

House Bill 783 (AS PASSED HOUSE AND SENATE)

By: Representatives Broadrick of the 4th, Harden of the 148th, Parrish of the 158th, and Hawkins of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 12 and Chapter 13 of Title 16 of the Official Code of Georgia
2 Annotated, relating to regulation of low THC oil and controlled substances, respectively, so
3 as to change the definition of low THC oil; to change certain provisions relating to Schedules
4 I and IV controlled substances; to change certain provisions relating to the definition of
5 dangerous drug; to provide for restricted dangerous drugs; to provide for a penalty for
6 violations relating to nonprescription injectable insulin; to provide for an effective date; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 8 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
11 regulation of low THC oil, is amended by revising Code Section 16-12-190, relating to a
12 definition, as follows:

13 "16-12-190.

14 As used in this article, the term 'low THC oil' means an oil that contains an amount of
15 cannabidiol and not more than 5 percent by weight of tetrahydrocannabinol,
16 tetrahydrocannabinolic acid, or a combination of tetrahydrocannabinol and
17 tetrahydrocannabinolic acid which does not contain plant material exhibiting the external
18 morphological features of the plant of the genus Cannabis and an amount of cannabidiol
19 equal to or greater than the amount of tetrahydrocannabinol."

20 **SECTION 2.**

21 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
22 substances, is amended in Code Section 16-13-25, relating to Schedule I controlled
23 substances, by revising subparagraph (P) of and adding new subparagraphs to paragraph (3)
24 to read as follows:

25 "(P) ~~Tetrahydrocannabinols which shall include, but are not limited to:~~

- 26 ~~(i) All synthetic or naturally produced samples containing more than 15 percent by~~
 27 ~~weight of tetrahydrocannabinols; and~~
- 28 ~~(ii) All synthetic or naturally produced tetrahydrocannabinol samples which do~~
 29 ~~Tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of~~
 30 ~~tetrahydrocannabinol and tetrahydrocannabinolic acid which does not contain plant~~
 31 ~~material exhibiting the external morphological features of the plant cannabis of the~~
 32 ~~genus Cannabis;~~
- 33 "(BBBB) Methoxyphencyclidine (MeO-PCP);
 34 (CCCC) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-OH-MiPT);
 35 (DDDD) N, α -dimethyl-5-benzofuranethanamine (5-MAPB);"

36 **SECTION 3.**

37 Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled
 38 substances, by revising paragraph (12) as follows:

39 "(12) Any of the following compounds, derivatives, their salts, isomers, or salts of
 40 isomers, halogen analogues, or homologues, unless specifically utilized as part of the
 41 manufacturing process by a commercial industry of a substance or material not intended
 42 for human ingestion or consumption, as a prescription administered under medical
 43 supervision, or research at a recognized institution, whenever the existence of these salts,
 44 isomers, or salts of isomers, halogen analogues, or homologues is possible within the
 45 specific chemical designation:

- 46 (A) Naphthoylindoles;
 47 (B) Naphthylmethylindoles;
 48 (C) Naphthoylpyrroles;
 49 (D) Naphthylideneindenes;
 50 (E) Phenylacetylindoles;
 51 (F) Cyclohexylphenols;
 52 (G) Benzoylindoles;
 53 (H) Tricyclic benzopyrans;
 54 (I) Adamantoylindoles;
 55 (J) Indazole amides;
 56 (K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin
 57 -6-yl]-1-naphthalenylmethanone (WIN 55,212-2);
 58 (L) Any compound, unless specifically excepted or listed in this or another schedule,
 59 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with
 60 either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is
 61 further modified in any of the following ways:

- 62 (i) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
 63 haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the
 64 ring system;
- 65 (ii) By substitution at the 3-position with an acyclic alkyl substitution; or
- 66 (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
 67 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
 68 structure;
- 69 ~~(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);~~
- 70 (M) ~~(1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144)~~ Indole
 71 carboxamides;
- 72 (N) ~~[1-(5-fluoropentyl)indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl)—methanone~~
 73 ~~(XLR11)~~ Indole carboxylates;
- 74 (O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);
- 75 (P) ~~[1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)~~
 76 ~~methanone (A-796,260)~~ Indazole carboxylates;
- 77 (Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);
- 78 (R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);
- 79 (S) ~~1-pentyl-3-(1-adamantylamido)indole—(2NE1)~~ Indole
 80 tetramethylcyclopropanecarbonyls;
- 81 (T) ~~1-(5-fluoropentyl)-N-(tricyclo[3.3.1.1^{3,7}]dec-1-yl)-1H-indole-3-carboxamide~~
 82 ~~(STS-135)~~ Naphthoylbenzimidazoles;
- 83 (U) 1-naphthalenyl[4-(pentyllox)-1-naphthalenyl]-methanone (CB-13);
- 84 (V) ~~N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide—(NNE1);~~
 85 Naphthoylindazoles.
- 86 ~~(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide~~
 87 ~~(ADBICA);~~
- 88 ~~(X)—(1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone~~
 89 ~~(AM-2201 benzimidazole analog);~~
- 90 ~~(Y) Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);~~
- 91 ~~(Z) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);~~
- 92 ~~(AA) Naphthalene-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);~~
- 93 ~~(BB) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone~~
 94 ~~(FUB-144);~~
- 95 ~~(CC) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carbox~~
 96 ~~amide (5-fluoro-ABICA);~~
- 97 ~~(DD) 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone (THJ 018).'~~

98 **SECTION 4.**

99 Said chapter is further amended by revising Code Section 16-13-28, relating to Schedule IV
100 controlled substances, as follows:

101 "16-13-28.

102 (a) The controlled substances listed in this Code section are included in Schedule IV.
103 Unless specifically excepted or unless listed in another schedule, any material, compound,
104 mixture, or preparation which contains any quantity of the following substances, including
105 its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and
106 salts of isomers is possible within the specified chemical designation, included as having
107 a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

108 ~~(0.5) Alfaxalone;~~

109 (1) ~~Alprazolam~~ Alfaxalone;

110 (1.5) Armodafinil;

111 (2) Barbital;

112 (2.1) Bromazepam;

113 (2.15) Butorphanol;

114 ~~(2.2) Camazepam;~~

115 (2.25) Carisoprodol;

116 (2.3) Cathine;

117 (3) Chloral betaine;

118 (4) Chloral hydrate;

119 (5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and
120 clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified
121 estrogens);

122 (5.1) Clobazam;

123 (6) ~~Clonazepam~~ Reserved;

124 ~~(7) Clorazepate;~~

125 ~~(7.1)(7)~~ Clotiazepam;

126 ~~(7.2) Cloxazolam;~~

127 ~~(7.3) Delorazepam;~~

128 (8) ~~Desmethyldiazepam~~ Reserved;

129 (8.5) Dexfenfluramine;

130 (9) Reserved;

131 (10) ~~Diazepam~~ Reserved;

132 (11) Diethylpropion;

133 (11.05) Difenoxin;

134 ~~(11.1) Estazolam;~~

- 135 (11.5) Eluxadoline;
 136 (12) Ethchlorvynol;
 137 (13) Ethinamate;
 138 ~~(13.1) Ethyl loflazepate;~~
 139 (13.15) Etizolam;
 140 (13.2) Fencamfamin;
 141 (14) Fenfluramine;
 142 ~~(14.1) Flunitrazepam;~~
 143 (14.2) Fenproporex;
 144 ~~(15) Flurazepam;~~
 145 ~~(15.3)~~(15) Fospropofol;
 146 ~~(16) Halazepam;~~
 147 ~~(16.1) Haloxazolam;~~
 148 ~~(16.15)~~(16) Indiplon;
 149 ~~(16.2) Ketazolam;~~
 150 ~~(16.3) Lometazepam;~~
 151 ~~(16.4) Loprazolam;~~
 152 ~~(17) Lorazepam;~~
 153 ~~(17.5)~~(17) Lorcaserin;
 154 (18) Mazindol;
 155 (19) Mebutamate;
 156 ~~(19.1) Medazepam;~~
 157 (19.2) Mefenorex;
 158 (20) Meprobamate;
 159 (21) Methohexital;
 160 (22) Methylphenobarbital;
 161 ~~(22.1) Midazolam;~~
 162 ~~(22.15)~~(22.1) Modafinil;
 163 ~~(22.2) Nimetazepam;~~
 164 ~~(22.3) Nitrazepam;~~
 165 ~~(22.4) Nordiazepam;~~
 166 (23) Oxazepam Reserved;
 167 ~~(23.1) Oxazolam;~~
 168 (24) Paraldehyde;
 169 (25) Pemoline;
 170 (26) Pentazocine;
 171 (27) Petrichloral;

- 172 ~~(27.5) Phenazepam;~~
 173 (28) Phenobarbital;
 174 (29) Phentermine;
 175 (29.1) Pipradrol;
 176 ~~(30) Prazepam;~~
 177 ~~(30.03)~~(30) Propofol;
 178 (30.05) Propoxyphene (including all salts and optical isomers);
 179 (30.07) Pyrazolam;
 180 (30.1) Quazepam;
 181 (30.2) Sibutramine;
 182 (30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
 183 (30.5) Suvorexant;
 184 (31) ~~Femazepam~~ Reserved;
 185 (31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its
 186 salts, optical and geometric isomers, and salts of these isomers];
 187 ~~(32) Triazolam;~~
 188 ~~(32.5)~~(32) Zaleplon;
 189 (33) Zolpidem;
 190 (34) Zopiclone.
- 191 (b) The controlled substances in the benzodiazepine structural class include any of the
 192 following compounds, derivatives, their salts, isomers, or salts of isomers, halogen
 193 analogues, or homologues, unless specifically utilized as part of the manufacturing process
 194 by a commercial industry of a substance or material not intended for human ingestion or
 195 consumption, as a prescription administered under medical supervision, or for research at
 196 a recognized institution, whenever the existence of these salts, isomers, or salts of isomers,
 197 halogen analogues, or homologues is possible within the specific chemical designation or
 198 unless specifically excepted or listed in this or another schedule, structurally derived from
 199 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring system (which may
 200 itself be further substituted), whether or not the compound is further modified in any of the
 201 following ways:
- 202 (1) By substitution at the 2-position with a ketone;
 203 (2) By substitution at the 3-position with a hydroxyl group or ester group, which itself
 204 may be further substituted;
 205 (3) By a fused triazole ring at the 1,2- position, which itself may be further substituted;
 206 (4) By a fused imidazole ring at the 1,2- position, which itself may be further substituted;
 207 (5) By a fused oxazolidine ring at the 4,5- position, which itself may be further
 208 substituted;

- 209 (6) By a fused oxazine ring at the 4,5- position, which itself may be further substituted;
 210 (7) By substitution at the 7-position with a nitro group;
 211 (8) By substitution at the 7-position with a halogen group; or
 212 (9) By substitution at the 1-position with an alkyl group, which itself may be further
 213 substituted.

214 ~~(b)~~(c) The State Board of Pharmacy may except by rule any compound, mixture, or
 215 preparation containing any depressant, stimulant, or hallucinogenic substance listed in
 216 subsection (a) or (b) of this Code section from the application of all or any part of this
 217 article if the compound, mixture, or preparation contains one or more active, medicinal
 218 ingredients not having a depressant or stimulant effect on the central nervous system, and
 219 if the admixtures are included therein in combinations, quantity, proportion, or
 220 concentration that vitiate the potential for abuse of the substances which have a depressant
 221 or stimulant effect on the central nervous system."

222 **SECTION 5.**

223 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a
 224 dangerous drug, by revising paragraphs (115.3), (323), (562), (563), and (851.02) of
 225 subsection (b) as follows:

- 226 "(115.3) Budesonide — See exceptions;"
 227 "(323) Doxylamine succinate;"
 228 "(562) ~~Meprednisone~~ Mepivacaine;
 229 (563) ~~Mepivacaine~~ Meprednisone;"
 230 "(851.02) ~~Salvinorin A~~ Reserved;"

231 **SECTION 6.**

232 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a
 233 dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

- 234 "(19.57) Alectinib;"
 235 "(19.76) Alirocumab;"
 236 "(66.7) Asfotase;"
 237 "(69.2) Avibactam;"
 238 "(107.2) Brexpaprazole;"
 239 "(131.5) Cangrelor;"
 240 "(143.5) Cariprazine;"
 241 "(190.3) Cholic Acid;"
 242 "(207.7) Cobimetinib;"
 243 "(236.5) Daclatasvir;"

244 "(240.4) Daratumumab;"
245 "(243.7) Deferiprone;"
246 "(247.8) Deoxycholic Acid;"
247 "(295.5) Dinutuximab;"
248 "(330.7) Edoxaban;"
249 "(331.059) Elotuzumab;"
250 "(380.4) Evolocumab;"
251 "(386.1) Filgrastim-SNDZ;"
252 "(387.7) Flibanserin;"
253 "(464.15) Idarucizumab;"
254 "(474.3) Insulin degludec;"
255 "(495.5) Isavuconazonium;"
256 "(506.72) Ivabradine;"
257 "(506.95) Ixazomib;"
258 "(513.74) Lenvatinib;"
259 "(513.77) Lesinurad;"
260 "(531.4) Lumacaftor;"
261 "(562.5) Mepolizumab;"
262 "(638.47) Necitumumab;"
263 "(665.55) Osimertinib;"
264 "(681.35) Palbociclib;"
265 "(685.65) Panobinostat;"
266 "(692.29) Patiomer;"
267 "(844.8) Rolapitant;"
268 "(849.7) Sacubitril;"
269 "(852.05) Sebelipase;"
270 "(852.4) Secukinumab;"
271 "(853.7) Selexipag;"
272 "(882.3) Sonidegib;"
273 "(903.17) Sugammadex;"
274 "(930.98) Talimogene;"
275 "(967.56) Tipiracil;"
276 "(973.6) Trabectedin;"
277 "(1021.1) Uridine;"

278 **SECTION 7.**

279 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a
280 dangerous drug, by adding a new subsection to read as follows:

281 "(b.1) A 'restricted dangerous drug' means any other drug or substance declared by the
282 General Assembly to have no medical use, which cannot be legally prescribed by a
283 practitioner, and which cannot be manufactured, grown, produced, distributed, used, or
284 otherwise possessed in this state; to include any of the following drugs, chemicals, or
285 substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or
286 substances which have essentially the same pharmacological action; and all other salts,
287 isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless
288 specifically exempted, identified as 'restricted dangerous drugs':

289 (1) Salvinorin A; and

290 (2) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code
291 Section 16-13-72.

292 This subsection shall not prohibit a person from possessing a restricted dangerous drug for
293 the purpose of conducting research approved by the federal Food and Drug
294 Administration."

295 **SECTION 8.**

296 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a
297 dangerous drug, by adding a new paragraph to subsection (c) to read as follows:

298 "(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;"

299 **SECTION 9.**

300 Said chapter is further amended by revising Code Section 16-13-79, relating to violations of
301 the "Dangerous Drug Act," as follows:

302 "16-13-79.

303 (a) Except as provided in subsections (b), (c), and (d) of this Code section, any person who
304 violates this article shall be guilty of a misdemeanor.

305 (b) Any person who distributes or possesses with the intent to distribute nitrous oxide for
306 any use other than for a medical treatment prescribed by the order of a licensed medical
307 practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section
308 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by
309 imprisonment for not less than one year nor more than three years or by a fine not to
310 exceed \$5,000.00 or both.

311 (c) Any person who distributes or possesses with the intent to distribute to any person
312 under 18 years of age nitrous oxide for any use other than for a medical treatment

313 prescribed by the order of a licensed medical practitioner, except as provided for by
314 paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and
315 upon conviction thereof shall be punished for not less than two years nor more than six
316 years or by a fine not to exceed \$10,000.00 or both.

317 (d) This article shall not apply to any person who possesses, distributes, sells, or uses
318 nitrous oxide for food preparation in a restaurant, for food service, or in household
319 products.

320 (e) Any person who knowingly distributes or resells any nonprescription injectable insulin
321 product which was first obtained through an over-the-counter sale made to a patient from
322 any pharmacy, practitioner, or other source shall be guilty of a misdemeanor. All such
323 injectable insulin distributed or sold in this manner is considered to be an adulterated
324 dangerous drug and unsalable, making it subject to seizure under the laws of this state."

325 **SECTION 10.**

326 This Act shall become effective upon its approval by the Governor or upon its becoming law
327 without such approval.

328 **SECTION 11.**

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