



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

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2 June 2015

NOTICE OF PROPOSED RULEMAKING “Low THC Oil Patient Registry” Proposed Chapter 511-5-11

Please take note that the Department of Public Health proposes to adopt a new chapter of regulations pursuant to its authority under O.C.G.A. Sections 31-2A-6 and 31-2A-18. The proposed revised regulations are attached. They also may be found on our website at <http://health.state.ga.us/>.

The enactment of House Bill 1 (“Haleigh’s Act”) by the 2015 General Assembly authorized the Department to issue permits to qualified applicants to allow the possession of “low THC oil” for therapeutic purposes. The bill further directed the Department to create a registry of persons receiving such permits, and to “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.” The proposed Chapter 511-5-11 is intended to fulfill that mandate.

Interested persons may submit comments on these proposed revisions in writing addressed to:

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Comment may also be presented in person at a public meeting scheduled for 3:00 p.m., 26 June 2015, in room 9-260 (“Adina’s Room”) at 2 Peachtree Street, NW, 15th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.

**RULES OF THE
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-5-11
LOW THC OIL PATIENT REGISTRY**

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511-5-11-.01 Definitions.

(1) **"Cardholder"** means the person identified on a "Low THC Oil Permit" as being authorized to possess low THC oil. A cardholder may be an eligible patient or a caregiver.

(2) **"Caregiver"** means the parent or legal guardian of an eligible patient, including but not limited to a person authorized by the Division of Family and Children's Services of the Department of Human Services to care for a foster child.

(3) **"Department"** means the Georgia Department of Public Health;

(4) **"Eligible patient"** means a resident of Georgia who has been certified by a physician licensed by and in good standing with the Georgia Composite Medical Board as having one of the following conditions:

(a) Cancer, when such diagnosis is end stage or the treatment produces related wasting illness, recalcitrant nausea and vomiting;

(b) Amyotrophic lateral sclerosis, when such diagnosis is severe or end stage;

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

(d) Multiple sclerosis, when such diagnosis is severe or end stage;

(e) Crohn's disease;

(f) Mitochondrial disease;

(g) Parkinson's disease, when such diagnosis is severe or end stage; or

(h) Sickle cell disease, when such diagnosis is severe or end stage;

(5) "**Low THC Oil**" means an oil that contains not more than 5% by weight of tetrahydrocannabinol and an amount of cannabidiol equal to or greater than the amount of tetrahydrocannabinol;

(6) "**Low THC Oil Patient Registry**" means the database maintained by the Department of all eligible patients and their caregivers on whose behalf applications for a Low THC Oil Permit have been submitted and approved by the Department;

(7) "**Low THC Oil Permit**" means a durable card issued by the Department to eligible patients or their caregivers authorizing the possession of up to up to 20 fluid ounces of low THC oil for use by an eligible patient.

(8) "**Physician**" means a person licensed to practice medicine by and in good standing with the Georgia Composite Medical Board pursuant to Article 2 of Chapter 34 of Title 43.

Authority: O.C.G.A. Secs. 16-12-190, 31-2A-6, 31-2A-18.

511-5-11-.02 Low THC Oil Patient Registry.

(1) The Department shall maintain a database of eligible patients and their caregivers, and shall periodically review the database to delete the names of eligible patients and caregivers whose authorization has expired or who have become deceased.

(2) All applications for and information stored in the Low THC Oil Registry shall be confidential except as follows:

(a) Upon request by a peace officer or prosecuting attorney, the Department shall confirm or deny that a particular individual appears in the Low THC Oil Patient Registry as a cardholder;

(b) Information in the Low THC Oil Registry may be shared with the Georgia Composite Medical Board to assist in the preparation of the quarterly reports required by Code Section 31-2A-18(e);

(c) An individual or caregiver registered with the Department under this Rule may request information pertaining to their application and permit.

Authority: O.C.G.A. Secs. 31-2A-6, 31-2A-18, 31-5-5, 31-12-2(a).

511-5-11-.03 Applications for the Low THC Oil Patient Registry.

(1) The Department shall establish and maintain an internet portal through which physicians may submit applications for the Low THC Oil Registry on behalf of their patients and their patients' caregivers.

(2) The Department shall require such information as may be determined by the Georgia Composite Medical Board, including but not limited to the following:

(a) Name, address, and date of birth of the patient;

- (b) Name, address, and Georgia license number of the physician providing the certification;
 - (c) The medical condition or conditions that make the patient eligible for the Low THC Oil Registry;
 - (d) How long the patient has been a resident of Georgia;
 - (e) Whether the certifying physician has a doctor-patient relationship with the patient; and
 - (f) Whether the certifying physician is treating the patient for the medical condition or conditions that make the patient eligible for the Low THC Oil Registry.
- (3) A physician's certification of a patient for the Low THC Oil Registry shall not constitute a prescription.

Authority: O.C.G.A. Secs. 31-2A-6, 31-2A-18.

511-5-11-.04 Issuance of Low THC Oil Permits.

- (1) The Department shall print and issue a Low THC Oil Permit upon receipt and review of an application certified by the patient's physician and showing eligibility as provided by law. The permit shall be valid for two years from issuance or the death of the cardholder, whichever happens first.
- (2) A permit may be renewed only by submission of an application certified by a physician and meeting all the requirements of a new application.
- (3) Permits shall be mailed to the Local Registrar of the applicant's county, and shall be released upon presentation of the applicant's secure and verifiable identification by the applicant or his or her designee.
- (4) The fee for a Low THC Oil Permit shall be \$25.
- (5) Replacements for an unexpired Low THC Oil Permit that has been lost or damaged may be ordered by the certifying physician. The fee for a replacement permit shall be \$25.

Authority: O.C.G.A. Secs. 31-2A-6, 31-2A-18.