

Information About Georgia's Low THC Oil Law

BACKGROUND

In April of 2015 Georgia Governor Nathan Deal signed HB1 into law. Passage of the Haleigh's Hope Act led to the creation of the Low THC Oil Registry, which is a database of Georgians who are exempt from prosecution for possession of certain cannabis extracts.

The new law also created the Georgia Commission on Medical Cannabis, which is tasked with holding hearings and reporting back to the Governor with proposed changes to the new law no later than one-year from the date of inception. This is significant because it means that the rules and regulations surrounding medical marijuana in Georgia are subject to change as our understanding of how people use medical marijuana to treat their diseases

Frequently Asked Questions

- **What is low THC oil?**

Low THC oil, often referred to as CBD oil in other states, is a product that contains the resinous oil of the cannabis plant that has been extracted and infused into another liquid. Within this oil are the many different cannabinoids extracted from the plant, which are the components that patients consume to obtain relief and healing.

In OCGA *16-12-190* low THC oil is defined simply as “an oil that contains not more than 5 percent by weight of tetrahydrocannabinol (THC) and an amount of cannabidiol (CBD) equal to or greater than the amount of tetrahydrocannabinol”.

- **Who can possess low THC oil?**

According to OCGA *31-2A-18*, patients (or their caregiver) with one of eight qualifying conditions may receive certification from their doctor, who submits their status to the Georgia Department of Public Health. Once the patient picks up their card at their local DPH office they become immune to arrest and prosecution for possession of up to 20 fluid ounces of low THC oil.

In order to be compliant with Georgia law the patient who possesses low THC oil must:

- Be registered with the Department of Public Health as set forth in OCGA **31-2A-18**;
- Have in his or her possession a Low THC Oil Registry card issued by the DPH;
- The Low THC Oil must be in a “pharmaceutical container” that has been labeled by the manufacturer to display the amount of THC that the oil contains.

- **Who is a Caregiver?**

OCGA **31-2A-18(a)(2)** states that a patient may have a designated Caregiver or Caregivers. Caregivers will also receive a Low THC Oil Registry card with their name, address and expiration date printed on the front. A caregiver must be a parent, guardian or legal custodian of a qualified patient under 18 years of age, or they must be the legal guardian of a qualified adult patient. Although the low THC oil law does not specifically name spouses as a class of people that are eligible for Caregiver status, most doctors have applied the “legal guardian” exemption to spouses and the DPH has been issuing cards to them.

- **Are there any residency requirements?**

Yes. In order to qualify for the low THC oil law adults who apply must be Georgia residents for a minimum period of one year. Residency requirements do not apply to children under the age of 18, their Caregivers or children born in Georgia who currently live in another state (sometimes referred to as “CBD Refugees”).

- **Does Georgia honor medical marijuana cards from other states?**

No, Georgia’s low THC oil law provides no reciprocity or legal protection for patients from other states.

- **Can anyone else possess low THC oil?**

Yes. According to OCGA **16-12-191(a)(1)(A)**, a person who is involved in a clinical research program being conducted by the Board of Regents of the University System of Georgia, or any authorized clinical trial or research study in this state, can possess low THC oil if they are:

- A program participant
- A parent, guardian or legal custodian of a program participant

- An employee of the board of regents designated to participate in the research program
 - A program agent
 - A program collaborator and their designated employees
 - A program supplier and their designated employees
 - A program physician
 - A program clinical researcher
 - Program pharmacy personnel
 - Other program medical personnel
- **What are the possession limits for low THC oil in Georgia?**

According to OCGA *16-12-191(a)(1)*, Low THC Oil Registry cardholders and research program participants may possess up to twenty (20) fluid ounces of low THC oil. The oil must be in a “pharmaceutical container” labeled by the manufacturer indicating the percentage of THC contained therein.
 - **What are the penalties for violating the low THC oil law?**

16-12-191(b)(2) makes possession of 20 fluid ounces or less by anyone that does not comply with the Low THC Oil Registry requirements a misdemeanor. This code section supersedes any charges that may be brought under OCGA *16-13-30*. Anyone that possesses more than 20 fluid ounces but less than 160 fluid ounces of low THC oil, or who sells or dispenses it, may be charged with a felony.
 - **How do I verify that a card is valid? Is the information in GCIC?**

No. In order to verify the validity of a Low THC Oil Registry card or patient status you must call the Georgia Department of Public Health at 1-866-PUB-HLTH (866-782-4584).
 - **What should I do if I have more questions?**

Please see the Georgia Department of Public Health low THC oil FAQ for law enforcement page [here](#). You are also welcome to [contact us](#) at any time, we are happy to try to answer your questions.

What does low THC oil look like?

Low THC oil (sometimes called CBD oil) can take several different forms. It may be a viscous oil like olive oil or hemp oil, or it may be a clear or tinted tincture o. Low THC oil can also look like a black tarry-type paste, or similar to vape pen e-juice. Below are a few photos of common packaging for low THC oil.

