



July 29, 2024

NOTICE OF PROPOSED RULEMAKING

Chapter 511-5-11 “Low THC Oil Patient Registry”

The Department of Public Health proposes revisions to the rules located in Chapter 511-5-11, “Low THC Oil Patient Registry” pursuant to its authority under Georgia Code Sections 16-12-190, 31-2A-6, 31-2A-18, 31-5-5, and 31-12-2.

The purpose of the proposed rulemaking is to revise regulations to meet statutory requirements related to the Low THC Oil Patient Registry.

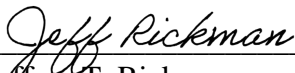
The proposed rules are posted on the Department's website at <http://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

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Written comments must be submitted on or before August 16, 2024. Oral comments may be presented online or via phone at a public meeting scheduled for 2:00 PM on Thursday, August 15, 2024. To join the public meeting:

- To join by computer:
 - <https://gapublichealth.webex.com/gapublichealth/j.php?MTID=m0eb62c8d2b86f08a0a86c034bd19de9c>
 - Meeting Number: 2530 511 2739
 - Meeting Password: pcBMg3NGS36
- To join by phone:
 - +1-415-655-0001 US Toll
 - Access Code: 2530 511 2739
 - Password: pcBMg3NGS36

The Commissioner of Public Health will consider the proposed rules for adoption on or about August 26, 2024, to become effective on or about September 26, 2024.



Jeffrey T. Rickman
General Counsel
Georgia Department of Public Health

**RULES OF THE
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-5
HEALTH PROMOTION**

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

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Rule 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;
 - (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;

(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;

~~(65)~~ “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;

~~(76)~~ “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;

~~(87)~~ “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;-

~~(98)~~ “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. §§ 16-12-190, 31-2A-6, 31-2A-18.

Rule 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 Low THC Oil permit;-

(d) Information in the Low THC Oil Registry may be disclosed 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.

Authority: O.C.G.A. §§ 31-2A-6, 31-2A-18, 31-5-5, 31-12-2.

Rule 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. §§ 31-2A-6, 31-2A-18.

Rule 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 Low THC Oil permit shall be valid for five ~~two~~ years from issuance or the death of the cardholder, whichever happens first.
- (2) A Low THC Oil permit may be renewed only by submission of an application certified by a physician and meeting all the requirements of a new application.
- (3) Low THC Oil permits shall be mailed to an approved the County Health Department nearest to the patient's home if they do not have a mailing address or have a PO Box - Local Registrar of the applicant's county, and shall be released in-person upon presentation of the applicant's secure and verifiable identification by the applicant or his or her designee.
- (4) The Department shall deliver such card either via certified mail or by secure electronic means, including email. The method of delivery will be at the Department's discretion.

(54) The fee for a Low THC Oil Permit shall be ~~\$25~~set forth on the Department's website. The Department in its discretion may require that the fee be paid in-person, by mail, over the phone, or online.

(65) 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~~ Replacement permits shall be ~~\$25~~subject to the same fee as original permits.

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