

The House Committee on Agriculture and Consumer Affairs offers 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 provide for determining THC levels; to prohibit persons from performing certain activities
4 without licenses; to provide for penalties; to revise bonding requirements; to revise the
5 annual fee for processing permits; to provide for the issuance of retail consumable hemp
6 establishment licenses; to provide for the issuance of wholesale consumable hemp licenses;
7 to provide for the issuance of manufacturer licenses; to provide for the registration of
8 laboratories; to revise provisions concerning violations; to provide for the amendment of
9 regulatory plans submitted to the secretary of agriculture of the United States; to conform
10 terminology; to provide for related matters; to provide an effective date; to provide for the
11 payment of fees into the general fund of the state treasury; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 494 (SUB)

14 **SECTION 1.**

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

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

20 **SECTION 2.**

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

23 "2-23-3.

24 As used in this chapter, the term:

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

27 (1.2) 'Consumable hemp product' means a hemp product intended to be ingested,
28 absorbed, or inhaled by humans or animals.

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

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

33 (4) 'Handle' means to possess or store hemp plants for any period of time ~~on premises~~
34 ~~owned, operated, or controlled by a person licensed to cultivate or permitted to process~~
35 ~~hemp, or to possess or store hemp plants in a vehicle for any period of time other than~~
36 ~~during the actual transport of such plants from the premises of a person licensed to~~
37 ~~cultivate or permitted to process hemp or a college or university authorized to conduct~~
38 ~~research pursuant to Code Section 2-23-4 to the premises of another licensed or permitted~~
39 ~~person or to a college or university authorized to conduct research pursuant to Code~~

40 Section 2-23-4; provided, however, that this term shall not include possessing or storing
41 finished hemp products.

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

46 (5.1) 'Hemp grower licensee' means an individual or business entity possessing a hemp
47 grower license issued by the department under the authority of this chapter to handle and
48 cultivate hemp in the State of Georgia.

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

53 (6.1) 'Industrial hemp product' means any hemp product that is not a consumable hemp
54 product.

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

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

65 (8.1) 'Manufacture' means to create, produce, manipulate, combine, or package.

66 (8.2) 'Manufacturer license' means a license issued by the department under the authority
67 of this chapter to an individual or business entity that manufactures consumable hemp
68 products or industrial hemp products in this state.

69 (8.3) 'Measurement of uncertainty' means the parameter, associated with the result of a
70 measurement, that characterizes the dispersion of the values that could reasonably be
71 attributed to the particular quantity subject to measurement.

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

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

78 (B) Such term shall not include:

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

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

83 (10.1) 'Registered laboratory' means an individual or business entity that tests or analyzes
84 any plant within the genus Cannabis, including but not limited to hemp, and products
85 made from or derived from such plant, including but not limited to hemp products and
86 consumable hemp products, and that has registered with the department under this
87 chapter.

88 (11) 'Research' or 'researching' means experimental field, greenhouse, or laboratory
89 activity for the ultimate purpose of developing new hemp varieties and products,
90 improving existing hemp products, developing new uses for existing hemp products, or
91 developing or improving methods for producing hemp products.

92 (11.1) 'Retail consumable hemp establishment license' means a license issued by the
93 department under the authority of this chapter to an individual or business entity that
94 prepares or sells prepackaged consumable hemp products to consumers.

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

97 (13) 'Wholesale consumable hemp license' means a license issued by the department
98 under the authority of this chapter to an individual or business entity that sells, in bulk,
99 prepackaged consumable hemp products to retail consumable hemp establishment
100 licensees or to other retail establishments located outside of the State of Georgia that are
101 authorized to sell consumable hemp products to consumers in the jurisdiction where such
102 establishments are located."

103 **SECTION 3.**

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

105 "2-23-3.1

106 For purposes of this chapter, when determining whether a tested sample of hemp or hemp
107 products exceeds or is within the federally defined THC level for hemp, such determination
108 shall take into account the applicable measurement of uncertainty for the test used to
109 measure the delta-9-THC levels in the sample. The department, by rules or regulations,
110 may specify the method and procedure for determining the applicable measurement of
111 uncertainty for a given test used to measure delta-9-THC levels in a sample."

112 **SECTION 4.**

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

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

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

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

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

133 (4) A permittee to accept for processing any hemp grown outside of the State of Georgia,
134 unless such hemp is grown in a state with a plan to regulate hemp production that is
135 approved by the ~~Secretary of Agriculture~~ secretary of agriculture of the United States or
136 otherwise in accordance with regulations promulgated by the United States Department
137 of Agriculture;

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

- 143 (6) Any hemp grower licensee or permittee to otherwise fail to comply with the
144 requirements of this chapter or any applicable state or federal law or regulation;
145 (7) Any person to offer for sale at retail the unprocessed flower or leaves of the hemp
146 plant; or
147 (8) Any person to cultivate or handle hemp in any structure that is used for residential
148 purposes."

149 **SECTION 5.**

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

151 "2-23-4.1.

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

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

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

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

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

167 (5) To manufacture hemp products in this state unless such person holds a manufacturer
168 license issued by the department or is employed by a person who holds such a license;
169 or
170 (6) Perform in this state tests or analyses of any plant within the genus Cannabis,
171 including but not limited to hemp, or any product made or derived from such plant,
172 including but not limited to hemp products and consumable hemp products, unless such
173 person has registered with the department as a registered laboratory or is employed by a
174 person who has registered with the department as a registered laboratory.
175 (b) The prohibitions contained in paragraphs (2) and (6) of subsection (a) of this Code
176 section shall not apply to a college or university authorized to conduct research pursuant
177 to Code Section 2-23-4 or a person assisting such college or university with such research
178 pursuant to Code Section 2-23-4.
179 (c)(1) Any person who violates any provision of subsection (a) of this Code section shall:
180 (A) Be guilty of a misdemeanor for a first offense; and
181 (B) For a second or subsequent offense, be guilty of a misdemeanor of a high and
182 aggravated nature.
183 (2) Each violation of any provision of subsection (a) of this Code section shall constitute
184 a separate offense.
185 (d) In addition to the criminal penalties provided for in subsection (c) of this Code section,
186 any person who violates any provision of subsection (a) of this Code section shall be
187 subject to a civil penalty of not more than \$5,000.00 for each violation. The amount of the
188 civil penalty imposed pursuant to this subsection shall be fixed by the Commissioner after
189 notice and hearing as provided in Chapter 13 of Title 50, the 'Georgia Administrative
190 Procedure Act,' for contested cases. For purposes of this subsection, each day a violation
191 of subsection (a) of this Code section occurs or continues shall constitute a separate
192 violation."

193 **SECTION 6.**

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

197 "(3) For purposes of this subsection:

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

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

207 **SECTION 7.**

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

211 "(e) Hemp processor permits shall be issued for one calendar year at an annual permit fee
212 of ~~\$25,000.00~~ \$10,000.00, so long as no administrative action has been taken by the
213 department regarding such permittee under this chapter."

214 "(3) For purposes of this subsection:

215 (A) The term 'person' shall include all members of a ~~licensee's~~ permittee's family and
216 all corporations, limited partnerships, limited liability companies, and other business
217 entities in which a ~~licensee~~ permittee holds more than a 50 percent ownership interest;
218 the term 'family' shall include any person related to the holder of the hemp processor

219 permit within the first degree of consanguinity and affinity as computed according to
220 the canon law and who is claimed as a dependent by the ~~licensee~~ permittee for income
221 tax purposes; and
222 (B) The beneficiaries of a trust shall be considered to have a beneficial interest in any
223 business forming a part of the trust estate."

224 **SECTION 8.**

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

228 "(a) Any applicant for a hemp processor permit shall make and deliver to the
229 Commissioner a surety bond executed by a surety corporation authorized to transact
230 business in this state and approved by the Commissioner. Any and all bond applications
231 shall be accompanied by a certificate of good standing issued by the Commissioner of
232 Insurance. If any company issuing a bond shall be removed from doing business in this
233 state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner
234 within 30 days. The bond shall be in such amount as the Commissioner may determine,
235 not exceeding an amount equal to 2 percent of the amount of hemp purchased from hemp
236 grower licensees by the permittee in the most recent calendar year; provided, however, that
237 the minimum amount of such bond shall be ~~\$300,000.00~~ \$50,000.00 and the maximum
238 amount shall be \$1 million. Such bond shall be upon a form prescribed or approved by the
239 Commissioner and shall be conditioned to secure the faithful accounting for and payment
240 to hemp grower licensees for hemp purchased by such permittee as well as to secure the
241 permittee's compliance with the requirements of this chapter. Whenever the Commissioner
242 shall determine that a previously approved bond has for any cause become insufficient, the
243 Commissioner may require an additional bond or bonds to be given in compliance with this
244 Code section. Unless the additional bond or bonds are given within the time fixed by

245 written demand therefor, or if the bond of a permittee is canceled, the permit of such
246 permittee shall be immediately revoked by operation of law without notice or hearing, and
247 such permittee shall be ineligible to reapply for such permit for a period of four years after
248 such revocation."

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

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

257 **SECTION 9.**

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

259 "2-23-6.2.

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

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

267 (1) The name of the applicant;

268 (2) The business address of the applicant;

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

270 (4) The location where the applicant will sell or offer for sale consumable hemp products
271 in this state and whether such location is owned or leased by the applicant; and
272 (5) If the applicant is a business entity, the name of the owners, partners, members, or
273 shareholders of such entity.
274 (c) Retail consumable hemp establishment licenses shall be issued by the department for
275 one calendar year at an annual licensing fee of \$250.00.
276 (d) Retail consumable hemp establishment licenses issued by the department pursuant to
277 this Code section shall be issued in connection with a single retail location where
278 consumable hemp products will be sold or offered for sale to consumers by the licensee.
279 For a person to sell or offer for sale consumable hemp products to consumers at multiple
280 retail locations, such person shall be required to obtain from the department separate retail
281 consumable hemp establishment licenses for each such retail location."

282 **SECTION 10.**

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

284 "2-23-6.3.

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

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

292 (1) The name of the applicant;

293 (2) The business address of the applicant;

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

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

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

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

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

314 **SECTION 11.**

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

316 "2-23-6.4.

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

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

324 (1) The name of the applicant;

325 (2) The business address of the applicant;

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

327 (4) The location of the facility where the applicant will manufacture hemp products in
328 this state and whether such facility is owned or leased by the applicant; and

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

331 (c) Manufacturer licenses shall be issued by the department for one calendar year at an
332 annual licensing fee of \$5,000.00; provided, however, that any person who holds a hemp
333 processor permit issued by the department under this chapter shall not be required to pay
334 the annual licensing fee provided for in this subsection in order for such person to be issued
335 a manufacturer license by the department under this Code section.

336 (d) Manufacturer licenses issued by the department pursuant to this Code section shall be
337 issued in connection with a single facility where the licensee will manufacture hemp
338 products. For a person to manufacture hemp products at multiple facilities, such person
339 shall be required to obtain from the department separate manufacturer licenses for each
340 such facility."

341 **SECTION 12.**

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

343 "2-23-6.5.

344 (a) Any person desiring to perform in this state tests or analyses of any plant within the
345 genus Cannabis, including but not limited to hemp, or any product made or derived from
346 such plant, including but not limited to hemp products and consumable hemp products,

347 shall register with the department as a registered laboratory and pay a one-time registration
348 fee of \$250.00.

349 (b) Except as otherwise provided in this chapter, consideration, acceptance, and revocation
350 of a registration made pursuant to this Code section shall be accomplished in accordance
351 with Chapter 5 of this title, and such registration shall otherwise be governed by such
352 chapter.

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

356 (1) The name of the registrant;

357 (2) The business address of the registrant;

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

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

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

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

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

374 (f) A registered laboratory, or any person employed by a registered laboratory, shall not
375 be subject to arrest, prosecution, or any civil penalty for possessing, or having under his or
376 her control, THC or marijuana, as such term is defined in Code Section 16-13-21, provided
377 that such possession or control occurs in connection with a test or analysis performed in
378 accordance with the rules and regulations promulgated by the department pursuant to this
379 chapter.

380 (g) The department shall provide by rule and regulation a procedure by which registered
381 laboratories shall dispose of plants or products within their possession that do not comply
382 with the provisions of this chapter or are otherwise unlawful under the laws of this state."

383 **SECTION 13.**

384 Said chapter is further amended in Code Section 2-23-7, relating to business agreements,
385 transportation, and reimbursement for crop destruction, by revising subsections (a) and (c)
386 as follows:

387 "(a) Every permittee shall at all times have in place written agreements with each hemp
388 grower licensee governing their business relationship. Each permittee shall provide a copy
389 of each such agreement, and any amendments thereto, to the department within ten days
390 of execution of each such agreement or amendment thereto."

391 "(c) Until December 31, 2022, when a hemp grower licensee disposes of a lot pursuant to
392 Code Section 2-23-8, the permittee with whom the hemp grower licensee has entered into
393 an agreement pursuant to this Code section shall reimburse the hemp grower licensee for
394 half of the amount of the combined value of the seed, fertilizer, labor costs, and any other
395 reasonable and customary input expenses incurred with such disposed of lot."

396 **SECTION 14.**

397 Said chapter is further amended in Code Section 2-23-8, relating to sampling and random
398 testing of hemp, by revising paragraph (1) of subsection (a) as follows:

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

406 **SECTION 15.**

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

410 "2-23-10.

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

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

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

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

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

424 (D) Otherwise negligently violating this chapter.

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

450 **SECTION 16.**

451 Said chapter is further amended in Code Section 2-23-11, relating to plan for regulation of
452 hemp production and approval, by adding a new subsection to read as follows:

453 "(c) The department may submit an amended plan to the secretary of agriculture of the
454 United States if or when required by any amendment to this chapter, the rules and
455 regulations promulgated by the department pursuant to this chapter, or any federal law or
456 regulation."

457 **SECTION 17.**

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

460 "2-23-12.

461 ~~The department, in consultation with the Georgia Bureau of Investigation, shall~~ may
462 promulgate rules and regulations as necessary to implement the provisions of this chapter.
463 ~~Such rules and regulations shall include the plan provided for in Code Section 2-23-11~~
464 ~~upon the approval of such plan by the secretary of agriculture of the United States."~~

465 **SECTION 18.**

466 This Act shall become effective on October 1, 2024

467 **SECTION 19.**

468 All fees collected pursuant to this Act shall be paid into the general fund of the state treasury.

469 **SECTION 20.**

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