

Georgia Legislature Considering Substantial Overhaul to Medical Marijuana, Hemp Laws

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I've had Georgia on my mind these days. I needed to get that out immediately because otherwise I would have been hearing that song in my head the entire time I was writing.

As is the case in many capitals around the country during legislative sessions, there's cannabis reform afoot in Georgia. Before we dig into it, perhaps a brief vocabulary lesson is in order. "Cannabis" is essentially a scientific term that refers to the cannabis plant. "Marijuana" and "hemp" are legal terms distinguishing between strains of the cannabis plant. At the federal level, for example, "hemp" has been defined as a strain of the cannabis plant containing less than 0.3% delta-9 THC on a dry weight basis.

One more background fact. Marijuana is, for the moment, a Schedule I substance under the federal Controlled Substances Act. That means the manufacture, possession, and sale of marijuana is illegal in every state. There is an effort underway to reschedule marijuana to Schedule III, which would have interesting potential implications to marijuana operations. Still, as of the time of this writing, marijuana remains Schedule I.

Despite that, a plurality of states has adopted laws allowing for the medical (and in many instances) recreational use of marijuana. Instead of cracking down on activity that seems to clearly conflict with federal law, the federal law has for more than a decade gone to great lengths to demonstrate that it would not interfere with state marijuana regimes.

With that in mind, we turn to Georgia. Georgia adopted a "low THC oil program" in 2015. The rollout of that program was, to be charitable, not without bumps. But there may be a new regime on the [horizon](#).

Three bills changing the way Georgia regulates hemp and medical cannabis have cleared the Senate ahead of Thursday's Crossover Day deadline. The votes on the bills are some of the only ones this session that didn't fall cleanly along party lines, with Senate Republicans divided over expanding medical access to cannabis and members of both parties split over new regulations on recreational hemp products.

Medical Cannabis

[Senate Bill 220](#), also known as the “Putting Georgia’s Patients First Act,” passed in a contentious 39-17 vote after more than an hour of debate in the Senate. Like its [counterpart](#) in the other chamber, [House Bill 227](#), the bill replaces the term “low-THC oil” with “medical cannabis,” in Georgia code, removes requirements that certain medical diagnoses like cancer or Parkinson’s disease be “severe or end stage,” and adds lupus to the list of qualifying health conditions.

Unlike the House version, SB 220 removes an existing prohibition against vaping cannabis oil and raises the percentage of THC that medical cannabis products may contain from 5% to 50%.

The bill was amended on the floor to include a provision allowing caregivers to pick up medical cannabis from pharmacies. Three other amendments aimed at reducing the amount of THC allowed in medical cannabis, removing the provision that allows for vaping, and removing PTSD and intractable pain from the list of approved diagnoses failed during a series of floor votes.

Hemp bills

Two bills aimed at strengthening hemp regulations in Georgia passed the Senate in decisive votes on Crossover Day, seeking to limit recreational use of marijuana as the chamber simultaneously eased restrictions for medical use.

Marietta Republican Sen. Kay Kirkpatrick’s [SB 33](#) subjects chemical compounds like delta-8 THC, delta-10 THC, hexahydrocannabinol (HHC) and other cannabinoids to testing and labeling regulations that were added last year under [Senate Bill 494](#). It passed in a 50-6 vote.

In her speech from the well, Kirkpatrick said her bill is aimed at cutting down on unregulated hemp products from China and other countries.

“This bill is not a ban,” Kirkpatrick said. “It’s a consumer protection bill that is not intended to impact processors that are already testing and labeling their products appropriately. It’s intended to make sure that consumers buying these products are clear on what they’re buying.”

[Senate Bill 254](#), sponsored by Athens Republican Bill Cowsert, seeks to impose new limits on THC-infused products after the Georgia Department of Agriculture raised the maximum amount of THC that can be included in a single beverage from 5 mg to 10 mg.

Cowsert urged lawmakers to codify the original 5 mg serving size restrictions on THC-infused beverages, calling the higher-dose beverages a “loaded gun” and arguing that one 10 mg serving of THC was equivalent to four glasses of wine.

“Most states are limiting greatly the amount of THC that can be included in a beverage, or in a tincture, or any kind of lotions, or in gummies,” he said. “And the reason is to protect consumers — protect the public — from the psychoactive components of THC.”

Like SB 33, the bill includes new restrictions on cannabinoid variants like delta-8 THC and delta-10 THC. It was ultimately amended on the floor by a narrow 29-27 vote to ban all THC-

infused beverages, and passed the Senate in a 42-14 vote.

One thing to consider is whether these proposals are all part of a big move by some interest group(s) to benefit one form of cannabis over another. Marijuana companies would obviously prefer a world where they didn't have to compete with hemp companies. After all, hemp companies are not currently subject to the extraordinarily onerous regulations and taxes that stifle the growth of marijuana companies. On the other hand, cannabis politics make for strange bedfellows, where for example a marijuana operator may be lobbying in conjunction with anti-cannabis operators to lobby against hemp products. The enemy of my enemy...

It's too early to tell how this will all play out. There are influential and well-heeled players in the hemp, marijuana, and alcohol industries on various sides of these issues. As always, we'll monitor the situation so you don't have to. Thanks for stopping by, and if you can do something to change Georgia's absolutely nonsensical [prohibition](#) against attorneys advising state-legal cannabis companies, your author sure would appreciate it.

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