

Senate Bill 494

By: Senators Watson of the 11th, Robertson of the 29th, Kirkpatrick of the 32nd, Goodman of the 8th, Sims of the 12th 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 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~~ \$10,000.00, so long as no administrative action has been taken by the
206 department regarding such permittee under this chapter."

207 "(3) For purposes of this subsection:

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

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

217

SECTION 7.

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

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

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

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

250

SECTION 8.

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

252 "2-23-6.2.

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

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

260 (1) The name of the applicant;

261 (2) The business address of the applicant;

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

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

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

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

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

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

280 **SECTION 9.**

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

282 "2-23-6.3.

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

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

290 (1) The name of the applicant;

291 (2) The business address of the applicant;

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

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

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

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

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

312 **SECTION 10.**

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

314 "2-23-6.4.

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

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

322 (1) The name of the applicant;

323 (2) The business address of the applicant;

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

339 **SECTION 11.**

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

341 "2-23-6.5.

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

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

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

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

354 (1) The name of the registrant;

355 (2) The business address of the registrant;

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

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

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

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

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

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

376 (1) On behalf of:

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

378 or

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

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

381 to this chapter.

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

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

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

385

SECTION 12.

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

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

388 as follows:

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

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

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

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

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

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

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

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

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

398

SECTION 13.

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

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

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

408

SECTION 14.

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

412 "2-23-10.

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

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

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

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

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

426 (D) Otherwise negligently violating this chapter.

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

452

SECTION 15.

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

455 "2-23-12.

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

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

460

SECTION 16.

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