership, or a person with
53 executive managerial control in a corporation when such sole proprietor, partnership, or
54 corporation is an applicant to be a hemp grower licensee or a permittee. A person with
55 executive managerial control in a corporation includes persons serving as a chief
56 executive officer, chief operating officer, chief financial officer, or any other individual
57 identified in regulations promulgated by the department. This term shall not include
58 nonexecutive managers, such as farm, field, or shift managers.

59 (8) 'Licensee' means an individual or business entity possessing a ~~hemp grower~~ license
60 issued by the department under the authority of this chapter ~~to handle and cultivate hemp~~
61 ~~in the State of Georgia.~~

62 (8.1) 'Manufacture' means to create, produce, manipulate, combine, or package.

63 (8.2) 'Manufacturer license' means a license issued by the department under the authority
64 of this chapter to an individual or business entity that manufactures consumable hemp
65 products or industrial hemp products in this state.

66 (9) 'Permittee' means an individual or business entity possessing a hemp processor permit
67 issued by the department under the authority of this chapter to handle and process hemp
68 in the State of Georgia.

69 (10)(A) 'Process' or 'processing,' except as otherwise provided in subparagraph (B) of
70 this paragraph, means converting an agricultural commodity into a legally marketable
71 form.

72 (B) Such term shall not include:

73 (i) Merely placing raw or dried material into another container or packaging raw or
74 dried material for resale; or

75 (ii) Traditional farming practices such as those commonly known as drying, shucking
76 and bucking, storing, trimming, and curing.

77 (10.1) 'Registered laboratory' means an individual or business entity that tests or analyzes
78 any plant within the genus Cannabis, including but not limited to hemp, and products
79 made from or derived from such plant, including but not limited to hemp products and
80 consumable hemp products, and that has registered with the department under this
81 chapter.

82 (11) 'Research' or 'researching' means experimental field, greenhouse, or laboratory
83 activity for the ultimate purpose of developing new hemp varieties and products,
84 improving existing hemp products, developing new uses for existing hemp products, or
85 developing or improving methods for producing hemp products.

86 (11.1) 'Retail consumable hemp establishment license' means a license issued by the
87 department under the authority of this chapter to an individual or business entity that
88 prepares or sells prepackaged consumable hemp products to consumers.

89 (12) 'THC' means tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination
90 of tetrahydrocannabinol and tetrahydrocannabinolic acid.

91 (13) 'Wholesale consumable hemp license' means a license issued by the department
92 under the authority of this chapter to an individual or business entity that sells, in bulk,
93 prepackaged consumable hemp products to retail consumable hemp establishment
94 licensees or to other retail establishments located outside of the State of Georgia that are

95 authorized to sell consumable hemp products to consumers in the jurisdiction where such
 96 establishments are located."

97 **SECTION 3.**

98 Said chapter is further amended in Code Section 2-23-4, relating to required licenses,
 99 research by colleges and universities, and processing of other products, by revising
 100 subsection (a) as follows:

101 "(a) Except as otherwise provided in subsection (b) of this Code section, it shall be
 102 unlawful for:

103 (1) Any person to cultivate, ~~handle, or process~~ hemp in this state unless such person
 104 holds a hemp grower license ~~or a hemp processor permit~~ issued by the department
 105 pursuant to this chapter or is employed by a hemp grower licensee ~~or permittee~~;

106 (2) A permittee to accept hemp for processing from any person other than a hemp grower
 107 licensee or a college or university authorized to conduct research pursuant to
 108 subsection (b) of this Code section, except as otherwise provided in paragraph (4) of this
 109 subsection;

110 (3) A hemp grower licensee to provide or sell hemp to any person other than another
 111 hemp grower licensee, a college or university authorized to conduct research pursuant to
 112 subsection (b) of this Code section, or a permittee with whom the hemp grower licensee
 113 enters into an agreement pursuant to Code Section 2-23-7, unless such person is located
 114 in a state with a plan to regulate hemp production that is approved by the ~~Secretary of~~
 115 ~~Agriculture~~ secretary of agriculture of the United States, or otherwise in accordance with
 116 regulations promulgated by the United States Department of Agriculture, and such person
 117 is authorized to grow or process hemp in that state;

118 (4) A permittee to accept for processing any hemp grown outside of the State of Georgia,
 119 unless such hemp is grown in a state with a plan to regulate hemp production that is
 120 approved by the ~~Secretary of Agriculture~~ secretary of agriculture of the United States or

121 otherwise in accordance with regulations promulgated by the United States Department
122 of Agriculture;

123 (5) A permittee to process hemp pursuant to a hemp processor permit outside of the State
124 of Georgia, unless such processing occurs in a state with a plan to regulate hemp
125 production that is approved by the ~~Secretary of Agriculture~~ secretary of agriculture of the
126 United States or otherwise in accordance with regulations promulgated by the United
127 States Department of Agriculture;

128 (6) Any hemp grower licensee or permittee to otherwise fail to comply with the
129 requirements of this chapter or any applicable state or federal law or regulation;

130 (7) Any person to offer for sale at retail the unprocessed flower or leaves of the hemp
131 plant; or

132 (8) Any person to cultivate or handle hemp in any structure that is used for residential
133 purposes."

134 **SECTION 4.**

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

136 "2-23-4.1.

137 (a) Except as provided in subsection (b) of this Code section, it shall be unlawful for any
138 person:

139 (1) To process hemp in this state unless such person holds a processing permit issued by
140 the department or is employed by a permittee;

141 (2) To handle hemp in this state unless such person holds a hemp grower license, a
142 processing permit, or a manufacturer license issued by the department or has registered
143 with the department as a registered laboratory or is employed by a person who holds such
144 a license or who has registered with the department as a registered laboratory;

145 (3) To sell or offer for sale any consumable hemp product in this state to consumers
146 unless such person holds a retail consumable hemp establishment license issued by the
147 department or is employed by a person who holds such a license;

148 (4) To sell or offer for sale any consumable hemp product in this state to retail
149 consumable hemp establishment licensees or other retail establishments unless such
150 person holds a wholesale consumable hemp license issued by the department or is
151 employed by a person who holds such a license;

152 (5) To manufacture hemp products in this state unless such person holds a manufacturer
153 license issued by the department or is employed by a person who holds such a license;
154 or

155 (6) Perform in this state tests or analyses of any plant within the genus Cannabis,
156 including but not limited to hemp, or any product made or derived from such plant,
157 including but not limited to hemp products and consumable hemp products, unless such
158 person has registered with the department as a registered laboratory or is employed by a
159 person who has registered with the department as a registered laboratory.

160 (b) The prohibitions contained in paragraphs (2) and (6) of subsection (a) of this Code
161 section shall not apply to a college or university authorized to conduct research pursuant
162 to Code Section 2-23-4 or a person assisting such college or university with such research
163 pursuant to Code Section 2-23-4.

164 (c)(1) Any person who violates any provision of subsection (a) of this Code section shall:

165 (A) Be guilty of a misdemeanor for a first offense; and

166 (B) For a second or subsequent offense, be guilty of a misdemeanor of a high and
167 aggravated nature.

168 (2) Each violation of any provision of subsection (a) of this Code section shall constitute
169 a separate offense.

170 (d) In addition to the criminal penalties provided for in subsection (c) of this Code section,
171 any person who violates any provision of subsection (a) of this Code section shall be

172 subject to a civil penalty of not more than \$5,000.00 for each violation. The amount of the
173 civil penalty imposed pursuant to this subsection shall be fixed by the Commissioner after
174 notice and hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative
175 Procedure Act,' for contested cases. For purposes of this subsection, each day a violation
176 of subsection (a) of this Code section occurs or continues shall constitute a separate
177 violation."

178 **SECTION 5.**

179 Said chapter is further amended in Code Section 2-23-5, relating to procedure for licensing,
180 fees, license requirements, and limitations on license, by revising paragraph (3) of
181 subsection (c) and paragraph (3) of subsection (d) as follows:

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

186 "(3) For purposes of this subsection:

187 (A) The term 'person' shall include all members of a hemp grower licensee's family and
188 all corporations, limited partnerships, limited liability companies, and other business
189 entities in which a hemp grower licensee holds more than a 50 percent ownership
190 interest; the term 'family' shall include any person related to the holder of the hemp
191 grower license within the first degree of consanguinity and affinity as computed
192 according to the canon law and who is claimed as a dependent by the hemp grower
193 licensee for income tax purposes; and

194 (B) The beneficiaries of a trust shall be considered to have a beneficial interest in any
195 business forming a part of the trust estate."

196

SECTION 6.

197 Said chapter is further amended in Code Section 2-23-6, relating to procedure for permitting
 198 and limitations on permits and interests, by revising paragraph (3) of subsection (c),
 199 subsection (e), and paragraph (3) of subsection (h) as follows:

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

204 "(e) Hemp processor permits shall be issued for one calendar year at an annual permit fee
 205 of ~~\$25,000.00~~ at least \$500.00 but not more than \$10,000.00, as established by the
 206 Commissioner, so long as no administrative action has been taken by the department
 207 regarding such permittee under this chapter."

208 "(3) For purposes of this subsection:

209 (A) The term 'person' shall include all members of a ~~licensee's~~ permittee's family and
 210 all corporations, limited partnerships, limited liability companies, and other business
 211 entities in which a ~~licensee~~ permittee holds more than a 50 percent ownership interest;
 212 the term 'family' shall include any person related to the holder of the hemp processor
 213 permit within the first degree of consanguinity and affinity as computed according to
 214 the canon law and who is claimed as a dependent by the ~~licensee~~ permittee for income
 215 tax purposes; and

216 (B) The beneficiaries of a trust shall be considered to have a beneficial interest in any
 217 business forming a part of the trust estate."

218

SECTION 7.

219 Said chapter is further amended in Code Section 2-23-6.1, relating to bond requirements,
 220 breach of bond, hearing, enforcement, and insufficient bond funds, by revising
 221 subsections (a), (d), and (e) as follows:

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

243 "(d) If such settlement is not effected within such time, the Commissioner or the hemp
244 grower licensee may bring an action to enforce the claim. If the hemp grower licensee is
245 not satisfied with the ruling of the Commissioner, he or she may commence and maintain
246 an action against the principal and surety on the bond of the parties complained of as in any
247 civil action.

248 (e) If the bond or collateral posted is insufficient to pay in full the valid claims of hemp
249 grower licensees, the Commissioner may direct that the proceeds of such bond shall be
250 divided pro rata among such hemp grower licensees."

251 **SECTION 8.**

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

253 "2-23-6.2.

254 (a) Except as otherwise provided in this chapter, consideration, issuance, and revocation
255 of retail consumable hemp establishment licenses issued by the department pursuant to this
256 Code section shall be accomplished in accordance with Chapter 5 of this title, and such
257 licenses shall otherwise be governed by such chapter.

258 (b) Applications for a retail consumable hemp establishment license shall be made on a
259 form furnished by the Commissioner and, together with such other information as the
260 Commissioner may require, shall state:

261 (1) The name of the applicant;

262 (2) The business address of the applicant;

263 (3) The complete telephone number and email address of the applicant;

264 (4) The location where the applicant will sell or offer for sale consumable hemp products
265 in this state and whether such location is owned or leased by the applicant; and

266 (5) If the applicant is a business entity, the name of the owners, partners, members, or
267 shareholders of such entity.

268 (c) Retail consumable hemp establishment licenses shall be issued by the department for
269 one calendar year at an annual licensing fee of at least \$250.00 but not more
270 than \$4,000.00, as established by the Commissioner. The Commissioner may establish
271 separate classes of retail consumable hemp establishment licenses based on the amount of
272 consumable hemp products to be sold by the licensee, and the annual licensing fees

273 required by this subsection shall be in different amounts for each such separate class of
274 retail consumable hemp establishment licenses.

275 (d) Retail consumable hemp establishment licenses issued by the department pursuant to
276 this Code section shall be issued in connection with a single retail location where
277 consumable hemp products will be sold or offered for sale to consumers by the licensee.
278 For a person to sell or offer for sale consumable hemp products to consumers at multiple
279 retail locations, such person shall be required to obtain from the department separate retail
280 consumable hemp establishment licenses for each such retail location."

281 **SECTION 9.**

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

283 "2-23-6.3.

284 (a) Except as otherwise provided in this chapter, consideration, issuance, and revocation
285 of wholesale consumable hemp licenses issued by the department pursuant to this Code
286 section shall be accomplished in accordance with Chapter 5 of this title, and such licenses
287 shall otherwise be governed by such chapter.

288 (b) Applications for a wholesale consumable hemp license shall be made on a form
289 furnished by the Commissioner and, together with such other information as the
290 Commissioner may require, shall state:

291 (1) The name of the applicant;

292 (2) The business address of the applicant;

293 (3) The complete telephone number and email address of the applicant;

294 (4) The location of the facility where the applicant will store consumable hemp products
295 and otherwise operate as a wholesaler of consumable hemp products in this state and
296 whether such facility is owned or leased by the applicant; and

297 (5) If the applicant is a business entity, the name of the owners, partners, members, or
298 shareholders of such entity.

299 (c) Wholesale consumable hemp licenses shall be issued by the department for one
300 calendar year at an annual licensing fee of at least \$500.00 but not more than \$10,000.00,
301 as established by the Commissioner. The Commissioner may establish separate classes of
302 wholesale consumable hemp licenses based on the amount of consumable hemp products
303 to be sold by the licensee, and the annual licensing fees required by this subsection shall
304 be in different amounts for each such separate class of wholesale consumable hemp
305 licenses.

306 (d) Wholesale consumable hemp licenses issued by the department pursuant to this Code
307 section shall be issued in connection with a single facility where the licensee will store
308 consumable hemp products or otherwise operate as a wholesaler of consumable hemp
309 products. For a person to store consumable hemp products or otherwise operate as a
310 wholesaler of consumable hemp products at multiple facilities, such person shall be
311 required to obtain from the department separate wholesale consumable hemp licenses for
312 each such facility."

313 **SECTION 10.**

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

315 "2-23-6.4.

316 (a) Except as otherwise provided in this chapter, consideration, issuance, and revocation
317 of manufacturer licenses issued by the department pursuant to this Code section shall be
318 accomplished in accordance with Chapter 5 of this title, and such licenses shall otherwise
319 be governed by such chapter.

320 (b) Applications for a manufacturer license shall be made on a form furnished by the
321 Commissioner and, together with such other information as the Commissioner may require,
322 shall state:

323 (1) The name of the applicant;

324 (2) The business address of the applicant;

- 325 (3) The complete telephone number and email address of the applicant;
326 (4) The location of the facility where the applicant will manufacture hemp products in
327 this state and whether such facility is owned or leased by the applicant; and
328 (5) If the applicant is a business entity, the name of the owners, partners, members, or
329 shareholders of such entity.
- 330 (c) Manufacturer licenses shall be issued by the department for one calendar year at an
331 annual licensing fee of \$5,000.00; provided, however, that any person who holds a hemp
332 processor permit issued by the department under this chapter shall not be required to pay
333 the annual licensing fee provided for in this subsection in order for such person to be issued
334 a manufacturer license by the department under this Code section.
- 335 (d) Manufacturer licenses issued by the department pursuant to this Code section shall be
336 issued in connection with a single facility where the licensee will manufacture hemp
337 products. For a person to manufacture hemp products at multiple facilities, such person
338 shall be required to obtain from the department separate manufacturer licenses for each
339 such facility."

340 **SECTION 11.**

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

342 "2-23-6.5.

343 (a) Any person desiring to perform in this state tests or analyses of any plant within the
344 genus Cannabis, including but not limited to hemp, or any product made or derived from
345 such plant, including but not limited to hemp products and consumable hemp products,
346 shall register with the department as a registered laboratory and pay a one-time registration
347 fee of \$250.00.

348 (b) Except as otherwise provided in this chapter, consideration, acceptance, and revocation
349 of a registration made pursuant to this Code section shall be accomplished in accordance

350 with Chapter 5 of this title, and such registration shall otherwise be governed by such
351 chapter.

352 (c) Registration with the department as a registered laboratory shall be made on a form and
353 in a manner as prescribed by the Commissioner. Such registration shall include, together
354 with such other information as the Commissioner may require, the following information:

355 (1) The name of the registrant;

356 (2) The business address of the registrant;

357 (3) The complete telephone number and email address of the registrant;

358 (4) The location of the laboratory facility where the registrant will perform tests and
359 analyses of any plant within the genus Cannabis or any product made or derived from
360 such plant; and

361 (5) If the registrant is a business entity, the name of the owner, partners, members, or
362 shareholders of such entity.

363 (d) The department shall not accept a registration under this Code section unless the
364 registrant demonstrates, to the department's satisfaction, that it is not affiliated with any
365 licensee or permittee and has been accredited pursuant to the standards of the International
366 Organization for Standardization for the competence, impartiality, and consistent operation
367 of laboratories.

368 (e) Registrations made under this Code section shall be in connection with a single
369 laboratory facility. For a person to perform tests or analyses of any plant within the genus
370 Cannabis or any product made or derived from such plant at multiple laboratory facilities,
371 such person shall be required to register each such laboratory facility with the department
372 under this Code section.

373 (f) A registered laboratory, or any person employed by a registered laboratory, shall not
374 be subject to arrest, prosecution, or any civil penalty for possessing, or having under his or
375 her control, THC or marijuana, as such term is defined in Code Section 16-13-21, provided
376 that such possession or control occurs in connection with a test or analysis performed:

377 (1) On behalf of:

378 (A) A person licensed under this chapter or under Article 9 of Chapter 12 of Title 16;

379 or

380 (B) The department or the Georgia Access to Medical Cannabis Commission; and

381 (2) In accordance with the rules and regulations promulgated by the department pursuant

382 to this chapter.

383 (g) The department shall provide by rule and regulation a procedure by which registered

384 laboratories shall dispose of plants or products within their possession that do not comply

385 with the provisions of this chapter or are otherwise unlawful under the laws of this state."

386

SECTION 12.

387 Said chapter is further amended in Code Section 2-23-7, relating to business agreements,

388 transportation, and reimbursement for crop destruction, by revising subsections (a) and (c)

389 as follows:

390 "(a) Every permittee shall at all times have in place written agreements with each hemp

391 grower licensee governing their business relationship. Each permittee shall provide a copy

392 of each such agreement, and any amendments thereto, to the department within ten days

393 of execution of each such agreement or amendment thereto."

394 "(c) Until December 31, 2022, when a hemp grower licensee disposes of a lot pursuant to

395 Code Section 2-23-8, the permittee with whom the hemp grower licensee has entered into

396 an agreement pursuant to this Code section shall reimburse the hemp grower licensee for

397 half of the amount of the combined value of the seed, fertilizer, labor costs, and any other

398 reasonable and customary input expenses incurred with such disposed of lot."

399

SECTION 13.

400 Said chapter is further amended in Code Section 2-23-8, relating to sampling and random

401 testing of hemp, by revising paragraph (1) of subsection (a) as follows:

402 "(a)(1) The department shall have the right, either through its own personnel or through
403 an independent contractor as provided for in Code Section 2-23-9, to collect samples of
404 hemp for testing as provided for in this chapter from the fields and greenhouses of all
405 hemp grower licensees. Samples shall be representative of each lot with the same global
406 positioning coordinates. No hemp shall be harvested until such samples are collected.
407 Such testing, and the harvesting of the hemp tested, shall be conducted in compliance
408 with this chapter and with regulations promulgated by the department."

409

SECTION 14.

410 Said chapter is further amended by revising Code Section 2-23-10, relating to enforcement,
411 corrective action plan, revocation of licenses, and reporting of licensees and permittees to the
412 Attorney General, as follows:

413 "2-23-10.

414 (a) A violation of a plan authorized by Code Section 2-23-11 and approved by the
415 secretary of agriculture of the United States by a licensee or permittee shall be subject to
416 enforcement in accordance with this Code section.

417 (b)(1) A hemp grower licensee ~~or permittee~~ under this chapter shall be required to
418 conduct a corrective action plan if the Commissioner determines that the hemp grower
419 licensee ~~or permittee~~ has negligently violated this chapter or has violated rules and
420 regulations promulgated by the department pursuant to this chapter by:

421 (A) Failing to provide a legal description and global positioning coordinates sufficient
422 for locating fields and greenhouses the hemp grower licensee uses to cultivate and
423 harvest hemp ~~or facilities at which the permittee processes hemp~~;

424 (B) Failing to properly obtain a hemp grower license ~~or permit~~ from the department;

425 (C) Producing Cannabis sativa L. with more than the federally defined THC level for
426 hemp; or

427 (D) Otherwise negligently violating this chapter.

- 428 (2) A corrective action plan required by this Code section shall include:
- 429 (A) A reasonable date by which the hemp grower licensee ~~or permittee~~ shall correct
- 430 the negligent violation; and
- 431 (B) A requirement that the hemp grower licensee ~~or permittee~~ shall periodically report
- 432 to the Commissioner on the compliance status of the hemp grower licensee ~~or permittee~~
- 433 with the corrective action plan for a period of not less than two calendar years after the
- 434 violation.
- 435 (c) Except as provided in subsection (d) of this Code section, a hemp grower licensee ~~or~~
- 436 ~~permittee~~ that negligently violates this chapter or rules and regulations promulgated by the
- 437 department pursuant to this chapter shall not as a result be subject to any criminal or civil
- 438 enforcement action by any government agency other than the enforcement action
- 439 authorized under subsection (b) of this Code section.
- 440 (d) A hemp grower licensee ~~or permittee~~ that negligently violates ~~the corrective action~~
- 441 ~~plan under subsection (b) of this Code section~~ this chapter or the rules and regulations
- 442 promulgated by the department pursuant to this chapter three times in a five-year period
- 443 shall have its hemp grower license ~~or permit~~ issued pursuant to this chapter immediately
- 444 revoked and shall be ineligible to reapply for a hemp grower license ~~or permit~~ for a period
- 445 of five years after the date of the third violation.
- 446 (e) If the Commissioner determines that a hemp grower licensee ~~or permittee~~ has violated
- 447 state law with a culpable mental state greater than negligence, the Commissioner shall
- 448 immediately report the hemp grower licensee ~~or permittee~~ to the United States Attorney
- 449 General and the state Attorney General, and subsection (a) of this Code section shall not
- 450 apply to the violation.
- 451 (f) Laws enacting criminal offenses, including laws provided for in Title 16, not in conflict
- 452 with this chapter shall continue to be enforceable and of full force and effect."

453

SECTION 15.

454 Said chapter is further amended by revising Code Section 2-23-12, relating to rules and
455 regulations, as follows:

456 "2-23-12.

457 The department, ~~in consultation with the Georgia Bureau of Investigation,~~ shall may
458 promulgate rules and regulations as necessary to implement the provisions of this chapter.

459 ~~Such rules and regulations shall include the plan provided for in Code Section 2-23-11~~
460 ~~upon the approval of such plan by the secretary of agriculture of the United States."~~

461

SECTION 16.

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