

**RULES OF
GEORGIA DEPARTMENT OF
AGRICULTURE**

**CHAPTER 40-32
HEMP AND HEMP PRODUCTS**

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Rule 40-32-1-.02 Definitions

Words used in these rules in the singular form will be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of this Chapter, the following terms will be construed, respectively, to mean:

- (1) “Advertise” – means, but is not limited to, the act of publicizing, disseminating, soliciting, or circulating visual, oral, or written communication to induce or persuade any person to purchase or consume a consumable hemp product or visit a hemp retail establishment.
- (2) “Agricultural Marketing Service” or “AMS” – means the Agricultural Marketing Service of the United States Department of Agriculture.
- (3) “Analyte” – means a chemical, compound, element, bacteria, yeast, fungus, microbial, or toxin for which a product sample is tested by an independent laboratory.
- (4) “Applicant” – means a person or entity that submits an application for a license or permit issued by the Department pursuant to the Georgia Hemp Farming Act. An application for an entity may be submitted by a person serving in an official capacity for the entity or by an agent who is authorized to sign for the entity.
- (5) “Application” – means the necessary and required written request which must be submitted to the Department by an applicant, as required by the Department, and which includes, but may not be limited to, all requirements of the Georgia Hemp Farming Act and this Chapter.
- (6) “Attractive to children” – means the use of any characters or symbols designed to appeal, or likely to appeal, primarily to individuals under 21 years of age, including but not limited to anthropomorphized animals, creatures, promotional characters, licensed characters, or inanimate objects; depictions of children; or depictions of candy.
- (7) “Cannabis” – means a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof.
- (8) “Child resistant packaging” – means the special packaging of a product in final packaged form in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. Section 1471 et seq., as amended.
- (9) “Commercial sale” – means the sale of a product in the stream of commerce at retail, at wholesale, or online.
- (10) “Commissioner” – means the Georgia Commissioner of Agriculture.

- (11) “Consumable hemp product” – means a hemp product intended to be ingested, absorbed, or inhaled by humans or animals.
- (12) “Consumable hemp product in the form of a tincture” – means a consumable hemp product in the form of liquid, that is not a beverage or intended for drinking, that is intended for human consumption, and contains [hemp](#) suspended in a ~~base of glycerin or~~ consumable base oil.
- (13) “Consumable hemp product in the form of a gummy” – means a gelatinous substance in the form of a cube, sphere, prismatic, ovoid, or other shape that is designed for human ingestion.
- (14) “Consumable hemp product intended for topical application” – means a consumable hemp product in the form of a lotion, oil, transdermal patch, or other topical medium product intended to deliver the hemp product onto the surface of the skin.
- (15) “Contaminant” – means a foreign substance or compound that may, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal. Such term shall include, without limitation, heavy metals, pesticide residues, residual solvents or processing chemicals, and any other substance or compound that the Department determines could, if ingested, absorbed, or inhaled, have an adverse effect on the health of a human or animal.
- (16) “Controlled Substances Act” or “CSA” – means the Federal Controlled Substances Act, as codified in 21 U.S.C. 801 et seq.
- (17) “Conviction” – means a final judgment of conviction entered upon a verdict or finding of guilty of a crime or upon a plea of guilty.
- (18) “Corrective action plan” – means a plan established by the Department for a hemp grower licensee to correct negligent violations of the Georgia Hemp Farming Act or this Chapter.
- (19) “Covered growing facility” – means a greenhouse, building or other structure identified by a hemp grower licensee as a grow site and which is not used for residential purposes.
- (20) “Culpable mental state greater than negligence” – means to act intentionally, knowingly, willfully, or recklessly.
- (21) “Cultivate” – means to plant, water, grow, and harvest a plant or crop.
- (22) “Delta-9 THC” – means delta-9-tetrahydrocannabinol.

- (23) “Delta-9-THCA” – means delta-9-tetrahydrocannabinolic acid.
- (24) “Department” – means the Georgia Department of Agriculture, its agent(s), or its designee(s).
- (25) “Dispose” or “Disposal” – means an activity that transitions non-compliant hemp or hemp products into a non-retrievable and non-ingestible form. Such activities with regard to non-compliant hemp include plowing, tilling, or disking plant material into the soil; mulching, composting, chopping, or bush mowing plant material into green manure; burning plant material; and burying plant material into the earth and covering with soil. Such activities with regard to non-compliant hemp products include, for edible consumable hemp products, finely chopping or grinding the consumable hemp product and mixing it with coffee grounds, soil, or garbage, making it inedible; for beverage consumable hemp products, pouring them down a plumbed drain and either recycling or disposing of the containers; and for any other consumable hemp product, placing the consumable hemp product into a container or box and sealing it prior to placement into the trash.
- (26) “Drug Enforcement Administration” or “DEA” – means the United States Drug Enforcement Administration.
- (27) “Dry weight basis” – means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.
- (28) “Entity” – means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.
- (29) “Farm Service Agency” or “FSA” – means the Farm Service Agency of the United States Department of Agriculture.
- (30) "Final packaged form" – means the form of packaging in which a consumable hemp product is intended for individual retail sale. This form does not include packaging, containers, or outer wrapping used solely for the transport of products in bulk quantity.
- (31) “Federal Criminal History Report” – means the Federal Bureau of Investigation's Identity History Summary.

- (32) “Food product” – means any product intended to be consumed by humans for physical subsistence; provided, however, that such term shall not include products that constitute drinks or beverages for purposes of this Chapter.
- (33) “Full panel certificate of analysis” – means a report, produced by a registered laboratory which is unaffiliated with the processor or manufacturer and which has been accredited pursuant to the standards of the International Organization for Standardization for the competence, impartiality, and consistent operation of laboratories, attesting to the composition of a product.
- (34) “Gas chromatography” – means a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. Gas chromatography relies on heat for separating and analyzing compounds that can be vaporized without decomposition.
- (35) “Georgia Hemp Farming Act” – means O.C.G.A. § 2-23-1 et. seq.
- (36) “Georgia Hemp Program” – means programs administered and actions taken in furtherance by the Department of the plan referenced in O.C.G.A. § 2-23-11, the remainder of the Georgia Hemp Farming Act, and O.C.G.A. §§ 16-12-240 through 16-12-243.
- (37) “Geospatial location” or “GPS coordinates” – means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.
- (38) “Grow site” – means a contiguous lot, parcel, or tract of land identified in an approved hemp grower license application, as amended, at which a hemp grower licensee cultivates or intends to cultivate hemp. A grow site may include fields or covered growing facilities, as well as land and buildings that are not used to cultivate hemp. Each lot, parcel, or tract of land separated by a barrier or buffer of at least twelve feet (12’) in width will be considered a separate grow site.
- (39) “Handle” – means to possess or store hemp for any period of time other than during the actual transport of such hemp from the premises of a person licensed to cultivate or permitted to process hemp; or a college or university authorized to conduct research pursuant to O.C.G.A. § 2-23-4; to the premises of another licensed or permitted person or to a college or university authorized to conduct research pursuant to O.C.G.A. § 2-23-4; provided, however, that this term does not include possessing or storing hemp products.
- (40) “Harvest” – means the collection of any portion of a live hemp plant at the termination of the cultivation process for the purpose of processing, distribution, storage, or sale.

- (41) “Hemp” – means the Cannabis sativa L. plant and any part of such plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total delta-9-THC concentration that does not exceed the legal limit.
- (42) “Hemp crop” – means one or more unprocessed hemp plant(s) or plant parts.
- (43) “Hemp grower license” or “Grower license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and cultivate hemp in the State of Georgia.
- (44) “Hemp processor permit” or “Processor permit” – means a permit issued by the Department under the authority of the Georgia Hemp Farming Act authorizing a person to handle and process hemp in the State of Georgia.
- (45) “Hemp product” – means all products with a total delta-9-THC concentration that does not exceed the legal limit and that are derived from, or made by, processing hemp plants or plant parts and that are prepared in a form available for commercial sale.
- (46) “Industrial hemp product” – means any hemp product that is not a consumable hemp product.
- (47) “Information sharing system” – means the database that allows USDA to share information collected under State, Tribal, and USDA plans with Federal, State, Tribal, and local law enforcement.
- (48) “Key participant” – means a sole proprietor, a partner in partnership, or a person with executive managerial control in any entity when such entity is an applicant for a hemp grower license or processor permit. A person with executive managerial control includes, but is not limited to, persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.
- (49) “Labelling” – means any display of written, printed, or graphic matter printed on or affixed to any product.
- (50) “Law enforcement” or “Law enforcement agency” – any Federal, State, or local law enforcement agency.
- (51) “Legal limit” – means a total delta-9-THC concentration that is the lesser of:
- (a) 0.3 percent, or
 - (b) the percentage limit set forth in 7 U.S.C. Section 1639o.

- (52) “Licensee” – means an individual or business entity possessing a license issued by the Department under the authority of the Georgia Hemp Farming Act.
- (53) “Live hemp plant” – means for purposes of this Chapter, any whole or propagative part of the hemp plant capable or intended for propagation or growth, including living flowers and plants, immature plants, and vegetative stage plants, but excluding seeds.
- (54) “Liquid chromatography” – means a type of chromatography technique in analytical chemistry used to separate, identify, and quantify each component in a mixture. Liquid chromatography relies on pumps to pass a pressurized liquid solvent containing the sample mixture through a column filled with a solid absorbent material to separate and analyze compounds.
- (55) “Lot” – means a contiguous area in a field or covered growing facility containing the same variety or strain of cannabis throughout the area.
- (56) “Low-THC oil” – shall have the same meaning as set forth in O.C.G.A. § 16-12-190.
- (57) “Manufacture” – means to create, produce, manipulate, combine, or package.
- (58) “Manufacturer license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act to an individual or business entity that manufactures consumable hemp products or industrial hemp products in Georgia.
- (59) “Measurement of uncertainty” or “MU” – means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.
- (60) “Negligence” – means failure to exercise the level of care that a reasonably prudent person would exercise in complying with the Georgia Hemp Farming Act and this Chapter.
- (61) “Permittee” – means an individual or business entity possessing a hemp processor permit issued by the Department under the authority of the Georgia Hemp Farming Act to handle and process hemp in the State of Georgia.
- (62) “Person” – means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.
- (63) “Post-decarboxylation” – means in the context of testing methodologies for THC concentration levels in hemp and hemp products, a value determined after the process of decarboxylation that determines the total potential delta-9

tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis. The post-decarboxylation value of THC can be calculated by using a chromatograph technique using heat, gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The post-decarboxylation value of THC can also be calculated by using a liquid chromatograph technique, which keeps the THCA intact. This technique requires the use of the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

- (64) “Process” or “processing” – means converting an agricultural commodity, including hemp, into a legally marketable form. This definition does not include:
- (a) Merely placing raw or dried material into another container or packaging raw or dried material for resale; or
 - (b) Traditional farming practices such as those commonly known as drying, shucking and bucking, storing, trimming, and curing.
- (65) “Produce” – means to grow hemp plants for market, or for cultivation for market, in the United States.
- (66) “Product lot” – means a specific quantity of a specific finished hemp product that is processed or manufactured at the same time and using the same methods, equipment, and ingredients, and that is uniform and intended to meet specifications for identity, strength, purity, and composition.
- (67) “QR code” – means a quick response code that is a type of machine-readable, two-dimensional barcode that stores information about a product.
- (68) “Registered laboratory” – means an individual or business entity that tests or analyzes any plant within the genus Cannabis, including but not limited to hemp, and products made from or derived from such plant, including but not limited to hemp products and consumable hemp products, and that has registered with the Department under this Chapter.
- (69) “Remediate” or “Remediation” – means the process of rendering non-compliant hemp, compliant. Remediation can occur by removing and destroying flower material, while retaining stalk, stems, leaf material, and seeds. Remediation can also occur by shredding the entire plant into a biomass like material, then re-testing the shredded biomass material for compliance.
- (70) “Residential purposes” – means use or intended use of a building or portion thereof, including but not limited to apartments, townhomes, and other multi-family structures, for occupancy by one or more persons for living, sleeping, cooking, or eating.

- (71) “Retail consumable hemp establishment license” – means a license issued by the Department under the authority of the Georgia Hemp Farming Act to an individual or business entity that prepares or sells prepackaged consumable hemp products to consumers.
- (72) “Reverse distributor” – means a person who is registered with the DEA in accordance with 21 CFR 1317.15 to dispose of marijuana under the Controlled Substances Act.
- (73) “Secretary” – means the United States Secretary of Agriculture.
- (74) “Serving size” – means the size or portion customarily consumed per dose.
- (75) “Tamper evident” – means either that the packaging is sealed so that the contents cannot be accessed without obvious destruction of the seal upon initial opening or having one or more indicators of modification which, if breached, missing, or altered, can reasonably be expected to provide visible evidence that tampering has occurred.
- (76) “Transport” – means to move or transfer product from one location to another.
- (77) “Total delta-9-THC” – means a concentration of delta-9-THC as determined in accordance with O.C.G.A. § 2-23-3.1.
- (78) “Universal symbol” – means the universal cannabis product symbol adopted by the Department for use on consumable hemp product packaging.
- (79) “USDA” – means the United States Department of Agriculture.
- (80) “Variety” – means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition. For purposes of this Chapter, “variety” is synonymous and interchangeable with “strain”.
- (81) "Volunteer cannabis plant" – means any cannabis plant that: (a) grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop; and (b) is not intentionally planted.
- (82) “Warning sticker of the universal symbol” – means a sticker, or equivalent reproduction, of the universal symbol adopted by Georgia warning potential consumers that the product contains THC.
- (83) “Wholesale consumable hemp license” – means a license issued by the Department under the authority of this Chapter to an individual or entity that sells, in bulk, prepackaged consumable hemp products to retail consumable hemp establishment licensees or to other retail establishments located outside of the State of Georgia

that are authorized to sell consumable hemp products to consumers in the jurisdiction where such establishments are located.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-5-1 et seq.; O.C.G.A. § 2-23-1 et seq.

40-32-5 Consumable Hemp Products

40-32-5-.02 Concentration Limits and Contaminant Limits.

(1) Cannabinoid and Contaminant Limits. No consumable hemp product intended for commercial sale or distribution in Georgia may contain cannabinoids or contaminants that exceed the limits established in applicable Federal and State laws. Additionally, no consumable hemp product intended for commercial sale or distribution in Georgia shall contain analytes in excess of the following limits:

(a) Residual solvents, measured in parts per billion (ppb):

1. Butane: 800,000;
2. Ethanol: 5,000,000;
3. Heptane: 500,000; and
4. Hexane: 100,000.

(b) Heavy metals, measured in parts per billion (ppb), for the following analytes, by product:

1. Arsenic

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products intended for sublingual use, such as a tincture: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

2. Cadmium

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products intended for sublingual use, such as a tincture: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

3. Lead

- (i) Consumable hemp products intended for inhalation: 500;
- (ii) Consumable hemp products for sublingual use, such as tinctures: 500;

- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

4. Mercury

- (i) Consumable hemp products intended for inhalation: 200;
- (ii) Consumable hemp products designed for sublingual use, such as tinctures: 500;
- (iii) Consumable hemp products in the form of a gummy, beverage, or other ingestible medium: 500; and
- (iv) Consumable hemp products intended for topical application: 500.

(c) For the following pesticides, 100 parts per billion (ppb) or the registered laboratory's lowest possible limit of quantitation (LOQ) for such respective analyte, whichever is lower:

1. Abamectin;
2. Acephate;
3. Acequinocyl;
4. Acetamiprid;
5. Aldicarb;
6. Azoxystrobin;
7. Bifenazate;
8. Bifenthrin;
9. Boscalid;
10. Carbaryl;
11. Carbofuran;
12. Chlorantraniliprole;
13. Chlordane;
14. Chlorpyrifos;
15. Coumaphos;
16. Cyfluthrin;
17. Cypermethrin;
18. Daminozide;
19. Diazinon;
20. Dichlorvos;
21. Dimethoate;
22. Dimethomorph;
23. Ethoprophos;
24. Etofenprox;
25. Etoxazole;
26. Fenoxycarb;
27. Fenhexamid;
28. Fipronil;
29. Flonicamid;

30. Fludioxonil;
31. Hexythiazox;
32. Imazalil;
33. Imidacloprid;
34. Kresoxim Methyl;
35. Malathion;
36. Metalaxyl;
37. Methiocarb;
38. Methomyl;
39. Mevinphos;
40. Myclobutanil;
41. Oxamyl;
42. Paclobutrazol;
43. Permethrin;
44. Phosmet (Imidan);
45. Prallethrin;
46. Propiconazole;
47. Propoxur;
48. Pyridaben;
49. Spinetoram;
50. Spiromesifen;
51. Spirotetramat;
52. Spiroxamine;
53. Tebuconazole;
54. Thiacloprid;
55. Piperonyl butoxide;
56. Thiamethoxam; and
57. Trifloxystrobin.

(d) Any visible foreign material that is not intended to be part of the consumable hemp product being produced, including, but not limited to, filth, hair, insects, metal, or plastic.

(e) Microbial impurities, measured in colony-forming unit per gram (cfu/g), for each of the following analytes:

1. Total viable aerobic bacteria: 100,000;
2. Total yeast and mold: 10,000;
3. Bile-tolerant gram negative bacteria: 1,000;
4. Shiga-toxin producing escherichia coli (STEC): 1.0; and
5. Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger, and Aspergillus terreus: 1.0.

(f) Mycotoxins, 20 parts per billion (ppb), for each of the following analytes:

1. Aflatoxin B1;

2. Aflatoxin B2;
3. Aflatoxin G1;
4. Aflatoxin G2; and
5. Ochratoxin A.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.03 Labelling of Consumable Hemp Products.

(1) Required Labelling. All consumable hemp products, prior to commercial sale or other distribution in Georgia, shall be labeled at least in accordance with the Georgia Hemp Farming Act and this Chapter.

(a) General Provisions. Prior to and throughout commercial sale or distribution in Georgia, consumable hemp products must bear labels. Such labels must conform to the below general requirements.

1. All required label information must be presented in at least the English language.

2. Labels shall be unobstructed and conspicuous such that a consumer can easily identify and read the contained information.

3. Labels shall include a warning sticker containing the universal symbol, unless the consumable hemp products contain no THC (including isomers and esters thereof).

4. No consumable hemp product labeled may contain a health-related statement that is untrue or misleading.

(i) Any health-related statement must be supported by the totality of publicly available scientific evidence and significant scientific agreement among experts qualified by scientific training and experience to evaluate such claims.

5. No consumable hemp product shall bear a label that contains any information that is false or misleading.

6. Consumable hemp product labels must identify the product lot in which the consumable hemp product was produced.

(b) Contents Labelling. Prior to and throughout commercial sale or distribution in Georgia, consumable hemp product labels must identify the contents of the product. Labels must conform to at least the below requirements.

1. Labels for consumable hemp products must include either:

(i) All results of a full panel certificate of analysis; or

- (ii) A QR code providing direct access to all results of the full panel certificate of analysis.
- 2. Labels for consumable hemp products in the form of gummies, beverages, or tinctures shall express the total delta-9-THC content in milligrams per serving size and milligrams per package.
- 3. Labels for consumable hemp products intended for topical application shall express the total delta-9-THC content in milligrams per package.
- 4. Labels for consumable hemp shall bear a list of all product ingredients in descending order of predominance by weight or volume. If any product ingredient contains sub-ingredients, the list shall either:
 - (i) Include the common name of the ingredient followed by a parenthetical listing of all ingredients in descending order by weight or volume; or
 - (ii) List all sub-ingredients as individual ingredients in descending order of predominance.
- 5. Labels for consumable hemp products shall list any major food allergens contained.
- 6. Labels for consumable hemp products must list the cannabinoid content reflected on the full panel certificate of analysis. The amount may be rounded to the nearest tenth of a percent. Notwithstanding the preceding sentence, no consumable hemp product may be labeled as exceeding the total delta-9-THC concentration legal limit.

(2) Full Panel Certificate of Analysis. Full panel certificates of analysis must attest to at least the following analytes:

- (a) The chemical profile of the following cannabinoid compounds represented as a percent of total weight:
 - 1. Total delta-9-THC concentration;
 - 2. Cannabidiol (CBD);
 - 3. Cannabidiolic acid (CBD-A);
 - 4. Cannabigerol (CBG);
 - 5. Cannabigerol acetate (CBG-A);

6. Cannabinol (CBN);
7. Delta-8-tetrahydrocannabinol (D8-THC);
8. Delta-9(11) exo-tetrahydrocannabinol (Exo-THC);
9. Delta-10-tetrahydrocannabinol (D10-THC);
10. THC-O acetate (THC-OA);
11. THC-O-phosphate (THC-O); and
12. Hexahydrocannabinol (HHC).

(b) The occurrence of the analytes identified in GA. Comp. R. & Regs. r. 40-32-5-.02(a)-(c) & (e)-(f), represented in parts per billion (ppb).

(3) Warning Sticker of the Universal Symbol. Any consumable hemp product sold or otherwise distributed in the state shall bear a sticker, or equivalent re-production, of the universal symbol warning potential consumers that the product contains THC.

(a) The universal symbol shall replicate the following form:



(b) The universal symbol shall be in black and yellow.

(c) The universal symbol must be at least one-half inch in height.

(d) The universal symbol shall not be altered or manipulated in any way other than to increase the size. No changes shall alter the proportions of the universal symbol.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.04 Packaging of Consumable Hemp Products

(1) Packaging Minimum Requirements. Consumable hemp products in final packaged form shall utilize packaging that meets the following minimum requirements:

- (a) Packaging shall protect the consumable hemp product from contamination and exposure to any toxic or harmful substance;
- (b) Packaging shall be tamper-evident;
- (c) Packaging shall be child resistant;
- (d) Packaging shall not be attractive to children;
- (e) Packaging shall not bear a reasonable resemblance to any existing candy, snack, or other food product that is widely distributed and familiar to the public;
- (f) Packaging shall not infringe on any trade dress, trademark, branding, or other related materials as described in O.C.G.A. § 10-1-440 et seq. or in Chapter 22 of Title 15 of the United States Code;
- (g) Packaging shall not suggest the consumable hemp product constitutes or contains low-THC oil, medical marijuana, or medical cannabis.
- (h) Packaging shall not mislead potential or actual consumers as to the contents of the package;
- (i) Packaging for consumable hemp products that contain more than one serving shall be resealable, with the exclusion of consumable hemp products in the form of vapes.
- (j) Packaging for consumable hemp products in the form of a tincture shall be packaged in such a way as to include a calibrated dropper or similar device for measuring a single serving.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.05 Advertising

(1) Prohibited Manners of Advertising. No consumable hemp product shall be advertised in this state in any manner that:

(a) Is attractive to children;

(b) Bears a reasonable resemblance to any existing candy, snack, or other food product that is widely distributed and familiar to the public;

(c) Infringes on any trade dress, trademarks, branding, or other related materials as described in O.C.G.A. § 10-1-440 et seq. or in Chapter 22 of Title 15 of the United States Code; or

(d) Suggests that such product constitutes or contains low-THC oil, or otherwise constitutes or contains medical marijuana or medical cannabis.

(2) Representation as a Low-THC Oil Dispensary. No person in this state that sells or otherwise distributes consumable hemp products to consumers shall advertise or represent themselves as selling, dispensing, or distributing low-THC oil or products containing low-THC oil, unless such person holds the required dispensing license.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.

40-32-5-.06 Serving Sizes and Serving Limits.

(1) Maximum Serving Sizes and Serving Limits. Consumable hemp products in final packaged form shall not contain an amount of total delta-9-THC in excess of the limits prescribed herein.

(a) A consumable hemp product in the form of a gummy shall not contain more than:

1. 10 milligrams of total delta-9-THC per gummy; and
2. 300 milligrams of total delta-9-THC per package.

(b) A consumable hemp product in the form of a beverage shall:

1. Not contain more than 10 milligrams of total delta-9-THC per 12 fluid ounces, or the proportionate equivalent; and
2. Not exceed 12 fluid ounces per container.

(c) A consumable hemp product intended for topical application shall not contain more than 1,000 milligrams of total delta-9-THC per package.

(d) A consumable hemp product in the form of a tincture shall:

1. Not contain a ratio higher than 2 milligrams of total delta-9-THC per 1 milliliter; and
2. Not exceed 60 milliliters per container.

Authority: O.C.G.A. § 2-2-9; O.C.G.A. § 2-23-1 et seq.