



KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Code of Georgia Annotated
Title 31. Health
Chapter 2A. Department of Public Health
Article 1. General Provisions

Ga. Code Ann., § 31-2A-18

§ 31-2A-18. Low THC oil patient registry

Effective: May 10, 2021

[Currentness](#)

(a) As used in this Code section, the term:

(1) “Board” means the Georgia Composite Medical Board.

(2) “Caregiver” means the parent, guardian, or legal custodian of an individual who is less than 18 years of age or the legal guardian of an adult.

(3) “Condition” means:

(A) Cancer, when such disease is diagnosed as end stage or the treatment produces related wasting illness or recalcitrant nausea and vomiting;

(B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end stage;

(C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;

(D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;

(E) Crohn's disease;

(F) Mitochondrial disease;

(G) Parkinson's disease, when such disease is diagnosed as severe or end stage;

(H) Sickle cell disease, when such disease is diagnosed as severe or end stage;

(I) Tourette's syndrome, when such syndrome is diagnosed as severe;

(J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at least 18 years of age, or severe autism, when diagnosed for a patient who is less than 18 years of age;

(K) Epidermolysis bullosa;

(L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;

(M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as severe or end stage;

(N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;

(O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing of a trauma for a patient who is at least 18 years of age; or

(P) Intractable pain.

(4) "Department" means the Department of Public Health.

(5) "Intractable pain" means pain that has a cause that cannot be removed and for which, according to generally accepted medical practice, the full range of pain management modalities appropriate for the patient has been used for a period of at least six months without adequate results or with intolerable side effects.

(6) "Low THC oil" shall have the same meaning as set forth in [Code Section 16-12-190](#).

(7) "Physician" means an individual licensed to practice medicine pursuant to Article 2 of Chapter 34 of Title 43.

(8) "Registry" means the Low THC Oil Patient Registry.

(b) There is established within the department the Low THC Oil Patient Registry.

(c) The purpose of the registry is to provide a registration of individuals and caregivers who have been issued registration cards. The department shall establish procedures and promulgate rules and regulations for the establishment and operation of the registration process and dispensing of registry cards to individuals and caregivers.

(d) The department shall issue a registration card to individuals who have been certified to the department by his or her physician as being diagnosed with a condition or is an inpatient or outpatient in a hospice program and have been authorized by such physician to use low THC oil as treatment. The department shall issue a registration card to a caregiver when the circumstances warrant the issuance of such card. The board shall establish procedures and promulgate rules and regulations to assist physicians in providing required uniform information relating to certification and any other matter relating to the issuance of certifications. In promulgating such rules and regulations, the board shall require that physicians have a doctor-patient relationship when certifying an individual as needing low THC oil and physicians shall be required to be treating such individual for the specific condition requiring such treatment or be treating such individual in a hospice program. A physician shall seek and review information about a patient from the prescription drug monitoring program data base established pursuant to [Code Section 16-13-57](#) prior to certifying such patient to the department as being diagnosed with a specific condition that requires the use of low THC oil as treatment.

(e) The board shall require physicians to issue semiannual reports to the board. Such reports shall require physicians to provide information, including, but not limited to, dosages recommended for a particular condition, patient clinical responses, levels of tetrahydrocannabinol or tetrahydrocannabinolic acid present in test results, compliance, responses to treatment, side effects, and drug interactions. Such reports shall be used for research purposes to determine the efficacy of the use of low THC oil as a treatment for conditions.

(f) Information received and records kept by the department for purposes of administering this Code section shall be confidential; provided, however, that such information shall be disclosed, subject to the provisions of the federal Health Insurance Portability and Accountability Act of 1996, [P.L. 104-191](#), and any regulations promulgated thereunder:

(1) Upon written request of an individual or caregiver registered pursuant to this Code section for information related to the individual or his or her caregiver;

(2) To peace officers and prosecuting attorneys for the purpose of:

(A) Verifying that an individual in possession of a registration card is registered pursuant to this Code section; or

(B) Determining that an individual in possession of low THC oil is registered pursuant to this Code section; and

(3) To government entities and other entities for statistical, research, educational, instructional, drug abuse prevention, or grant application purposes after removing all personal identifiers from the health information and removing all information that could be used to identify prescribers.

(g) The board shall develop a waiver form that will advise that the use of cannabinoids and THC containing products have not been approved by the FDA and the clinical benefits are unknown and may cause harm. Any patient or caregiver shall sign such waiver prior to his or her approval for registration.

(h) The board, in coordination with the Department of Public Health, shall annually review the conditions included in paragraph (3) of subsection (a) of this Code section and recommend additional conditions that have been shown through medical research to be effectively treated with low THC oil. Such recommendations shall include recommended dosages for a particular condition,

patient responses to treatment with respect to the particular condition, and drug interactions with other drugs commonly taken by patients with the particular condition. Such recommendations shall be made jointly by the board and the Department of Public Health to the General Assembly no later than December 1 of each year.

Credits

Laws 2015, Act 20, § 2-1, eff. April 16, 2015; Laws 2017, Act 229, § 2, eff. July 1, 2017; Laws 2017, Act 275, § 31, eff. May 9, 2017; Laws 2018, Act 302, § 2, eff. July 1, 2018; Laws 2019, Act 27, § 6, eff. July 1, 2019; Laws 2021, Act 292, § 2A, eff. May 10, 2021.

Ga. Code Ann., § 31-2A-18, GA ST § 31-2A-18

The statutes and Constitution are current through legislation passed at the 2023 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.

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