# Georgia Rules and Regulations
# Administrative Bulletin for September 2024

**OFFICE OF SECRETARY OF STATE**
**ADMINISTRATIVE PROCEDURE DIVISION**
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# Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

# Chapter 40-32. HEMP GROWERS AND PROCESSORS

# Subject 40-32-1. GENERAL PROVISIONS

## 40-32-1-.01 Authority and Purpose of Rules

The purpose of this Chapter is to establish the standards, practices, procedures, and requirements for cultivating, processing, manufacturing, selling, and testing hemp and hemp products in Georgia.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-1-.01

**AUTHORITY: O.C.G.A. § 2-23-1 et seq.**

**HISTORY:** Original Rule entitled "Authority and Purpose of Rules" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 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, prismatoid, 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: [Total THC = (0.877 x THCA) + 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 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 re-production, 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.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-1-.02

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

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## 40-32-1-.05 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-1-.05

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# Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

# Chapter 40-32. HEMP GROWERS AND PROCESSORS

# Subject 40-32-2. HEMP GROWERS

## 40-32-2-.01 Application for Hemp Grower License

(1) Any person desiring to cultivate and handle hemp in Georgia must submit a complete and accurate hemp grower license application to the website used by the Department to administer hemp grower licenses.

(2) Any person producing or intending to produce hemp must have a valid hemp grower license prior to receiving, producing, cultivating, handling, or storing hemp. A valid license means that the license has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of a hemp grower license application, each applicant must submit to the Department the following:

(a) An annual hemp grower license fee of $50.00 per acre cultivated up to a maximum application fee of $5,000.00;

1. The applicant must provide the maximum total acres of hemp intended to be cultivated in fields during the relevant licensing period.

2. Applicants cultivating hemp in covered growing facilities must identify the maximum number and size, in square footage, of covered growing facilities intended to be used for cultivation during the relevant licensing period.

3. The license fee will not be prorated for fractions of acres. Fractional acreage will be rounded up to the next whole number for fee calculation purposes.

4. Each covered growing facility in which hemp is cultivated will be considered a separate acre for fee calculation purposes. Acreage calculations for each covered growing facility will be determined on a 43,560 square-foot basis.

5. No hemp grower licensee may cultivate more acreage than is listed on the hemp grower license application.

(b) Contact information including, but not limited to:

1. Name;

2. Street Address;

3. Mailing Address;

4. Telephone Number; and

5. Email Address.

(c) If the applicant is an entity, information including, but not limited to:

1. Legal name;

2. Business entity type;

3. Address of the principal business location;

4. Primary contact information;

5. Current Certificate of Existence obtained through the Georgia Secretary of State's Office;

(i) If an applicant is an entity formed in a foreign jurisdiction, including a different state, the applicant must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. Employer Identification Number (EIN); and

7. Name, title, and current primary contact information, including telephone number and email address, for each owner, key participant, and person holding a beneficial interest in the hemp grower licensee for which an application is being made.

(d) Information sufficient for locating fields and covered growing facilities to be used to cultivate and harvest hemp, specifically;

1. If hemp is cultivated or is intended to be cultivated in a field:

(i) A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;

(ii) GPS coordinates provided in decimal degrees and taken at the approximate center of each grow site; and

(iii) An aerial map or photograph that clearly shows the boundaries and dimensions of each grow site in acres or square feet.

2. If hemp is cultivated or is intended to be cultivated in a covered growing facility:

(i) A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be cultivated or handled;

(ii) GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the covered growing facility composing the grow site;

(iii) The approximate dimension or square feet of the covered growing facility composing the grow site; and

(iv) An aerial map or photograph that clearly shows the boundaries and dimensions of each grow site in acres or square feet.

(e) Information sufficient for locating hemp storage facilities including, but not limited to:

1. A legal description, obtained from the relevant county courthouse property records, of land on which hemp will be stored;

(i) A hemp grower licensee need not identify a field as a storage facility to the extent that a hemp grower licensee leaves harvested hemp to ret in a field. However, a hemp grower licensee must identify a field as a storage facility if the licensee intends to bail or otherwise prepare the hemp for long term storage in the field.

2. GPS coordinates provided in decimal of degrees and taken at the approximate entrance of each storage facility;

3. The approximate dimension or square feet of each storage facility; and

4. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.

(f) An attestation that property to be used for the cultivation, handling, or storage of hemp is not used for residential purposes;

(g) Written consent allowing representatives of the Department, the Georgia Bureau of Investigation, and other Federal, State, and local law enforcement agencies to enter all premises where hemp is being cultivated, harvested, stored, or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter;

(h) An acknowledgement of the hemp grower license terms and conditions;

(i) An attestation that the applicant owns or has legal permission to cultivate, handle, or store hemp on the property listed on the application; and

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to cultivate, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other real estate ordinances.

(j) Any other information, disclosure, or documents required to be submitted by Georgia or Federal law or regulation.

(4) Upon receipt of an otherwise complete application for a hemp grower license, the Department will conduct a criminal background check and obtain a Federal Criminal History Report for the applicant or, if the applicant is a business entity, all key participants, as outlined below:

(a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is a business entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.

(b) The Department will transmit the fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints and generate an appropriate report.

(c) After receiving reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.

(5) Hemp grower licenses will be issued on January 1 of each year, or otherwise when approved by the Department.

(6) Hemp grower licenses will expire on December 31 of each year unless suspended, cancelled, or revoked at an earlier date.

(7) A current and valid hemp grower license may be renewed by submitting a renewal application, annual license fee, annual criminal background checks dated within 60 days prior to the renewal application submission date, and all other required information online at the Department's website, agr.georgia.gov, by December 1 of each year.

(a) A licensee may not renew their hemp grower license until they have submitted all required Disposal or Remediation Reports and their Annual Report.

(b) A licensee that begins, but does not finalize, a renewal application of its hemp grower license within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(8) A hemp grower licensee may request select changes to the information associated with a hemp grower license. To request a change, the licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed

changes on the Department's website used to administer hemp grower licenses. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a licensee from compliance with all requirements of a hemp grower license, including acceptable background checks for all key participants.

Hemp grower licensees may request changes to the following:

(a) The information originally submitted in the licensee's hemp grower license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-2-.01(3)(b), (c), (d), and (e).

1. If a hemp grower licensee provides written notice and updated information regarding additional acreage, different grow sites locations, or different storage locations where the hemp grower licensee intends to cultivate, handle, or store hemp, the hemp grower licensee must submit payment for any additional acreage within ten (10) days of the Department's approval of the requested change.

2. Changes reflecting a reduction in cultivated field or covered growing facility acreage will not entitle a hemp grower licensee to a refund of previously paid fees.

3. Hemp grower licensees will be limited to a maximum of ten (10) changes per calendar year made in accordance with this rule.

(b) Prior to any change in a hemp grower licensee's key participants, the hemp grower licensee must submit a proposed change reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with this Subject.

(9) Any person who materially falsifies any information contained in an application for a hemp grower license will be ineligible to receive a hemp grower license or otherwise participate in the Georgia Hemp Program.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.01

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

**HISTORY:** Original Rule entitled "Application for Hemp Grower License" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.02 Hemp Grower License Terms and Conditions

Each hemp grower licensee must acknowledge and agree to the terms and conditions governing the hemp grower license which include, but are not limited to, the following:

(1) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to any hemp grower license or to any grow site once approved.

(2) The hemp grower licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp materials, whether growing or not, within forty-eight (48) hours of the discovery of such theft or loss.

(3) The hemp grower licensee must report any felony convictions, of itself or any of its key participants, relating to controlled substances under Georgia or Federal law to the Department, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.

(4) The hemp grower licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, within ten (10) calendar days of the following:

(a) A disciplinary proceeding or enforcement action by another government entity that may affect the hemp grower licensee's business; and

(a) Temporary closures of more than thirty (30) calendar days or permanent closure of any grow site or storage facility.

(5) Any information provided to the Department may be publicly disclosed in accordance with the Georgia Open Records Act (O.C.G.A. § 50-18-70 et. seq.) and may be provided to law enforcement agencies without further notice to the applicant.

(6) No hemp grower license shall be issued to any applicant who has been convicted of a felony related to a State or Federally controlled substance within ten years of the date of the application, or to an applicant with a key participant that has been convicted of the same, or who materially falsifies any information contained in a license application.

(7) No person will be issued more than one hemp grower license, nor will any person be permitted to have a beneficial interest in more than one hemp grower license, as provided in O.C.G.A. § 2-23-5.

(8) Hemp grower licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(9) The hemp grower licensee must have the legal right to cultivate hemp on the grow site(s) listed on the hemp grower license and must have the legal authority to grant the Department physical access to all land and buildings for inspection and sampling purposes. Legal authority includes, but is not limited to, clear title, necessary easements, necessary licenses, or current leases.

(10) The hemp grower licensee must allow and fully cooperate with all required sampling, testing, audits, and inspections.

(11) The hemp grower licensee must provide for a right of way or other access point allowing the Department and law enforcement agencies to access the licensed grow site(s). The hemp grower licensee must not deny or impede any Department or law enforcement official access for compliance, sampling, or inspection purposes.

(12) The hemp grower licensee must maintain all records, documents, or information and make all reports within the applicable time frames as required in this Subject.

(13) Hemp must not be cultivated, handled, harvested, or stored in any location that is not listed in the hemp grower license application or a subsequent change request.

(14) The hemp grower licensee must scout and monitor unlicensed fields for volunteer cannabis plants and dispose of those volunteer cannabis plants for three (3) years past the last date of planting reported to the Department. In fulfilling this requirement, a hemp grower licensee is not required to enter property onto which it does not have a legal right to enter.

(15) A hemp grower licensee must dispose, without compensation, of plants located in an area that is not licensed by the Department as well as plants not accounted for in records required to be maintained by the hemp grower licensee.

(16) In the event that a tested official sample for a hemp lot exceeds the legal limit of total delta-9-THC concentration upon its final retest, the hemp grower licensee must dispose of or remediate the entire lot of hemp with the same GPS coordinates in accordance with this Subject.

(17) A hemp grower licensee must not handle, dry, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any cannabis that exceeds the total delta-9-THC concentration legal limit. Hemp grower licensees must ensure that cannabis exceeding the total delta-9-THC concentration legal limit does not enter the stream of commerce.

(18) Hemp grower licensees must ensure that hemp and hemp plant material from one lot is not commingled with hemp or hemp plant material from other lots. Hemp grower licensees must label or otherwise reasonably identify lots sufficiently to enable Department inspectors or law enforcement officials to distinguish between lots.

(19) Hemp grower licensees must not ship, transport, deliver, or allow live hemp plants and materials produced by the hemp grower licensee to be shipped, transported, or otherwise delivered to unlicensed areas including, but not limited to, trade shows, county fairs, educational events, or other events.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.02

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

**HISTORY:** Original Rule entitled "Grower License Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** New title, "Hemp Grower License Terms and Conditions." F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.03 Grower Sampling Requirements

(1) Within 30 days prior to the anticipated harvest of any lot of cannabis plants, the hemp grower licensee must have a Department-approved sampling agent collect samples from cannabis plants in the lot for total delta-9-THC concentration testing.

(2) Sampling must be conducted in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*, which will be made available on the Department's website at agr.georgia.gov.

(3) The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the sampled lot would exceed the total delta-9-THC concentration. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.

(4) During a scheduled sample collection, the hemp grower licensee or an authorized representative of the hemp grower licensee must be present at the grow site.

(5) The cannabis material to be collected for sampling will be solely determined by the Department-approved sampling agent, in accordance with the USDA's most current *Sampling Guidelines for Hemp, U.S. Domestic Hemp Production Program*.

(6) The hemp grower licensee will be responsible for paying all sampling fees. No compensation will be owed by the Department to the hemp grower licensee for any such sampling or for any samples collected by the Department-approved sampling agent.

(7) Only samples taken by a Department-approved sampling agent will be considered official samples.

(8) The Department-approved sampling agent(s) must be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants and material, whether growing or harvested, and all land,

buildings, and other structures used for the cultivation, handling, or storage of hemp and other cannabis plants, and all locations listed on the hemp grower license application or later officially changed.

(9) A hemp grower licensee must not harvest any cannabis prior to official samples being taken.

(10) Only post-harvest samples may be used for remediated biomass.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.03

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

**HISTORY:** Original Rule entitled "Grower Sampling Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.04 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.04

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

**HISTORY:** Original Rule entitled "Grower Laboratory Testing Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Repealed:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.05 Grower Responsibilities and Restrictions

(1) Hemp grower licensees must not harvest a lot of hemp more than thirty (30) days following the date of sample collection. The day the Department-approved sampling agent collects a sample serves as the first of the 30 days allowable to complete harvest of the sampled lot. If an additional sample is collected by the Department-approved sampling agent in connection with a demand for additional pre-harvest testing by a hemp grower licensee, the day such additional sample is collected will then serve as the first of the 30 days allowable to complete harvest of the sampled lot.

(2) If a hemp grower licensee fails to complete harvest within thirty (30) days of sample collection, a new pre-harvest sample of the lot will be required to be submitted for testing.

(3) Harvested lots of hemp plants must not be commingled with other harvested lots or other material without prior written permission from the Department.

(4) Only lots that with a total delta-9-THC concentration equal to or less than the legal limit may enter the stream of commerce.

(5) A hemp grower licensee may demand one additional pre-harvest test of a lot if it is believed that the original total delta-9-THC concentration test results were in error. Additional pre-harvest testing must be conducted at the same laboratory that originally tested the lot sample.

(a) Additional pre-harvest testing may use the original sample, provided sufficient sample material remains, or an additional sample from the lot collected by a Department-approved sampling agent.

(6) Any lot yielding an official sample test result, or additional pre-harvest official sample test result, as applicable, exceeding the legal limit, must not enter the stream of commerce and the hemp grower licensee must either dispose of or remediate the lot in accordance with this Chapter.

(7) A hemp grower licensee must not:

(a) Cultivate or handle hemp on any site not listed on the hemp grower license application or subsequent change request and must take immediate steps to prevent the inadvertent growth of hemp outside of the authorized grow site(s);

(b) Cultivate or handle any cannabis that is not hemp;

(c) Cultivate or handle hemp in any structure that is used for residential purposes;

(d) Cultivate any other crop within a lot of hemp;

(e) Allow unsupervised public access to hemp or hemp grow sites; or

(f) Cultivate or handle hemp on property owned by, leased from, or previously submitted in a hemp grower license application by any person who is ineligible for, was terminated from, or was denied admission to the program for failure to obtain an acceptable criminal history report or for violations of the Georgia Hemp Farming Act or this Chapter.

(8) Hemp grower licensees must post weatherproof signage at the entrance to each grow site. The signage must be at least three feet (3') in length and two feet (2') in height or the maximum allowable size for signage pursuant to applicable local ordinances, whichever is smaller, and must include at least the following information:

(a) The statement, "Georgia Department of Agriculture Licensed Hemp Grower";

(b) The name of the hemp grower licensee;

(c) The Department hemp grower license number; and

(d) The Department's telephone number, (404) 656-3600.

(9) Hemp grower licensees must comply with all applicable local, State, and Federal laws, rules, regulations, and ordinances at all times.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.05

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

**HISTORY:** Original Rule entitled "Grower Responsibilities and Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.06 Disposal or Remediation of Non-Compliant Cannabis

(1) Cannabis exceeding the total delta-9-THC concentration legal limit constitutes marijuana, a Schedule I controlled substance under Georgia law and Federal law.

(2) Hemp grower licensees must either arrange for a reverse distributor to dispose of non-compliant cannabis or ensure the disposal of non-compliant cannabis at the grow site using one of the methods identified in this Chapter.

(3) Prior to disposal, hemp grower licensees may attempt to remediate non-compliant cannabis using one of the methods identified in this Chapter. After attempted remediation, an additional sample of the lot must be taken by a Department-approved sampling agent and tested in accordance with this Subject to confirm the lot contains a total delta-9-THC concentration within the legal limit.

(a) A lot that has undergone attempted remediation and yields an official sample test result that exceeds the total delta-9-THC concentration legal limit must not enter the stream of commerce and must be disposed of in accordance with this Subject.

(4) Upon notice and confirmation that a lot has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal or Remediation requiring the entire lot to be disposed of or remediated within a reasonable time to be determined by the Department. Within five days of receipt of an Order of Disposal or Remediation, a hemp grower licensee must notify the Department by email at hemp@agr.georgia.gov of its intent to either dispose of or attempt remediation of the non-compliant cannabis.

(5) The hemp grower licensee will be responsible for arranging disposal through a reverse distributor, disposal at the grow site using one of the methods identified in this Chapter, or remediation.

(6) The hemp grower licensee will be responsible for all costs and fees associated with the disposal or remediation of cannabis exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to a hemp grower licensee for any such disposal or remediation.

(7) Cannabis subject to disposal or remediation must not be removed from the grow site or from any other area where such cannabis is being handled or stored.

(8) Within 14 days of the date of completion of disposal or remediation, the hemp grower licensee must submit a "Disposal or Remediation Report" form to the Department, which must contain the following information:

(a) Name and address of the hemp grower licensee;

(b) Hemp grower license number;

(c) Geospatial location, including location type, or other valid land descriptor, for the production area subject to disposal or remediation;

(d) Descriptive information related to the disposal or remediation, including, as applicable:

1. Information on the reverse distributor agent handling the disposal and reverse distributor certification of completion of the disposal;

2. Evidence sufficient, in the Department's sole discretion, to document disposal of the non-compliant cannabis at the grow site by the hemp grower licensee; or

(i) Video or time-stamped photographic evidence of disposal will constitute sufficient evidence of disposal in most cases.

3. A written description of the remediation performed and post-remediation official sample test results.

(e) Total acreage or square footage disposed or remediated;

(f) Date of completion of disposal or remediation; and

(g) Signature of the hemp grower licensee.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.06

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

**HISTORY:** Original Rule entitled "Disposal of Non-Compliant Cannabis" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** New title, "Disposal or Remediation of Non-Compliant Cannabis." F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.07 Sale of Hemp Seed and Live Hemp Plants

(1) Each person or entity, including any hemp grower licensee, that sells hemp seed must comply with the Georgia Seed Law, O.C.G.A. § 2-11-20 et seq. and Seed Division Regulations, GA. Comp. R. & Regs. Rules 40-12-1 et seq., including obtaining any required license thereunder.

(2) Each person or entity, including any hemp grower licensee, that sells live hemp plants must comply with the Entomology Act, O.C.G.A. § 2-7-1, et seq. and Live Plant Regulations, GA. Comp. R. & Regs. Rules 40-4-9 et seq., including obtaining any required license thereunder.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.07

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

**HISTORY:** Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** New title, "Sale of Hemp Seed and Live Hemp Plants." F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.08 Storage of Hemp

(1) A hemp grower licensee may store hemp provided:

(a) The hemp grower licensee identifies each storage facility on the hemp grower license application or a change request;

(b) The hemp grower licensee maintains complete and accurate records detailing the harvest lot(s), including the amount being stored at each storage facility. Harvest lots in storage must be separated in such a manner that maintains the unique identity of each harvest lot stored at the storage facility;

1. In the event that a tested official sample of a harvested lot held at a storage facility exceeds the total delta-9-THC concentration legal limit, the harvested lot and all comingled hemp held at the storage facility will be promptly disposed of or remediated in accordance with this Chapter.

(c) The storage facility is owned or leased by the hemp grower licensee; and

(d) The storage facility is secured with physical containment and reasonable security measures.

(2) No hemp grower licensee may warehouse or otherwise store hemp that is not owned by the hemp grower licensee.

(3) All storage areas will be subject to inspection by Department officials.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.08

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

**HISTORY:** Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.09 Pesticide Use

(1) Any hemp grower licensee who uses a pesticide on hemp must comply with all Georgia laws and regulations pertaining to applications of pesticides including, but not limited to, licensing requirements.

(2) Hemp grower licensees must not apply pesticides to hemp in violation of the product label.

(3) A hemp grower licensee who uses a pesticide on a site where hemp will be planted must comply with the longest of any planting restriction interval on the product label prior to planting the hemp.

(4) The Department may perform random pesticide testing or may perform for-cause testing if the Department has reason to believe that a pesticide may have been applied to hemp in violation of the product label.

(5) Hemp seeds, plants, and materials bearing pesticide residue in violation of the pesticide label may be subject to forfeiture or destruction without compensation.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.09

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

**HISTORY:** Original Rule entitled "Pesticide Use" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.10 Recordkeeping and Reporting Requirements

(1) Licensee Recordkeeping and Reporting

(a) Hemp grower licensees must maintain records of all hemp plants acquired, produced, handled, or disposed of or remediated as will substantiate all reports required for submission to USDA by the Department.

(b) All records must be made available for inspection by the Department during reasonable business hours. Such records must include, but are not limited to, the following:

1. Records regarding acquisition of hemp;

2. Records regarding all written agreements between hemp grower licensees and permittees, or out of state processors, governing their business relationship;

3. Records regarding production and handling of hemp;

4. Records regarding hemp sampling and testing analyses;

5. Records regarding storage of hemp;

6. Records regarding the transfer, remediation, and disposal of hemp; and

7. Records regarding remediation or disposal of all cannabis plants exceeding the total delta-9-THC concentration legal limit.

(c) Planting Report

1. Each hemp grower licensee must submit a planting report to the Department within 30 days of planting a lot of hemp. The planting report must be submitted through the Department's website used for administering licenses, and will include the following information for each lot of hemp planted:

(i) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;

(ii) Total acreage or square footage of hemp planted;

(iii) Varietal or cultivar of hemp planted;

(iv) Planting date;

(v) Intended end use of the hemp planted (i.e., - seed, fiber, food, or cannabinoids);

(vi) Expected harvest date; and

(vii) Source of propagative material (i.e., - from where the hemp grower licensee obtained its seeds, cuttings, clones, or seedlings).

2. The Department may, but is not required to, aggregate Planting Report data and prepare a report of plantings on an anonymized basis. No hemp grower licensee may receive a copy of the Department's report unless that hemp grower licensee submitted a Planting Report for each of its planted lots.

(d) Annual Report

1. Each hemp grower licensee must submit an annual report to the Department. The report form must be submitted by November 30 of each year and contain the following information:

(i) Hemp grower licensee's name;

(ii) Hemp grower licensee's address;

(iii) Hemp grower license number;

(iv) Street address and geospatial location of each lot, covered growing facility, or site where hemp will be produced;

(v) Acreage dedicated to the production of hemp, or covered growing facility square footage dedicated to the production of hemp; and

(vi) Total acreage of hemp planted, harvested, remediated and disposed.

2. The Department will report all information collected in the Annual Report to AMS as required by USDA.

(e) Reporting to FSA Required

1. All hemp grower licensees must report hemp crop acreage with FSA and must provide, at minimum, the following information to FSA:

(i) Hemp crop acreage;

(ii) Total acreage of hemp planted, harvested, remediated and disposed;

(iii) Hemp grower license number;

(iv) Street address;

(v) Geospatial location of each lot, covered growing facility, or site where hemp will be produced. All locations where hemp is produced must be reported to FSA; and

(vi) Acreage of covered growing facility square footage dedicated to the production of hemp.

(f) All records and reports must be kept and maintained by the hemp grower licensee for not less than three calendar years and in a manner such that they can be readily provided to the Department upon request.

(2) Department Recordkeeping and Reporting

(a) The Department will maintain all relevant records and information regarding hemp grower licensees and land on which hemp is produced in Georgia, including a legal description of the land, for a period of not less than three calendar years.

(b) The Department will collect, maintain, and report to USDA via fax, certified mail, email, or other method deemed acceptable by USDA the following contact and real-time information for each hemp grower licensee in Georgia:

1. The contact information of each hemp grower licensee collected pursuant to GA. Comp. R. & Reg. r. 40-32-2-.01.

2. A legal description of the land on which hemp is grown including its geospatial location; and

3. The status of licensed hemp growers (and any changes) and hemp grower license number.

(c) By the first of each month, and not more than thirty (30) days after receipt, the Department will provide the following information to the United States Secretary of Agriculture or the Secretary's designee in a format that is compatible with USDA's Information Sharing System whenever possible. If the first of the month falls on a weekend or holiday, the report will be submitted by the first business day following the due date:

1. Hemp Grower Report, which will contain the following:

(i) For each new hemp grower licensee who is an individual and is licensed under the Georgia Hemp Plan, the report will include the full name of the individual; hemp grower license number; business address; telephone number; email address (if available); the legal description of the land on which the hemp grower licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(ii) For each new hemp grower licensee that is an entity and is licensed under the Georgia Hemp Plan, the report will include the full name of the entity; the principal business location address; EIN number; hemp grower license number; the full name, title, and email address (if available) of each person for whom the entity is required to submit a criminal history record report; the legal description of the land on which the hemp grower licensee will produce hemp including, to the extent practicable, its geospatial location; and the scope of activity authorized;

(iii) For each hemp grower licensee that was included in a previous report and whose reported information has changed, the report will include the previously reported information and the new information;

(iv) The status of each hemp grower's license;

(v) The period covered by the report; and

(vi) Indication that there were no changes during the current reporting cycle, if applicable.

2. Hemp Disposal or Remediation Report, which will contain the following:

(i) Name and contact information of the hemp grower licensee;

(ii) Hemp grower license number;

(iii) Location information, such as lot number, location type, and geospatial location or other location descriptor for the production area subject to disposal;

(iv) A copy of the respective test results;

(v) Information on the agent handling the disposal, as applicable;

(vi) Disposal or remediation completion date; and

(vii) Total acreage disposed or remediated.

(d) Annual Report

1. The Department will submit an annual report to USDA. The report form will be submitted by December 15 of each year and contain the following information:

(i) Total planted acreage;

(ii) Total harvested acreage; and

(iii) Total acreage disposed and remediated.

(e) Test Results Report

1. The Department will promptly notify USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and will attach copies of analytical test results as well as records demonstrating appropriate disposal of all of those plants and materials in the lot from which the representative samples were taken.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.10

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

**HISTORY:** Original Rule entitled "Recordkeeping and Reporting Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.11 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.11

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

**HISTORY:** Original Rule entitled "Hemp Grower Compliance Inspections" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Repealed:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-2-.12 Violations and Enforcement

(1) A hemp grower licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(2) A violation of the Georgia Hemp Farming Act or this Chapter by a hemp grower licensee will be subject to enforcement in accordance with O.C.G.A. § 2-23-10.

(a) In the event the Department determines that a hemp grower licensee has negligently violated the Georgia Hemp Farming Act or this Chapter, then the Department will issue a corrective action plan to the hemp grower licensee.

1. The corrective action plan will include, but may not be limited to:

(i) A reasonable date by which the hemp grower licensee must correct the negligent violation, which may include disposal or remediation of hemp in accordance with this Chapter; and

(ii) A requirement that the hemp grower licensee must periodically report to the Commissioner on the compliance status of the hemp grower licensee with the corrective action plan for a period of not less than two (2) years after the violation.

2. Hemp grower licensees do not commit a negligent violation if they make reasonable efforts to grow hemp and the tested cannabis does not have a total delta-9-THC concentration of more than 1.0 percent on a dry weight basis.

3. The Department will monitor and conduct any and all inspections necessary to determine if the Corrective Action Plan has been implemented as required.

(b) If the Commissioner determines that a hemp grower licensee has violated the Georgia Hemp Farming Act or this Chapter with a culpable mental state greater than negligence, the Commissioner will immediately report the hemp grower licensee to the United States Attorney General and the Georgia Attorney General, and such violations will be subject to enforcement in accordance with applicable law.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-2-.12

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

**HISTORY:** Original Rule entitled "Violations and Enforcement" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

# Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

# Chapter 40-32. HEMP GROWERS AND PROCESSORS

# Subject 40-32-3. HEMP PROCESSORS

## 40-32-3-.01 Application for Hemp Processor Permit

(1) Any person desiring to process and handle hemp in Georgia must submit a complete and accurate hemp processor permit application to the website used by the Department to administer processor permits.

(2) Any person processing or intending to process hemp must have a valid hemp processor permit. A valid permit means the permit has been issued and is unexpired, unsuspended, and unrevoked.

(3) As part of the hemp processor permit application, each applicant must submit to the Department the following:

(a) An annual hemp processor permit fee of $500.00;

(b) A surety bond in compliance with O.C.G.A. § 2-23-6.1;

(c) Information regarding the applicant's business including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and

(i) If applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

5. Name, title, and current primary contact information, including telephone number and email address, for each key participant.

(d) An attestation that the applicant owns or has legal permission to process, handle, and store hemp on property listed on the application.

1. For purposes of satisfying this requirement, sufficient ownership of property or legal permission to process, handle, or store hemp on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.

(e) GPS coordinates provided in decimal degrees and taken at the approximate entrance of each facility;

(f) The approximate dimension or square feet of each facility;

(g) An aerial map or photograph of the processing facilities showing clear boundaries of each facility;

(h) Information sufficient for locating hemp storage facilities including, but not limited to:

1. GPS coordinates provided in decimal degrees and taken at the approximate entrance of each storage facility;

2. The approximate dimension or square feet of each storage facility; and

3. An aerial map or photograph that clearly shows the boundaries and dimensions of each storage facility.

(i) A description of all hemp products to be produced as well as an estimate of the volume of each such product projected to be produced in the permit year;

(j) A statement of the intended end use or disposal plan for all parts of hemp plants and hemp material received for processing and not becoming part of a hemp product;

(k) Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp is being processed or handled for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and

(l) An acknowledgment of the processor permit terms and conditions.

(4) Hemp processor permits will be issued on January 1 of each year, or otherwise when approved by the Department. Processor permits will expire on December 31 of each calendar year for which the Department issued the permit.

(a) Notwithstanding the above, permits issued by the Department between July 1, 2024, and December 31, 2024, shall expire on December 31, 2025.

(5) At the conclusion of any calendar year during which a permittee holds a processor permit, a permittee may renew its processing permit upon timely submission of the $500.00 permit fee, so long as no administrative action has been taken by the Department against the permittee and provided the information in the permit application is unchanged.

(a) Renewal fees and annual criminal background checks dated within 60 days prior to the submission date must be submitted by December 1 of each year. Permits will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.

(b) A permittee that begins, but does not finalize, the renewal of its hemp processor permit within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(6) Upon receipt of an otherwise complete application for a processor permit, the Department will conduct a criminal background check and obtain a Federal Criminal History Report for the applicant or, if the applicant is an entity, all key participants, as outlined below:

(a) At least one set of classifiable electronically recorded fingerprints of the individual applicant or, if the applicant is an entity, one set of classifiable electronically recorded fingerprints of each key participant must be submitted to the Department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation.

(b) The Department will transmit the applicant's fingerprints to the Georgia Crime Information Center, which will submit the fingerprints to the Federal Bureau of Investigation for a search of Bureau records and generation of an appropriate report, and the Georgia Crime Information Center will promptly conduct a search of state records based upon the fingerprints.

(c) After receiving the reports from the Georgia Crime Information Center and the Federal Bureau of Investigation, the Department will review the record for all individuals or key participants, as applicable.

(7) A permittee may request select changes to the information associated with a hemp processor permit. To request a change, the permittee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer hemp processor permits. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a permittee from compliance with all requirements of a hemp processor permit, including acceptable background checks for all key participants.

Permittees may request changes to the following:

(a) The information originally submitted in the permittee's hemp processor permit application in satisfaction of GA. Comp. R. & Regs. r. 40-32-3-.01(3)(c) & (e)-(j).

1. Permittees will be limited to a maximum of ten (10) changes per permit year made in accordance with this rule.

(b) Prior to any change in a permittee's key participants, the permittee must submit a proposed change to the hemp processor permit reflecting the change of key participant. The Department will conduct a background check on new key participants in accordance with GA. Comp. R. & Regs. r. 40-32-3-.01(6).

(8) Any person who materially falsifies any information contained in an application for a hemp processor permit will be ineligible to receive a hemp processor permit or otherwise participate in the Georgia Hemp Program.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.01

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

**HISTORY:** Original Rule entitled "Application for Hemp Processor Permit" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.02 Processor Permit Terms and Conditions

Each permittee must acknowledge and comply with the terms and conditions governing the hemp processor permit, including the following:

(1) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to the information associated with any hemp processor permit once approved.

(2) Permittees may only handle hemp and process hemp products at sites listed on the processor permit application or in a subsequent, approved change request.

(3) Permittees must prevent unsupervised public access to storage and processing sites.

(4) Permittees must not store hemp or process hemp products on property owned by, leased from, or previously submitted in a license application by any person who is ineligible for, was terminated from, or was denied participation in the Georgia Hemp Program due to failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or this Chapter.

(5) The permittee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp or hemp products within forty-eight (48) hours of discovery of such theft or loss.

(6) The permittee must report any convictions of a felony related to a State or Federally controlled substance, of itself or any of its key participants, via e-mail to hemp@agr.georgia.gov, within five (5) calendar days of receiving notice of such conviction.

(7) The applicant or permittee must notify the Department in writing within ten (10) calendar days of the following:

(a) A disciplinary proceeding or enforcement action by another government entity that may affect the permittee's business; and

(b) Temporary closures of more than thirty (30) days or permanent closure of any processing or storage facility.

(8) A permittee may also apply for and be issued no more than one hemp grower license. Any person holding both a hemp processor permit and a hemp grower license must comply with applicable rules governing licensees and permittees.

(9) No person will be issued more than one hemp processor permit, nor will any person be permitted to have a beneficial interest in more than one hemp processor permit, regardless of the degree of such interest, as provided in O.C.G.A. § 2-23-6.

(a) Hemp processor permits cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(10) Permittees must only process hemp at facilities identified in the hemp processor permit application or a change request and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.

(11) Permittees must allow and fully cooperate with all required inspections and sampling.

(12) Permittees must maintain all records and information and make all reports within the applicable time frames as required in this Chapter.

(13) Permittees must only accept for processing hemp that was lawfully produced under a State or Tribal hemp plan approved by the USDA, under a hemp license issued by USDA, or under 7 U.S.C. 5940 through the State or territory of the Indian Tribe, as applicable.

(14) Permittees must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any non-compliant hemp or non-compliant hemp product that exceeds the total delta-9-THC concentration legal limit. The permittee must ensure that non-compliant hemp or non-compliant hemp products exceeding the total delta-9-THC concentration legal limit do not enter the stream of commerce.

(a) In the event that a tested official sample exceeds the total delta-9-THC concentration legal limit, the Department will require all hemp products in the product lot to be disposed by a reverse distributor without compensation to the permittee.

(15) Permittees must not handle, process, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any consumable hemp product that fails to comply with the requirements in Subject 40-32-5 of this Chapter.

(a) In the event that a consumable hemp product fails to comply with any requirement of Subject 40-32-5, the Department will require all hemp products in the product lot to be disposed of in accordance with this Chapter.

(16) The Department will require disposal, without compensation, of hemp discovered at a processing facility for which records are not available to prove that said hemp was received from a hemp grower licensee or from a state or tribe with a plan to regulate hemp production that is approved by the USDA Secretary of Agriculture or otherwise in accordance with regulations promulgated by the USDA. Any hemp comingled with hemp for which such records are not available will also be subject to disposal.

(17) Processors of consumable hemp products providing full panel certificates of analysis via a QR code on consumable hemp product labelling must host and notify the Department of a landing webpage for consumer retrieval of relevant full panel certificates of analysis.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.02

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

**HISTORY:** Original Rule entitled "Processor Permit Terms and Conditions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.03 Processor Sampling and Testing

(1) Required Sampling and Testing for Hemp Products. Permittees shall cause each product lot of industrial or consumable hemp products to be sampled and tested by a registered laboratory prior to the transport or distribution of the hemp product lot from the processing facility. Testing by a registered laboratory must confirm no hemp products exceed the total delta-9-THC concentration legal limit, and that no consumable hemp products exceed the analyte levels set forth in Subject 40-32-5.

(a) Permittees shall assign each product lot a unique number or identifier.

(b) Permittees will solely bear responsibility for the cost of sampling and testing hemp products; the Department will not fund any required sampling or testing costs.

(2) Sampling Procedure. Hemp products submitted for testing to a registered laboratory must be representative of the product lot.

(a) Permittees must submit consumable hemp product samples being tested to produce a full panel certificate of analysis in final packaged form.

1. Consumable hemp product samples must consist of at least the following minimum number of sample consumable hemp products based on product production:

(i) Eight (8) sample products for a product with up to 500 product units produced in a twelve-month period;

(ii) Twelve (12) sample products for a product with between 501-1,000 product units produced in a twelve-month period;

(iii) Sixteen (16) sample products for a product with between 1,001-5,000 product units produced in a twelve-month period; and

(iv) Twenty (20) sample products for a product with more than 5,000 products produced in a twelve-month period.

(b) Processors of industrial hemp products must document the procedures utilized to ensure selection of representative samples of the industrial hemp product lot.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.03

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

**HISTORY:** Original Rule entitled "Processor Sampling" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** New title, "Processor Sampling and Testing." F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.04 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.04

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

**HISTORY:** Original Rule entitled "Processor Laboratory Testing" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Repealed:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.05 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.05

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

**HISTORY:** Original Rule entitled "Permittee Restrictions" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Repealed:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.06 Disposal of Non-Compliant Hemp Products

(1) Disposal of Non-Compliant Hemp Products.

(a) Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit constitute marijuana, a controlled substance under Georgia and Federal law.

(b) Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit must be disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor.

(c) The permittee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that non-compliant hemp products exceed the total delta-9-THC concentration legal limit.

(d) Upon notice and confirmation that a non-compliant hemp product has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal requiring all non-compliant hemp products in the same product lot to be disposed within a reasonable time to be determined by the Department.

(e) The permittee will be responsible for arranging disposal.

(f) The permittee will be responsible for all costs and fees associated with the disposal of cannabis exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to the permittee for any such disposal.

(g) Non-compliant hemp products subject to disposal must not be removed from the permitted facility or from any other area where such hemp is being processed, handled, or stored, other than transport to a reverse distributor or in the course of another acceptable disposal method.

(h) Within 14 days of the date of completion of disposal, the processor must submit a "Disposal Report" form to the Department, which must contain the following information:

1. Name and address of the permittee;

2. Georgia processor permit number;

3. Information on the reverse distributor agent handling the disposal, or other method of disposal;

4. Date of completion of disposal;

5. Signature of the permittee; and

6. Reverse distributor or other disposal agent certification of completion of the disposal.

(2) Disposal of Non-Compliant Hemp Products Not Exceeding the Total Delta-9-THC Concentration Legal Limit. Consumable hemp products that fail to comply with the requirements in Subject 40-32-5, other than the total delta-9-THC concentration legal limit, shall be disposed of in any manner provided in this Chapter.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.06

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

**HISTORY:** Original Rule entitled "Disposal of Non-Compliant Cannabis Products" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** New title, "Disposal of Non-Compliant Hemp Products." F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.07 Permittee Surety Bonds

(1) Each applicant for a hemp processor permit, and any permittee whose surety bond expires, must make and deliver to the Commissioner a surety bond in the form and in the manner provided in O.C.G.A. § 2-23-6.1.

(a) A permittee's surety bond may be executed by any surety corporation authorized to transact business in Georgia.

(b) If the company issuing a permittee's surety bond becomes disqualified from conducting business in Georgia, the permittee must obtain a replacement bond for at least an equivalent amount within 30 days, subject to the Commissioner's approval. The effective term of a replacement bond must begin on the day the previous bond became ineffective.

(2) The Commissioner shall determine the amount of a permittee's surety bond in accordance with the Georgia Hemp Farming Act.

(a) The minimum required bond shall be $20,000 and the maximum required bond shall be $1,000,000. In no case shall the required bond amount exceed 2% of the dollar value paid to hemp grower licensees for hemp purchased by the permittee in the most recent calendar year.

(b) The Department may require a permittee to submit documentation of hemp purchased from hemp grower licensees to determine the permittee's required bond amount.

1. A permittee with no history of hemp purchases will obtain the minimum bond amount.

(c) If at any time the Commissioner determines that a permittee's previously approved surety bond is insufficient to satisfy the purpose set forth in the Georgia Hemp Farming Act and this Subject, the Commissioner may require the permittee to obtain an additional bond or bonds. The permittee shall submit such additional bond or bonds to the Commissioner in an amount and within the time fixed in a written demand by the Department.

(3) Permittee's processor permit shall be immediately revoked by operation of law and without notice or hearing, and permittee shall be ineligible to reapply for a processor permit for a period of four years after such revocation, if:

(a) Permittee's surety bond is cancelled;

(b) Permittee fails to provide a replacement bond within 30 days after its surety is disqualified from conducting business in Georgia; or

(c) Permittee fails to provide an additional bond or bonds in the amount and timeframe specified by the Commissioner in accordance with the Georgia Hemp Farming Act and this Subject.

(4) Any person claiming to be damaged by a permittee's breach of its surety bond conditions may file a complaint with the Commissioner in the form set forth in O.C.G.A. § 2-23-6.1. The Commissioner will administer and adjudicate complaints in accordance with O.C.G.A. § 2-23-6.1.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.07

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

**HISTORY:** Original Rule entitled "Transportation Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** New title, "Permittee Surety Bonds." F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.08 Storage of Hemp

(1) A permittee may store hemp obtained from licensed growers for processing by the permittee provided:

(a) The permittee identifies each storage facility on the hemp processor permit application or in a subsequent change request;

(b) The permittee maintains complete and accurate records detailing the licensed growers from whom hemp at each storage facility was received, varieties stored at each storage facility, and amount of each hemp variety stored at each storage facility. Harvested lots in storage must be separated in such a manner that maintains the unique identity of each harvested lot stored at the storage facility;

1. In the event analytical testing determines that an official sample of hemp held at a storage facility exceeds the total delta-9-THC concentration legal limit, all comingled hemp held at the storage facility must be promptly disposed of in accordance with this Chapter.

(c) The storage facility is owned or leased by the permittee; and

(d) The storage facility is secured with physical containment and reasonable security measures.

(2) No permittee may warehouse or otherwise store hemp that is not owned by the permittee.

(3) All storage area(s) will be subject to inspection by the Department.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.08

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

**HISTORY:** Original Rule entitled "Storage of Hemp" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.09 Recordkeeping Requirements

(1) Permittees must have in place and keep a copy of written agreements with hemp grower licensees governing their business relationship. Permittees must provide a copy of each such agreement or amendment thereto to the Department within 10 days of its execution.

(2) Permittees must keep and maintain the following records:

(a) Hemp intake records, which include:

1. Name, location, and license number, if applicable, for each grower from whom the permittee accepts hemp for processing;

2. The date(s) on which hemp is received from each grower;

3. Copies of analytical testing results confirming that each lot of hemp received for processing does not exceed the total delta-9-THC concentration legal limit; and

4. The amount of each variety received from each grower.

(b) Disposal records for all unusable hemp, which include:

1. Date of disposal;

2. Amount of each hemp variety disposed;

3. Method of disposal;

4. Location of disposal; and

5. Name, signature, and title of employee responsible for disposal.

(c) Processing records, which include:

1. List of products produced from hemp; and

2. List of buyers or recipients of hemp products including:

(i) Name, address, and phone number of each buyer or recipient;

(ii) Description of each product purchased or otherwise distributed;

(iii) Quantity of each product purchased or otherwise distributed; and

(iv) Date of distribution.

(3) Permittees must keep and maintain copies of all records, documents, and information required by this Rule for at least two years and in a manner that can be provided to the Department upon request.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.09

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

**HISTORY:** Original Rule entitled "Recordkeeping Requirements" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.10 [Repealed]

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.10

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

**HISTORY:** Original Rule entitled "Hemp Processor Compliance Inspections" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Jan. 19, 2022; eff. Feb. 8, 2022.

**Repealed:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-3-.11 Violations and Enforcement

(1) A hemp processor violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(2) A violation of the Georgia Hemp Farming Act or this Chapter by a permittee will be subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, permit revocation, or the disposal of non-compliant consumable hemp products.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-3-.11

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

**HISTORY:** Original Rule entitled "Violations and Enforcement" adopted. F. Feb. 10, 2020; eff. Mar. 1, 2020.

**Amended:** F. Sept. 11, 2024; eff. Oct. 1, 2024.

# Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

# Chapter 40-32. HEMP GROWERS AND PROCESSORS

# Subject 40-32-4. HEMP PRODUCT MANUFACTURERS, CONSUMABLE HEMP PRODUCT WHOLESALERS, RETAIL CONSUMABLE HEMP ESTABLISHMENTS, AND REGISTERED LABORATORIES

## 40-32-4-.01 Hemp Product Manufacturers

(1) Manufacturer License. Any person desiring to manufacture hemp products in Georgia must first obtain a manufacturer license issued by the Department.

(a) Any person manufacturing hemp products must have a valid manufacturer license prior to manufacturing hemp products. A valid license means the license has been issued and is unexpired, unsuspended, and unrevoked.

(b) A manufacturer license will not entitle the holder to process hemp. Only permittees may process hemp into hemp products.

(2) Manufacturer License Application. As part of the manufacturer license application, each applicant must submit to the Department the following:

(a) An annual manufacturer license fee of $5,000.00; provided, however, that any applicant that holds a hemp processor permit issued by the Department under this Chapter shall not be required to pay the annual licensing fee for a manufacturer license.

(b) Information regarding the applicant's business, including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. The location (street address) where the applicant will manufacture hemp products in Georgia and whether the location is owned or leased by the applicant;

5. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office;

(i) If the applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity;

7. An attestation that the applicant owns or has legal permission to manufacture hemp products on property listed on the application;

(i) For purposes of satisfying this requirement, sufficient ownership of property or legal permission to manufacture hemp products on property includes property specifically deeded or leased to the respective applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.

8. GPS coordinates provided in decimal degrees and taken at the approximate entrance of each facility;

9. The approximate dimension or square feet of each facility;

10. An aerial map or photograph of the manufacturing facilities showing clear boundaries of each facility;

11. A description of all hemp products to be manufactured as well as an estimate of the volume of each such product projected to be manufactured in the license year;

12. A statement of the intended end use or disposal plan for all parts of hemp products received for manufacturing and not becoming part of a hemp product;

13. Written consent, allowing representatives of the Department, the Georgia Bureau of Investigation, and other affected state and local law enforcement agencies to enter all premises where hemp products are being manufactured for the purpose of conducting physical inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and

14. An acknowledgment of the manufacturer license terms and conditions.

(c) Manufacturer licenses will be issued on January 1 of each year, or otherwise when approved by the Department.

1. Notwithstanding the above, manufacturer licenses issued by the Department between July 1, 2024, and December 31, 2024, shall expire on December 31, 2025.

(d) At the conclusion of any calendar year during which a licensee holds a manufacturer license, a licensee may renew its manufacturer license upon timely submission of the $5,000.00 licensee fee, so long as no administrative action has been taken by the Department against the licensee and provided the information in the license application is unchanged.

(e) Renewal fees shall be submitted by December 1 of each year. Manufacturer licenses will expire on December 31 of each year if renewal fees are not timely submitted as required hereunder.

1. A licensee that begins, but does not finalize, the renewal of its manufacturer license within 60 days after January 1 of a given year, must subsequently complete a full application as if applying for the first time.

(f) A licensee may request select changes to the information associated with a manufacturer license. To request a change, the licensee must, at least ten (10) calendar days prior to making the change, provide written notice of the proposed change to the Department via e-mail to hemp@agr.georgia.gov, or submit the proposed changes on the Department's website used to administer manufacturer licenses. Changes in accordance with such written notice and updated information will be valid only upon the Department's approval. No such change will exempt a licensee from compliance with all requirements of a manufacturer license.

Licensees may request changes to the following:

1. The information originally submitted in a licensee's hemp manufacturer license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.01(2)(b)(1)-(6) and (8)-(12).

(i) Licensees will be limited to a maximum of ten (10) changes per permit year made in accordance with this rule.

(g) Any person who materially falsifies any information contained in an application for a manufacturer license will be ineligible to receive a manufacturer license or otherwise participate in the Georgia Hemp Program.

(3) Manufacturer License Terms and Conditions. Each manufacturer licensee must acknowledge and comply with the terms and conditions governing the manufacturer license, including the following:

(a) Except as explicitly provided for in this Subject or corrections of typographical errors approved by the Department, no alterations will be allowed to the information associated with any manufacturer license once approved.

(b) Licensees must prevent unsupervised public access to manufacturing sites.

(c) Licensees must not manufacture hemp products on property owned by, leased from, or previously submitted in a license application by any person who is ineligible for, was terminated from, or was denied participation in the Georgia Hemp program due to failure to obtain an acceptable criminal background check or for violations of the Georgia Hemp Farming Act or this Chapter.

(d) The licensee must notify the Department, via e-mail to hemp@agr.georgia.gov, of any theft or loss of hemp products within forty-eight (48) hours of discovery of such theft or loss.

(e) The licensee must notify the Department in writing within ten (10) calendar days of the following:

1. A disciplinary proceeding or enforcement action by another government entity that may affect the licensee's business; and

2. Temporary closures of more than thirty (30) days or permanent closure of any manufacturing facility.

(f) Manufacturer licenses cannot be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered to or by another person, business, individual, or entity.

(g) Licensees must only manufacture hemp products at facilities identified in the manufacturer license application or a change request and must have the legal authority to grant the Department access to any and all such facilities for inspection and sampling.

(h) Licensees must allow and fully cooperate with all required inspections and sampling.

(i) Licensees must maintain all records and information and make all reports within the applicable time frames as required in this Chapter.

(j) Licensees must not handle, manufacture, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any hemp product that exceeds the total delta-9-THC concentration legal limit. The licensee must ensure that hemp products exceeding the total delta-9-THC concentration legal limit do not enter the stream of commerce.

1. In the event that a tested official sample exceeds the total delta-9-THC concentration legal limit, the Department will require all hemp products in the product lot to be disposed by a reverse distributor without compensation to the manufacturer.

(k) Licensees must not manufacture, store, sell, transfer, ship, transport, deliver, distribute, or otherwise provide any consumable hemp product that fails to comply with the requirements in Subject 40-32-5 of this Chapter.

1. In the event that a consumable hemp product fails to comply with any requirement of Subject 40-32-5, the Department will require all hemp products in the product lot to be disposed of in accordance with this Chapter.

(l) Manufacturers of consumable hemp products providing full panel certificates of analysis via a QR code on consumable hemp product labelling must host and notify the Department of a landing webpage for consumer retrieval of relevant full panel certificates of analysis.

(4) Sampling and Testing.

(a) Required Sampling and Testing for Hemp Products. Licensees shall cause each product lot of industrial or consumable hemp products to be sampled and tested by a registered laboratory prior to the transport or distribution of the hemp product lot from the manufacturing facility. Testing by a registered laboratory must confirm no hemp products exceed the total delta-9-THC concentration legal limit, and that no consumable hemp products exceed the analyte levels set forth in Subject 40-32-5.

1. Licensees shall assign each product lot a unique number.

2. Licensees will solely bear responsibility for the cost of sampling and testing hemp products; the Department will not fund any required sampling or testing costs.

(b) Sampling Procedure. Hemp products submitted for testing by a registered laboratory must be representative of the product lot.

1. Licensees must submit consumable hemp product samples being tested to produce a full panel certificate of analysis in final packaged form.

(i) Consumable hemp product samples must consist of at least the following minimum number of sample consumable hemp products based on product production:

(I). Eight (8) sample products for a product with up to 500 product units produced in a twelve-month period;

(II). Twelve (12) sample products for a product with between 501-1,000 product units produced in a twelve-month period;

(III). Sixteen (16) sample products for a product with between 1,001-5,000 product units produced in a twelve-month period; and

(IV). Twenty (20) sample products for a product with more than 5,000 products produced in a twelve-month period.

2. Manufacturers of industrial hemp products must document the procedures utilized to ensure selection of representative samples of the industrial hemp product lot.

(5) Disposal of Non-Compliant Hemp Products.

(a) Disposal of Non-Compliant Hemp Products Exceeding the Total Delta-9-THC Concentration Legal Limit.

1. Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit constitute marijuana, a controlled substance under Georgia and Federal law.

2. Non-compliant hemp products exceeding the total delta-9-THC concentration legal limit must be disposed of in accordance with the CSA and DEA regulations found at 21 CFR 1317.15 by a reverse distributor.

3. The licensee must immediately notify the Department via email to hemp@agr.georgia.gov any time analytical testing determines that non-compliant hemp products exceed the total delta-9-THC concentration legal limit.

4. Upon notice and confirmation that a non-compliant hemp product has exceeded the total delta-9-THC concentration legal limit, the Department will issue an Order of Disposal requiring all non-compliant hemp products in the same product lot to be disposed within a reasonable time to be determined by the Department.

5. The licensee will be responsible for arranging disposal.

6. The licensee will be responsible for all costs and fees associated with the disposal of non-compliant hemp products exceeding the total delta-9-THC concentration legal limit. No compensation will be owed by the Department to the licensee for any such disposal.

7. Non-compliant hemp products subject to disposal must not be removed from the licensed facility or from any other area where hemp products are being manufactured, handled, or stored, other than for transport to a reverse distributor or during another acceptable disposal method.

8. Within 14 days of the date of completion of disposal, the licensee must submit a "Disposal Report" form to the Department, which must contain the following information:

(i) Name and address of the licensee;

(ii) License number;

(iii) Information on the reverse distributor agent handling the disposal, or other method of disposal;

(iv) Date of completion of disposal;

(v) Signature of the licensee; and

(vi) Reverse distributor or other disposal agent certification of completion of the disposal.

(b) Disposal of Non-Compliant Hemp Products Not Exceeding the Total Delta-9-THC Concentration Legal Limit. Consumable hemp products that fail to comply with the requirements in Subject 40-32-5, other than the total delta-9-THC concentration legal limit, shall be disposed of in any manner provided in this Chapter.

(6) Recordkeeping. Licensees must keep and maintain the following records:

(a) Hemp product intake records, which include:

1. Name, location, and license or permit number, if applicable, for each person from whom the permittee accepts hemp products for manufacturing;

2. The date(s) on which hemp products are received;

3. Copies of analytical testing results confirming that each lot of hemp products received for manufacturing does not exceed the total delta-9-THC concentration legal limit; and

4. The amount of each hemp product received.

(b) Disposal records for all unusable or non-compliant hemp products, which include:

1. Date of disposal;

2. Amount of each hemp product disposed;

3. Method of disposal;

4. Location of disposal; and

5. Name, signature, and title of employee responsible for disposal.

(c) Manufacturing records, which include:

1. List and number of hemp products produced in a final packaged form; and

2. List of buyers or recipients of hemp products including:

(i) Name, address, and phone number of each buyer or recipient;

(ii) Description of each product purchased or otherwise distributed;

(iii) Quantity of each product purchased or otherwise distributed; and

(iv) Date of distribution.

(d) Licensees must keep and maintain copies of all records, documents, and information required by this Rule for at least two years in a manner that can be provided to the Department upon request.

(7) Violations and Enforcement.

(a) A manufacturer violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(b) A violation of the Georgia Hemp Farming Act or this Chapter by a manufacturer will be subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-4-.01

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

**HISTORY:** Original Rule entitled "Hemp Product Manufacturers" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-4-.02 Consumable Hemp Product Wholesalers

(1) License Required. Any person desiring to sell, offer for sale, or otherwise distribute prepackaged consumable hemp products to Georgia retail consumable hemp establishment licensees, or any person in Georgia desiring to sell prepackaged consumable hemp products to retail establishments located outside of Georgia that are authorized to sell consumable hemp products to consumers in the jurisdiction where such establishments are located, must first obtain a wholesale consumable hemp license issued by the Department.

(a) Wholesale consumable hemp licenses issued by the Department shall be issued in connection with a single location where wholesale consumable hemp product licensees will store and otherwise operate as a wholesaler of consumable hemp products, whether such facility is owned or leased by the licensee. For a person to store and otherwise operate as a wholesaler of consumable hemp products at multiple locations, such person shall be required to obtain separate wholesale consumable hemp license for each such wholesale location. No licensee may transfer a wholesale consumable hemp license between locations.

(2) License Application. As part of the wholesale consumable hemp license application, each applicant must submit to the Department the following:

(a) An annual wholesale consumable hemp license fee of $500.00;

(b) Information regarding the applicant's business including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. The location (street address) where the applicant will store consumable hemp products and otherwise operate as a wholesaler of consumable hemp products and whether the location is owned or leased by the applicant;

(i) Wholesale consumable hemp licensees without a physical location within the state and that only sell to Georgia retail consumable hemp establishment licensees, must provide the location (street address) in the applicant's home jurisdiction from which they wholesale consumable hemp products to Georgia retail consumable hemp establishment licensees.

5. If the applicant is an entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and

(i) If applicant is an entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity.

(c) An attestation that the applicant has legal permission to store and wholesale consumable hemp products on the property listed on the application;

(i) For purposes of satisfying this rule, sufficient ownership of property or legal permission to store and wholesale consumable hemp products includes property specifically deeded or leased to the applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances.

(d) The approximate dimensions or square footage of the wholesale consumable hemp location;

(e) Written consent, allowing representatives of the Department to enter all premises where consumable hemp products are stored and sold for the purpose of conducting inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter; and

(f) An acknowledgment of the general requirements set forth or referenced in this rule.

(3) License Timing.

(a) Wholesale consumable hemp licenses will be issued on January 1 of each year, or otherwise when approved by the Department. Wholesale consumable hemp licenses will expire on December 31 of each calendar year for which the Department issued the license.

1. Notwithstanding the above, wholesale consumable hemp licenses issued by the Department between July 1, 2024, and December 31, 2024, will expire on December 31, 2025.

(b) At the conclusion of any calendar year during which a licensee holds a wholesale consumable hemp license, a licensee may renew its wholesale consumable hemp license upon timely submission of the $500.00 licensee fee, so long as:

1. No administrative action has been taken by the Department against the licensee; and

2. The information in the licensee's original application is current and accurate.

(c) A wholesale consumable hemp licensee may request to update the information associated with the license. To request a change to information associated with a wholesale consumable hemp license, the licensee must, at least ten (10) calendar days prior to effectuating the change, submit the proposed changes on the Department's website used to administer wholesale consumable hemp licenses. Changes to information associated with a license will be valid only upon the Department's approval.

Licensees may request changes to the following information associated with a license:

1. The information originally submitted in the licensee's wholesale consumable hemp license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.02(2)(b) and (d).

(i) Licensees will be limited to a maximum of ten (10) changes per license year.

(4) General Requirements. Wholesale consumable hemp licensees shall abide by the following minimum requirements set forth in the Georgia Hemp Farming Act.

(a) Wholesale consumable hemp licensees are prohibited from wholesaling hemp or hemp products in violation of the Georgia Hemp Farming Act, including by:

1. Selling or offering for sale the flower or leaves of the Cannabis sativa L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;

2. Selling non-compliant consumable hemp products, including, but not limited to, consumable hemp products:

(i) For which a full panel certificate of analysis has not been obtained within the past 12 calendar months and made available to the public;

(ii) Without a warning sticker of the universal symbol identified in GA. Comp. R. & Regs. r. 40-32-5;

(iii) Without a conspicuous label providing the information required in GA. Comp. R. & Regs. r. 40-32-5;

(iv) With a total delta-9-THC concentration that exceeds the legal limit;

(v) That contains one or more analytes in excess of the maximum levels established in Subject 40-32-5 of this Chapter;

(vi) That contain a materially different composition from what is shown on the label or relevant full panel certificate of analysis;

(vii) That are packaged in a container that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.04;

(viii) That are advertised in any manner that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.05;

(ix) That constitute a food product; or

(x) That contain alcohol or constitutes an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated.

(5) Compliance and Enforcement.

(a) The Department will conduct inspections at wholesale consumable hemp establishments for compliance with the Georgia Hemp Farming Act and this Chapter. The Department may randomly inspect and test consumable hemp products stored or offered for wholesale.

(b) A wholesale consumable hemp licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(c) A violation of the Georgia Hemp Farming Act or this Chapter by a wholesale consumable hemp licensee is subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq., including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-4-.02

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

**HISTORY:** Original Rule entitled "Consumable Hemp Product Wholesalers" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-4-.03 Retail Consumable Hemp Establishments

(1) License Required. Any person desiring to sell, offer for sale, or otherwise distribute any consumable hemp product to consumers in this state must first obtain a retail consumable hemp establishment license issued by the Department.

(a) Retail consumable hemp establishment licenses issued by the Department shall be issued in connection with a single retail location where consumable hemp products will be sold or offered for sale to consumers by the licensee. For a person to sell or offer for sale consumable hemp products to consumers at multiple retail locations, such person shall be required to obtain separate retail consumable hemp establishment licenses for each such retail location. No licensee may transfer a retail consumable hemp establishment license between locations.

(2) License Application. As part of the retail consumable hemp establishment license application, each applicant must submit to the Department the following:

(a) An annual retail consumable hemp establishment license fee of $250.00;

(b) Information regarding the applicant's business including, but not limited to:

1. Legal individual or entity name;

2. Principal office address;

3. Telephone number and email address;

4. The location (street address) where the applicant will sell or offer for sale consumable hemp products in Georgia and whether the location is owned or leased by the applicant;

(i) Retail consumable hemp establishment licensees without a physical location within the state and that only sell to Georgia customers online, must provide the location (street address) in the licensee's home jurisdiction from which they ship consumable hemp products to Georgia customers.

5. If the applicant is a business entity, a current Certificate of Existence obtained through the Georgia Secretary of State's Office; and

(i) If the applicant is a business entity formed in a foreign jurisdiction, including a different state, it must submit an equivalent certificate of existence from its home jurisdiction, as well as a Georgia Certificate of Authority to conduct business.

6. If the applicant is an entity, the names of the owners, partners, members, or shareholders of the entity.

(c) An attestation that the applicant has legal permission to commercially sell consumable hemp products on the property listed on the application.

(i) For purposes of satisfying this requirement, sufficient ownership of property or legal permission to commercially sell consumable hemp products includes property specifically deeded or leased to the applicant, whether an individual or entity, use of which will not be in violation of local zoning or other ordinances or O.C.G.A. § 2-23-9.3.

(d) The approximate dimensions or square footage of the retail consumable hemp establishment;

(e) Written consent, allowing representatives of the Department to enter all premises where consumable hemp products are stored and sold for the purpose of conducting inspections and ensuring compliance with the requirements of the Georgia Hemp Farming Act and this Chapter;

(f) An attestation that the applicant understands the restrictions on sale of consumable hemp products in O.C.G.A. §§ 16-12-240 through 16-12-243, including applicable signage requirements and the prohibition of sale or furnishing of consumable hemp products to persons under 21 years of age; and

(g) An acknowledgment of the general requirements set forth or referenced in this rule.

(3) License Timing.

(a) Retail consumable hemp establishment licenses will be issued on January 1 of each year, or otherwise when approved by the Department. Retail consumable hemp establishment licenses will expire on December 31 of each calendar year for which the Department issued the license.

1. Notwithstanding the above, retail consumable hemp establishment licenses issued by the Department between July 1, 2024, and December 31, 2024, will expire on December 31, 2025.

(b) At the conclusion of any calendar year during which a licensee holds a retail consumable hemp establishment license, a licensee may renew its retail consumable hemp establishment license upon timely submission of the $250.00 licensee fee, so long as:

1. No administrative action has been taken by the Department against the licensee; and

2. The information in the licensee's original application is current and accurate.

(c) A retail consumable hemp establishment licensee may request to update the information associated with the license. To request a change to information associated with a retail consumable hemp establishment license, the licensee must, at least ten (10) calendar days prior to effectuating the change, submit the proposed changes on the Department's website used to administer retail consumable hemp establishment licenses. Changes to information associated with a license will be valid only upon the Department's approval.

Licensees may request changes to the following information associated with a license:

1. The information originally submitted in the licensee's retail consumable hemp establishment license application in satisfaction of GA. Comp. R. & Regs. r. 40-32-4-.03(2)(b) and (d).

(i) Licensees will be limited to a maximum of ten (10) changes per license year.

(4) General Requirements. Retail consumable hemp establishment licensees shall abide by the following minimum requirements set forth in the Georgia Hemp Farming Act.

(a) Retail consumable hemp establishment licensees are prohibited from selling hemp or hemp products in violation of the Georgia Hemp Farming Act, including by:

1. Selling or offering for sale the flower or leaves of the Cannabis sativa L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;

2. Selling non-compliant consumable hemp products, including, but not limited to, consumable hemp products:

(i) For which a full panel certificate of analysis has not been obtained within the past 12 calendar months and made available to the public;

(ii) Without a warning sticker of the universal symbol identified in GA. Comp. R. & Regs. r. 40-32-5-.03;

(iii) Without a conspicuous label providing the information required in GA. Comp. R. & Regs. r. 40-32-5-.03;

(iv) With a total delta-9-THC concentration that exceeds the legal limit;

(v) That contain one or more contaminants in excess of the maximum levels established in Subject 40-32-5 of this Chapter;

(vi) That contain a materially different composition from what is shown on the label or relevant full panel certificate of analysis;

(vii) That are packaged in a container that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.04;

(viii) That are advertised in any manner that fails to comply with the requirements established in GA. Comp. R. & Regs. r. 40-32-5-.05;

(ix) That constitute a food product; or

(x) Contain alcohol or constitutes an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated.

3. Selling or distributing consumable hemp products to consumers from a retail establishment located within 500 feet of any educational institution, public or private, providing elementary or secondary education to children at any level, kindergarten through twelfth grade, or the equivalent thereof if grade divisions are not used by such institution, unless such establishment began operation prior to July 1, 2024;

4. Naming or advertising the consumable hemp retail establishment in such a way as to violate GA. Comp. R. & Regs. r. 40-32-5-.05.

(5) Compliance and Enforcement.

(a) The Department will conduct inspections at retail consumable hemp establishments for compliance with the Georgia Hemp Farming Act, this Chapter, and O.C.G.A. §§ 16-12-240 through 16-12-243. The Department may randomly inspect and test consumable hemp products offered for sale.

(b) A retail consumable hemp establishment licensee violates the Georgia Hemp Farming Act when failing to comply with any provision of the Georgia Hemp Farming Act or the applicable requirements set forth in this Chapter.

(c) A violation of the Georgia Hemp Farming Act or this Chapter by a retail consumable hemp establishment licensee is subject to enforcement in accordance with the Georgia Hemp Farming Act and O.C.G.A. § 2-2-1 et seq. including, but not limited to, the imposition of monetary penalties, license revocation, or the disposal of non-compliant consumable hemp products.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-4-.03

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

**HISTORY:** Original Rule entitled "Retail Consumable Hemp Establishments" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 40-32-4-.04 Registered Laboratories

(1) Registration. Any laboratory seeking to test hemp or hemp products made from hemp or hemp-derived ingredients, including but not limited to industrial hemp products and consumable hemp products, shall first register with the Department.

(a) A laboratory seeking registration shall submit the following to the Department:

1. A $250.00 one-time registration fee;

2. The legal name of the laboratory;

3. The principal office address of the laboratory;

4. Contact information, including telephone number and email address;

5. The physical address where the laboratory will perform cannabis or hemp product testing and analysis;

6. If the registrant is an entity, the name of the owner, partners, members, or shareholders of such entity;

7. Attestation that the laboratory is not affiliated with any licensee or permittee under this Chapter;

8. A copy of the United States Department of Justice, Drug Enforcement Administration Controlled Substances Act Certificate of the laboratory to handle controlled substances under the CSA; and

9. Documentation sufficient to demonstrate that the laboratory has been accredited pursuant to the relevant standards of the International Organization for Standardization (ISO)/International Electrotechnical Commission (IEC), namely ISO/IEC 17025:2017, or a more recent version of that standard.

(b) Registration will be limited to a single laboratory facility. Laboratories seeking to perform testing and analysis pursuant to this Chapter at multiple laboratory facilities must register each facility individually. Registered laboratories may not transfer registration to a different location.

(c) The Department will register laboratories that successfully complete the required application. Laboratory registrations will remain in effect until revoked, suspended, or surrendered.

(d) The Department may conduct a site visit prior to the approval of a registration.

(e) Registered laboratories must alert the Department of any changes to the information submitted in response to GA. Comp. R. & Regs. r. 40-32-4-.04(1)(a)(2)-(9) at least 30 days prior to and at the time of implementation.

(2) General Rules. Registered laboratories must comply with the following general rules.

(a) Laboratories registered with the Department are authorized to analyze and test hemp and hemp products, including consumable hemp products intended for distribution, wholesale, or retail sale in Georgia, and to produce the full panel certificate of analysis required by O.C.G.A. § 2-23-9.1.

(b) The Department will maintain a list of registered laboratories on its website.

(c) Registered laboratories are prohibited from holding any other license or permit issued pursuant to the Georgia Hemp Farming Act and this Chapter.

(d) Any person with a financial interest in a registered laboratory is prohibited from holding a financial interest in any other license or permit issued pursuant to the Georgia Hemp Farming Act and this Chapter.

(e) A registered laboratory shall not use the Department's name or logo on any sign on its premises, website, or any advertising or social media, except to the extent that information is contained on a proof of registration or is contained in part of warnings, signage, or other documents required by this Subject.

(f) Registered laboratories shall notify the Department of the following:

1. The loss or suspension of required accreditation within twenty-four (24) hours of such loss or suspension.

(i) If accreditation is not restored within thirty (30) days of such loss or suspension, then the Department will remove the registered laboratory from the published list of registered laboratories and may seek to revoke the laboratory's registration in accordance with O.C.G.A. §§ 2-5-6 & 2-23-6.5.

(3) Hemp Testing. Registered laboratories conducting testing and analysis for pre-harvest or remediated hemp for hemp grower licensees must meet the following minimum requirements.

(a) Utilize the standard testing procedures specified for cannabis samples taken in accordance with the sampling procedures for the Georgia Hemp Program to measure the total delta-9-THC concentration levels of those samples on a dry weight basis.

(b) Analytical testing for purposes of detecting the total delta-9-THC concentration must be conducted in accordance with the USDA's most current *Laboratory Testing Guidelines U.S. Domestic Hemp Production Program*.

(c) Registered laboratories must submit results for all official samples tested in the prior month to the Department via e-mail to hemp@agr.georgia.gov by the third day of the following month. Registered laboratories are only required to submit test results performed to comply with pre-harvest testing requirements. Laboratories are not required to report test results from informal testing conducted throughout the growing season. Test results must be reported using the Department's "Grower Laboratory Test Results Report" form and must contain the following information for each sample tested:

1. Hemp grower license number;

2. Name of hemp grower licensee;

3. Lot identification number for the sample;

4. Laboratory registration number;

5. Date of test and report;

6. Identification of a pre-harvest retest, if applicable;

7. Measurement of uncertainty (MU); and

8. Total delta-9-THC concentration.

(4) Hemp Product Testing. Registered laboratories conducting testing and analysis for hemp products must meet the following minimum requirements.

(a) Industrial Hemp Product Testing. Registered laboratories shall test industrial hemp products at least for total delta-9-THC concentration.

(b) Consumable Hemp Product Testing. Registered laboratories shall test consumable hemp products at least in conformance with the following minimum requirements.

1. Testing Requirements. Registered laboratories shall test all consumable hemp products in accordance with the following requirements:

(i) All consumable hemp products intended for distribution or sale shall be tested in final packaged form.

(ii) The registered laboratory shall test any part of the consumable hemp product in final packaged form that will be consumed by a consumer.

(iii) Registered laboratories shall follow the relevant methodologies, ranges, and parameters that are contained in the registered laboratory's scopes of the accreditation and certification.

(iv) Registered laboratories shall report the results of each test performed by the registered laboratory to the requesting permittee or manufacturer.

(v) If a sample of a consumable hemp product fails to comply with each of the limits set forth in Subject 40-32-5 of this Chapter, then the independent laboratory shall:

(I). Notify the permittee or manufacturer who submitted the sample of the test results; and

(II). Report the failure to the Department via email to hemp@agr.georgia.gov.

(vi) Registered laboratories shall dispose of the remains of the samples of consumable hemp products upon completion of testing, unless directed otherwise by the Department.

(c) Certificate of Analysis. Registered laboratories testing consumable hemp products for sale or distribution must generate a full panel certificate of analysis according to the requirements established herein and provide such full panel certificate of analysis to the requesting permittee, manufacturer, wholesaler, or retailer.

1. Registered laboratories shall test and provide a full panel certificate of analysis for consumable hemp products in final packaged form after the samples are:

(i) Homogenized;

(ii) Controlled; and

(iii) Collected as set forth in this Chapter.

2. Full panel certificates of analysis for consumable hemp products intended for sale or distribution must, at a minimum, include the results with supporting data identifying the presence and quantities of the compounds and contaminants set forth in Subject 40-32-5.

(5) Records. An independent laboratory shall establish a system to create, retain, and maintain all required records.

(a) For the testing of consumable hemp products, an independent laboratory shall maintain the following records and shall produce such records upon request by the Department:

1. Records of laboratory testing results for a minimum of thirty-six (36) months from the date of such testing; and

2. For each full panel certificate of analysis, copies of the results of each test performed for a minimum of thirty-six (36) months from the respective dates of issuance.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-4-.04

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

**HISTORY:** Original Rule entitled "Registered Laboratories" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

# Department 40. RULES OF GEORGIA DEPARTMENT OF AGRICULTURE

# Chapter 40-32. HEMP GROWERS AND PROCESSORS

# Subject 40-32-5. CONSUMABLE HEMP PRODUCTS

## 40-32-5-.01 Standards for Consumable Hemp Products

(1) General Standards. All consumable hemp products in the state of Georgia must conform with the standards established in the Georgia Hemp Farming Act and this Chapter.

(a) Prohibited Forms of Consumable Hemp Products. The following products shall not be sold, offered for sale, or otherwise distributed as consumable hemp products in Georgia:

1. The flower or leaves of the Cannabis sativa L. plant, regardless of the total delta-9-THC concentration in such flower or leaves;

2. Products that contain alcohol or constitute an alcoholic beverage under Title 3 of the Official Code of Georgia Annotated;

3. Marijuana products or low THC oil products;

4. Food products, including, but not limited to, dairy, meat, and seafood products; and

5. Any hemp product containing a non-cannabinoid additive that would increase potency, toxicity, or addictive potential, or that would create an unsafe combination with other psychoactive substances including, but not limited to, nicotine.

(b) Compliance with the Georgia Hemp Farming Act and this Chapter shall not exempt consumable hemp products, and processors and manufacturers thereof, from any other applicable Federal or State law.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-5-.01

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

**HISTORY:** Original Rule entitled "Standards for Consumable Hemp Products" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

## 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.

**Cite as** Ga. Comp. R. & Regs. R. 40-32-5-.02

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

**HISTORY:** Original Rule entitled "Total Delta-9-THC Concentration and Contaminant Limits" adopted. F. Sept. 11, 2024; eff. Oct. 1, 2024.

# Department 160. RULES OF GEORGIA DEPARTMENT OF EDUCATION

# Chapter 160-1.

# Subject 160-1-4. GRANT PROGRAMS

## 160-1-4-.321 International Baccalaureate (IB) Exam Fee Initiative Grant

1. **Purpose of Grant.** The purpose of the International Baccalaureate (IB) Exam Fee Initiative Grant is to support local educational agencies (LEA) that have IB programs in one or more of their high schools by providing funds to offset the cost associated with IB exams. Funding for this grant shall be used to reduce the financial obligation of LEAs for the fees associated with IB exams by partially funding the IB exam cost for students who are eligible for free or reduced-price meals and for IB STEM exams taken by any student.

2. **Term and Conditions.** Grants are awarded to LEAs who submit a completed application and have IB programs in one or more high schools. Awardees must use grant funds to partially offset their IB exam fees for students who are eligible for free or reduced-price meals and for IB STEM exams taken by any student. Grant funds may not be used for cancelled IB exams, unused IB exam fees, late-order IB fees, and make-up IB exam fees. Awardees will produce a report at the conclusion of the grant period.

3. **Eligible Recipient(s).** Eligible recipients include LEAs that have IB programs in their high schools.

4. **Criteria for Award.** Applications are reviewed by the Georgia Department of Education for adherence to the terms and conditions described in the application. Grant awards will be based on the projected number of IB exams taken by students who are eligible for free or reduced-price meals and the projected number of IB STEM exams for the current school year.

Priority will be given to LEAs that have IB programs in high schools that have been identified as Tier IV, Comprehensive Support and Improvement, Additional Targeted Support and Improvement, or Targeted Support and Improvement. Grant funding for the LEAs with IB programs in identified schools will be higher per student.

5. **Directions and Deadlines for Applying.** To apply for the grant, eligible applicants must complete and submit an electronic application located online at the GaDOE Grant Opportunities webpage. Information regarding the deadline will also be on the GaDOE Grant Opportunities webpage. All additional requests for information should be made to gifted@doe.k12.ga.us.

**Cite as** Ga. Comp. R. & Regs. R. 160-1-4-.321

**AUTHORITY: O.C.G.A. §** 20-2-240**.**

**HISTORY:** Original grant description entitled "International Baccalaureate (IB) Exam Fee Initiative Grant" submitted September 23, 2024.

# Department 505. PROFESSIONAL STANDARDS COMMISSION

# Chapter 505-2. CERTIFICATION

## 505-2-.08 [Effective 10/15/2024] Provisional Certificate

(1) **Summary:** This rule outlines the requirements and procedures for issuance of a Provisional certificate, which allows individuals holding this certificate and meeting entry requirements to teach up to three years while completing requirements for professional certification.

(2) **Provisional Requirements.**

(a) Degree Requirement.

1. Hold a bachelor's degree or higher from a GaPSC-accepted accredited institution, unless Georgia does not require a bachelor's degree for the specific field. Minimum degree requirements are defined in the applicable teaching or service rule.

(b) Assessment Requirements.

1. Attain a passing score on the GACE content assessment.

(i) If no GACE or other GaPSC-approved content assessment is available for the certification field requested, the individual is exempt from this requirement.

(ii) For Special Education certificates, the content assessment is not required up front, but must be passed before conversion. Issuance of special education academic content concentration(s) requires the appropriate GACE content assessment(s) for the concentration area(s) for the Provisional Certificate.

2. Pass the GACE Educator Ethics Assessment.

3. Have the certificate requested by the employing Georgia local unit of administration (LUA) following procedures outlined in Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES.

(c) The Provisional certificate is issued in the following fields to individuals employed by a Georgia LUA who meet the Provisional certificate requirements outlined in the rule specific to that field:

1. CAREER AND TECHNICAL SPECIALIZATIONS (See GaPSC Rule 505-2-.90 CAREER AND TECHNICAL SPECIALIZATIONS).

2. HEALTHCARE SCIENCE (See GaPSC Rule 505-2-.87 HEALTHCARE SCIENCE).

(3) **Additional Certificate Titles Issued in the Field.**

(a) The Provisional certificate is issued in the following service fields to individuals employed by a Georgia LUA who meet the Provisional service certificate requirements outlined in the rule specific to that field:

1. Media Specialist (See GaPSC Rule 505-2-.143 MEDIA SPECIALIST).

2. School Counseling (See GaPSC Rule 505-2-.144 SCHOOL COUNSELING).

3. School Nutrition Director (See GaPSC Rule 505-2-.145 SCHOOL NUTRITION DIRECTOR).

4. Speech-Language Associate (See GaPSC Rule 505-2-.151 SPEECH-LANGUAGE ASSOCIATE).

(4) **Conversion to an Induction or Professional Certificate.**

(a) Individuals holding a Provisional certificate may apply to convert their certificate to an Induction or Professional certificate upon meeting all requirements for that certificate.

(5) **Certificate Upgrade.**

(a) Individuals holding a Provisional certificate are not eligible to upgrade to a higher certificate level until conversion to an Induction or Professional certificate and meeting requirements outlined in GaPSC Rule 505-2-.33 CERTIFICATE UPGRADE. Initial issuance of the Provisional certificate level will be as specified in GaPSC Rule 505-2-.02 CLASSIFICATION.

(6) **Validity.**

(a) The Provisional certificate is valid for three (3) years with the following exceptions:

1. Provisional certificates will be issued for one (1) year pending verification of enrollment in a GaPSC-accepted educator preparation program leading to certification in the Provisional certification field held by the individual. Once enrolled in a GaPSC-accepted program, the certificate may be extended for two additional years if requested by the employing local unit of administration (LUA) and following procedures outlined in GaPSC Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES.

(i) Individuals who are not enrolled in a GaPSC-accepted program after the initial one-year validity period may be issued a certificate for an additional year upon the request of the employing local unit of administration (LUA). In order to qualify for the remaining year of eligibility, an individual must be enrolled in an approved program. Once enrolled in a GaPSC-accepted program, the certificate may be extended for a third year if requested by the employing local unit of administration and following procedures outlined in GaPSC Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES. Should an individual not be enrolled by the third year, a waiver certificate must be requested by the employing local unit of administration (LUA).

2. Valid from one (1) to three (3) years if an individual has previously held a Non-Renewable Non-Professional, Induction Pathway 4, or GaTAPP (Clinical Practice, Core Academic, Intern and One-Year Supervised Practicum) certificate in any field. In these circumstances, the Provisional certificate will be issued for the number of full years for which the individual can document that the previous certificate was unused. Provisional certificates are not issued for partial academic years.

(7) **Restrictions.**

(a) The Provisional certificate is not issued to an individual who has completed the student teaching component of a state-approved educator preparation program leading to Induction certification but has outstanding institutional requirements for program completion.

(b) The Provisional certificate is not issued if an individual previously held a Provisional or equivalent certificate for the full validity that was not converted.

(c) The Provisional certificate is not issued for leadership fields (See GaPSC Rule 505-2-.153 EDUCATIONAL LEADERSHIP).

(d) Individuals holding a Provisional certificate are not eligible to add Endorsements.

(e) Individuals who hold a Provisional certificate or held a previous equivalent certificate will not qualify for the One (1)-Year Induction or One (1)-Year Nonrenewable to complete assessment requirements.

**Cite as** Ga. Comp. R. & Regs. R. 505-2-.08

**AUTHORITY: O.C.G.A. § 20-2-200.**

**HISTORY:** Original Rule entitled "Alternative Certification" adopted. F. Dec. 18, 1991; eff. Jan. 7, 1992.

**Repealed:** New Rule entitled "Special Georgia Requirements" adopted. F. Dec. 16, 1992; eff. July 1, 1993, as specified by the Agency.

**Amended:** F. June 29, 1994; eff. July 19, 1994.

**Amended:** F. June 19, 1995; eff. July 9, 1995.

**Amended:** F. June 21, 1996; eff. July 11, 1996.

**Amended:** F. Aug. 11, 2000; eff. Sept. 1, 2000, as specified by the Agency.

**Repealed:** New Rule entitled "International Exchange Certificate" adopted. F. Feb. 20, 2004; eff. Mar. 15, 2004, as specified by the Agency.

**Amended:** F. Dec. 14, 2004; eff. Jan. 15, 2005, as specified by the Agency.

**Amended:** F. June 23, 2005; eff. July 15, 2005, as specified by the Agency.

**Amended:** F. Feb. 16, 2009; eff. Mar. 15, 2009, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. June 12, 2009; eff. July 15, 2009, as specified by the Agency.

**Repealed:** New Rule entitled "Career, Technical and Agricultural Education" adopted. F. June 11, 2014; eff. July 1, 2014, as specified by the Agency.

**Amended:** F. Dec. 22, 2014; eff. Jan. 15, 2015, as specified by the Agency.

**Amended:** F. May 25, 2016; eff. June 15, 2016, as specified by the Agency.

**Amended:** F. Sept. 26, 2016; eff. Oct. 15, 2016, as specified by the Agency.

**Repealed:** New Rule entitled "Provisional Certificate" adopted. F. Dec. 13, 2019; eff. Jan. 1, 2020, as specified by the Agency.

**Amended:** F. June 11, 2020; eff. July 1, 2020, as specified by the Agency.

**Amended:** F. Dec. 11, 2020; eff. Jan. 1, 2021, as specified by the Agency.

**Amended:** F. June 10, 2022; eff. July 1, 2022, as specified by the Agency.

**Amended:** F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

## 505-2-.151 [Effective 10/15/2024] Speech-Language Associate

(1) **Summary:** This rule outlines the requirements and procedures for issuance of the service certificate in Speech-Language Associate P-12, which allows individuals certified in this field to provide related educational support or

direct intervention for all students whose individual education plan (IEP) indicates instructional needs in the area of communication disorders under the direct supervision of a certified Speech and Language Pathologist.

(2) **Professional Certificate** (See GaPSC Rule 505-2-.05 PROFESSIONAL CERTIFICATE).

(a) Issuance.

1. An individual is eligible for a Standard Professional certificate in the field of Speech-Language Associate based on meeting the following requirements:

(i) Meet one of the following options:

(I) Completion of a state-approved certification preparation program in Speech-Language Associate at the bachelor's degree level - level four (4) - or higher.

(II) Hold a valid or expired out-of-state professional certificate at the bachelor's degree level or higher in Speech-Language Associate or GaPSC-determined equivalent with a minimum of one (1) year of successful experience in the field as defined in GaPSC Rule 505-2-.25 EXPERIENCE REQUIREMENTS.

A. If an individual does not meet the experience requirement, they may only qualify for Professional certification by meeting the requirement outlined in (I).

(ii) Meet the Special Georgia Requirements (See GaPSC Rule 505-2-.24 SPECIAL GEORGIA REQUIREMENTS) applicable to the field of Speech-Language Associate.

(I) Pass the GACE content knowledge assessment. As of the date of this rule, no GACE content assessment is available in this field. Upon development of the GACE Speech-Language Associate assessment, a passing score will be required for initial certification in this field or at the time of renewal if the certificate was issued prior to GACE availability.

(II) Meet Standards of Conduct.

(iii) Apply for certification following procedures outlined in Rule 505-2-.27 CERTIFICATION AND APPLICATION PROCEDURES.

(3) **Provisional Certificate Requirements** (See GaPSC Rule 505-2-.08 PROVISIONAL CERTIFICATE).

(a) Issuance.

1. Hold a bachelor's degree in Communication Disorders or Speech and Language Pathology from a GaPSC-accepted accredited institution.

2. Pass the GACE content knowledge assessment. As of the date of this rule, no GACE content assessment is available in this field. Upon development of the GACE Speech-Language Associate assessment, a passing score will be required for conversion of the Provisional certificate to a Professional certificate.

3. Meet Georgia's standards of conduct.

4. Have the certificate requested by the employing Georgia local unit of administration following procedures outlined in GaPSC Rule 505-2-.27 CERTIFICATION APPLICATION, MyPSC AND TEST ELIGIBILITY PROCEDURES.

(b) The Provisional certificate will be issued for one (1) year pending verification of enrollment in GaPSC-accepted educator preparation program leading to professional certification in the field of Speech-Language Associate. Once enrolled in a GaPSC-accepted program, the certificate will be extended for two additional years (See GaPSC Rule 505-2-.08 PROVISIONAL CERTIFICATE).

(c) Conversion.

1. Complete a GaPSC-accepted program in the field of Speech-Language Associate.

2. Meet the following Special Georgia Requirements:

(i) Pass the GACE content knowledge assessment, if not passed for issuance of the Provisional certificate.

(ii) Meet Standards of Conduct.

(iii) Apply for certification following procedures outlined in Rule 505-2-.27 CERTIFICATION AND APPLICATION PROCEDURES.

(3) **Non-Renewable Professional Requirements** (See GaPSC Rule 505-2-.09 NON-RENEWABLE PROFESSIONAL CERTIFICATE).

(a) A One (1)-year Non-Renewable Professional certificate in the field of Speech-Language Associate may be issued at the request of an employing Georgia local unit of administration (LUA) to an individual who holds an expired Georgia Standard Professional Speech-Language Associate certificate but has not met renewal requirements outlined in section (7) below.

(4) **Additional Certificate Title Issued in the Field.**

(a) Retired Educator (See GaPSC Rule 505-2-.44 RETIRED EDUCATOR CERTIFICATE).

(5) **To Add the Field** (See GaPSC Rule 505-2-.34 ADD A FIELD).

(a) To add Speech-Language Associate to an existing certificate in any field, an individual must complete the requirements for an initial Speech-Language Associate certificate outlined in (2)(a), to include all applicable Special Georgia Requirements.

(6) **To Upgrade the Level** (See GaPSC Rule 505-2-.33 CERTIFICATE UPGRADE).

(7) **Renewal Requirements** (See GaPSC Rule 505-2-.36 RENEWAL REQUIREMENTS).

(a) To renew a Professional Speech-Language Associate Certificate, an individual must complete renewal requirements outlined in GaPSC Rule 505-2-.36 RENEWAL REQUIREMENTS.

(8) **In-Field Statement** (See GaPSC Rule 505-2-.40 IN-FIELD ASSIGNMENT).

(a) Under the direction of a GaPSC-certified Speech and Language Pathologist, individuals certified in Speech-Language Associate are in-field to provide educational support or direct intervention for all students whose individual education plan indicates instructional needs in the area of communication disorders.

**Cite as** Ga. Comp. R. & Regs. R. 505-2-.151

**AUTHORITY: O.C.G.A. §** 20-2-200**.**

**HISTORY:** Original Rule entitled "Birth to Five Endorsement" adopted. F. Oct. 22, 2004; eff. Nov. 15, 2004, as specified by the Agency.

**Repealed:** New Rule entitled "Birth Through Five Endorsement" adopted. F. June 18, 2007; eff. July 15, 2007, as specified by the Agency.

**Repealed:** F. Jun. 11, 2014; eff. July 1, 2014, as specified by the Agency.

**Adopted:** New Rule entitled "Speech-Language Associate." F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

# Department 505. PROFESSIONAL STANDARDS COMMISSION

# Chapter 505-3. EDUCATOR PREPARATION RULES

## 505-3-.02 [Effective 10/15/2024] Educator Preparation Provider Annual Reporting and Evaluation

(1) **Purpose**. This rule states requirements for the annual evaluation of educator preparation programs and educator preparation providers, and requirements for annual reporting of program effectiveness by educator preparation providers that prepare individuals for certification as education personnel in Georgia.

(2) **Definitions**.

(a) Advanced Preparation/Degree-Only Program: An educator preparation program at the post-baccalaureate level for the continuing education of educators who have previously completed initial preparation and are certified in the program's subject area or field of certification. Advanced preparation/degree-only programs commonly award graduate credit and include masters, specialist, and doctoral degree programs.

(b) Approval: A process for assessing and enhancing academic and education quality through peer review, to assure the public that an educator preparation provider (EPP) and/or educator preparation program has met institutional, state, and national standards of educational quality; also, a Georgia Professional Standards Commission (GaPSC) decision rendered when an EPP or educator preparation program meets GaPSC standards and required annual reporting requirements.

(c) Approval Review: Examination of evidence and interviews of stakeholders conducted by GaPSC Site Visitors either on-site at an institution/agency, or electronically using web and telephone conferencing systems as part of a Developmental, First Continuing, Continuing, Focused, or Probationary Review.

(d) Candidates/Teacher Candidates: Individuals enrolled in programs for the initial or advanced preparation of educators, programs for the continuing professional development of educators, or programs for the preparation of other professional school personnel. Candidates are distinguished from students in B/P-12 schools. Candidates in programs leading to Teaching (T) certification may also be referred to as Pre-service Teacher Candidates. (The term enrolled is used in the GaPSC approval process to mean the candidate is admitted and taking classes.)

(e) Certified/Classified Personnel Information (CPI): A tri-annual data collection performed by the Georgia Department of Education of active certified and classified employees at each school/district location. The data includes job assignment, subject matter, percentage of time assigned, local years of service, years of experience for payroll purposes, employment basis, and contract salary including all supplements for each certified employee.

(f) Clinical Practice: Culminating residency (formerly referred to as *student teaching)* or internship experiences with candidates placed in classrooms for at least one (1) full semester where they experience intensive and extensive practices in which they are fully immersed in the learning community and provided opportunities to develop and demonstrate competence in the professional roles for which they are preparing. In initial preparation programs in Leadership (L) or Service (S) fields, candidates will complete such culminating residency or internship experiences in placements that allow the knowledge, skills, and dispositions included in the programs to be practiced and applied. In non-traditional preparation programs, such as GaTAPP, clinical practice is job-embedded as candidates must be hired as a classroom teacher to be admitted to the program.

(g) Council for the Accreditation of Educator Preparation (CAEP): The national accreditation organization formed as a result of the unification of the National Council for the Accreditation of Teacher Education (NCATE) and the Teacher Education Accreditation Council (TEAC). CAEP advances excellence in educator preparation through evidence-based accreditation that assures quality and supports continuous improvement to strengthen B/P-12 student learning.

(h) Educator Preparation Program: A planned sequence of courses and experiences for preparing B/P-12 teachers and other professional school personnel that leads to a state certification. See the definitions for the three (3) types of educator preparation programs: Initial, Endorsement, and Advanced/Degree-Only.

(i) Educator Preparation Provider (EPP): The institution of higher education (IHE), college, school, department, agency, or other administrative body responsible for managing or coordinating all programs offered for the initial and continuing preparation of teachers and other school personnel, regardless of where these programs are administratively housed.

(j) Endorsement Program: A planned sequence of courses and experiences, typically three (3) to four (4) courses in length, designed to provide educators with an additional, specific set of knowledge and skills, or to expand and enhance existing knowledge and skills. Successful completion of an endorsement program results in the addition of the endorsement field to the Georgia educator certificate designating expertise in the field. Endorsement programs may be offered as non-credit bearing programs, or they may lead to college credit; they must be approved by the GaPSC and administered by a GaPSC-approved EPP, and may be offered as either a stand-alone program or, unless otherwise specified in GaPSC Educator Preparation Rules 505-3-.82 through 505-3-.115, embedded in an initial preparation or advanced/degree-only program. Depending on the needs of the individual educator, endorsement programs may also be included as a part of an educator's professional learning plan/goals. See GaPSC Rule 505-2-.14 ENDORSEMENTS.

(k) Field Experiences: Activities that include organized and sequenced engagement of candidates in settings providing opportunities to observe, practice, and demonstrate the knowledge, skills, and dispositions delineated in institutional, state, and national standards. The experiences must be systematically designed and sequenced to increase the complexity and levels of engagement with which candidates apply, reflect upon, and expand their knowledge and skills. Since observation is a less rigorous method of learning, emphasis should be on field experience sequences requiring active professional practice or demonstration, and that include substantive work with B/P-12 students and B/P-12 personnel as appropriate. In non-traditional preparation programs (e.g., GaTAPP), field experiences occur outside candidates' classrooms with students with different learning needs and varied backgrounds in at least two (2) settings during the clinical practice.

(l) Induction: (1) The formal act or process of placing an individual into a new job or position and providing appropriate support during the first three (3) years of employment. The Georgia Department of Education defines The Induction Phase Teacher as any teacher who has been hired into a new permanent position in any Georgia school. (2) A Georgia level of professional educator certification; for additional information see GaPSC Rule 505-2-.04 INDUCTION CERTIFICATE.

(m) Initial Preparation Program: A program designed to prepare candidates for their initial, or first, professional certificate in a Teaching (T), Leadership (L), or Service (S) field. Examples include degree programs at the baccalaureate, master's, or higher levels; or post-baccalaureate programs, non-degree certification-only programs, and non-traditional programs, such as the Georgia Teacher Academy for Preparation and Pedagogy (GaTAPP) or Alternative Preparation for Educational Leadership program. Programs leading to an educator's first certificate in a particular field are considered initial preparation even if the educator is certified in one or more other fields.

(n) Non-traditional Teacher Preparation Program (GaTAPP): A program designed to prepare individuals who at admission hold an appropriate degree with verified content knowledge through a major or its equivalent in the content field or a passing score on the state-approved content assessment in the content field. If the state-approved content knowledge was not required at admission, it must be passed for program completion. Non-traditional teacher preparation programs lead only to a certificate, not to a degree or college credit and:

1. Feature a flexible timeframe for completion;

2. Are job-embedded allowing candidates to complete requirements while employed by a regionally accredited local unit of administration (school district or private school), a charter school approved by the Georgia State Charter School Commission, or a charter school approved by the Georgia Department of Education as a classroom teacher full-time or part-time for at least a half day;

3. Require that candidates are supported by a Candidate Support Team;

4. Require an induction component that includes coaching and supervision;

5. Provide curriculum, performance-based instruction, and assessment focused on the pedagogical knowledge, and dispositions necessary for the candidate to teach his/her validated academic content knowledge; and

6. Are individualized based on the needs of each candidate with respect to content knowledge, pedagogical skills, learning modalities, learning styles, interests, and readiness to teach. See GaPSC Rule 505-3-.05 GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY (GaTAPP).

(o) Preparation Program Effectiveness Measures (PPEMs): A set of common measures applied to all teacher preparation programs leading to initial certification in a field. Teacher Preparation Program Effectiveness Measures (TPPEMs) are further defined in this rule.

(p) Out-of-State Institution: An institution of higher education that is administratively based in a state within the United States other than Georgia.

(q) Program Completer: A person who has met all the requirements of a GaPSC-approved or state- approved out-of-state educator preparation program, to include all GaPSC requirements such as attempting all assessments required for state certification.

(r) State-approved Content Assessment: A content-specific, standardized test aligned with preparation program standards (state and national) and Georgia's P-12 curriculum, and developed to ensure that educators have the content knowledge necessary for successful performance as an educator. A passing score on the appropriate assessment is required for state certification.

(s) Teacher Preparation Program Effectiveness Measures (TPPEMs): A set of common measures applied to all GaPSC-approved teacher preparation programs leading to initial certification in a Teaching field.

(t) Traditional Preparation Program: A credit-bearing program designed for the preparation of educators offered by an institution of higher education.

(3) **General Requirements and Applicability**.

(a) The requirements stated in this rule apply to all GaPSC-approved educator preparation providers (EPPs) and all educator preparation programs leading to initial certification.

(b) Data will be reported in the aggregate, so as not to identify individual program candidates. Personally identifiable information will not be reported by GaPSC.

(4) **Preparation Program Effectiveness Measures (PPEMs)**.

(a) Completion Reporting Year. The PPEM reporting year for program completion starts September 1 and ends August 31.

(b) Teacher Preparation Program Effectiveness Measures (TPPEMs) are comprised of a set of three measures representing the performance of candidates while enrolled in the preparation program and their performance in the classroom after program completion when completers are employed in Georgia public schools or Georgia public charter schools and in their fields of preparation. TPPEMs are collected and reported annually. TPPEM measures include:

1. Employer Perceptions of Preparation data are derived from the common, statewide survey conducted annually of employers of those program completers (referred to as *inductees*) employed in Georgia public or public charter

schools. For each cohort, the survey will be administered one time near the end of the first year of inductees' employment in the field of preparation.

2. Inductee Perceptions of Preparation data are derived from the common, statewide survey, conducted annually of those program completers employed in Georgia public or public charter schools and in their fields of preparation. For each cohort, the survey will be administered one time near the end of the first year of inductees' employment in the field of preparation.

3. Assessment of Content Knowledge (state-approved content assessment; Georgia Assessments for the Certification of Educators [GACE]).

(i) Every candidate enrolled in a teacher preparation program for which there is a GACE content assessment must attempt the entire assessment (all tests within the assessment) within a window of time beginning at a point determined by the EPP and ending on August 31 in the reporting year of program completion, and at least once prior to program completion (an attempt results in an official score on all tests within the assessment). Candidates enrolled in non-traditional teacher preparation programs may be required to pass the appropriate GACE content assessment prior to program admission, depending upon the field of certification sought (see GaPSC Rule 505-3-.05 GEORGIA TEACHER ACADEMY FOR PREPARATION AND PEDAGOGY).

(ii) For all teacher preparation programs, the best attempt for each program completer prior to or on August 31 in the reporting year of program completion will be used in reporting.

(c) Refer to the PPEM Technical Specifications document for additional information on each measure, and the schedule of data collection and reporting.

(5) **Annual Reporting.**

(a) State Reporting.

1. All GaPSC-approved EPPs are required to regularly and accurately submit all required candidate-level data to the Traditional Program Management System (TPMS) or the Non-traditional Reporting System (NTRS) as appropriate for all programs offered and according to the timelines established in Educator Preparation Rule 505-3-.01 REQUIREMENTS AND STANDARDS FOR APPROVING EDUCATOR PREPARATION PROVIDERS AND EDUCATOR PREPARATION PROGRAMS, paragraph (3) (c) 8.

2. Out-of-state EPPs with teacher candidates fulfilling field and clinical experiences in Georgia schools are required to regularly and accurately submit to TPMS all data specified by GaPSC staff in association with the issuance of the Pre-Service Certificate, and in accordance with the reporting requirements and deadlines specified in Rule 505-3-.01, paragraph (3) (c) 8.

(b) Federal Reporting: Title II. All GaPSC-approved EPPs are required to submit annually the data required for federal Title II reporting. Failure to submit Title II data, accurately, completely, and by published deadlines may result in adverse changes in approval status, up to and including recommendation to the Commission of revocation of approval, and may result in fines.

(6) **Uses of PPEMs and Annual Report Data.**

(a) Reporting to EPPs. When sufficient data are available, PPEMs will be provided annually to each GaPSC-approved EPP. All data will be aggregated at the program level; no individual level data will be provided. EPPs are expected to use PPEMs and other data to improve programs.

(b) Reporting to the Georgia Professional Standards Commission. PPEMs will be provided annually to the 18-member standards commission via the public dashboard; data will be aggregated at the program and EPP levels and no individual level data will be provided.

(c) Reporting to Other State Agencies. The Georgia Professional Standards Commission is a participating agency in GAAWARDS, Georgia's Academic and Workforce Analysis and Research Data System, which is the state's Pre-K through workforce (P20W) longitudinal data system. Data of individual candidates is provided to GAAWARDS annually. All personally identifiable information is removed prior to being used for research purposes.

(d) Reporting to the Public. PPEMs will be provided to the public annually via the GaPSC website. Data will be aggregated at the program and EPP levels; no individual level data or aggregations of fewer than ten (10) individuals will be provided.

**Cite as** Ga. Comp. R. & Regs. R. 505-3-.02

**AUTHORITY: O.C.G.A. §** 20-2-200**.**

**HISTORY:** Original Rule entitled "Educator Preparation Provider Annual Reporting and Evaluation" adopted. F. Apr. 24, 2014; eff. May 15, 2014, as specified by the Agency.

**Amended:** F. Jun. 13, 2014; eff. July 3, 2014.

**Repealed:** New Rule of same title adopted. F. Dec. 20, 2016; eff. Jan. 15, 2017, as specified by the Agency.

**Amended:** F. Apr. 10, 2018; eff. Apr. 15, 2018, as specified by the Agency.

**Amended:** F. Sept. 24, 2019; eff. Oct. 15, 2019, as specified by the Agency.

**Amended:** F. Dec. 13, 2019; eff. Jan. 1, 2020, as specified by the Agency.

**Amended:** F. June 11, 2020; eff. July 1, 2020, as specified by the Agency.

**Repealed:** New Rule with same title adopted. F. Dec. 9, 2022; eff. Jan. 1, 2023, as specified by the Agency.

**Amended:** F. Dec. 14, 2023; eff. Jan. 1, 2024, as specified by the Agency.

**Note:** Correction of non-substantive typographical error in subparagraph (2)(l), "... see GaPSC Rule 505-2-04 INDUCTION CERTIFICATE." corrected to "... see GaPSC Rule 505-2-.04 INDUCTION CERTIFICATE.", as requested by the Agency. Effective Feb. 19, 2024.

**Amended:** F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

## 505-3-.08 [Repealed effective 10/15/2024] Innovative and Experimental Programs

**Cite as** Ga. Comp. R. & Regs. R. 505-3-.08

**AUTHORITY: O.C.G.A. §** 20-2-200**.**

**HISTORY:** Original Rule entitled "Requirements and Standards for Training Pre-Candidates, Candidates and Facilitators in Georgia's National Board Certified Teachers Program" adopted. F. May 9, 2002; eff. June 1, 2002, as specified by the Agency.

**Amended:** F. Aug. 20, 2004; eff. Sept. 15, 2004, as specified by the Agency.

**Repealed:** New Rule of same title adopted. F. Oct. 24, 2005; eff. Nov. 15, 2005, as specified by the Agency.

**Repealed:** New Rule entitled "Innovative and Experimental Programs" adopted. F. Apr. 24, 2014; eff. May 15, 2014, as specified by the Agency.

**Repealed:** F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

# Department 505. PROFESSIONAL STANDARDS COMMISSION

# Chapter 505-6. PROFESSIONAL PRACTICES

## 505-6-.03 [Repealed effective 10/15/2024] Change of Address

**Cite as** Ga. Comp. R. & Regs. R. 505-6-.03

**AUTHORITY: O.C.G.A. §§** 20-2-200**;** 20-2-984**;** 20-2-984.3**.**

**HISTORY:** Original Rule entitled "Change of Address" adopted. F. July 10, 2000; eff. August 1, 2000, as specified by the Agency.

**Amended:** F. Sept. 19, 2002; eff. Oct. 15, 2002, as specified by the Agency.

**Repealed:** F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

## 505-6-.09 [Repealed effective 10/15/2024] Investigation Instituted by Self-Referral

**Cite as** Ga. Comp. R. & Regs. R. 505-6-.09

**AUTHORITY: O.C.G.A. §§** 20-2-200**;** 20-2-984**;** 20-2-984.3**.**

**HISTORY:** Original Rule entitled "Investigation Instituted by Self-Referral" adopted. F. Sept. 10, 2001; eff. Oct. 1, 2001, as specified by the Agency.

**Amended:** F. Sept. 19, 2002; eff. Oct. 15, 2002, as specified by the Agency.

**Repealed:** F. Sept. 25, 2024; eff. Oct. 15, 2024, as specified by the Agency.

# Department 509. GEORGIA BOARD OF PRIVATE DETECTIVE AND SECURITY AGENCIES

# Chapter 509-4. SAFETY AND CONDUCT OF LICENSEES AND REGISTRANTS

## 509-4-.01 Weapons

(1) No person licensed by the Board to carry a firearm shall carry any firearm which is not in operable condition and capable of firing live ammunition, and when carrying such a weapon, the licensee shall have on his person live ammunition capable of being fired in the weapon which he carries.

(2) No person licensed or registered by the Board to provide security services shall carry a firearm except while providing actual security services on behalf of their employer or while going directly to and from work. Under no condition shall a licensee, registrant or employee or agent of a licensee carry any sort of firearm or have anyone accompanying them who is carrying a firearm while soliciting new or prospective clients.

(3) The issuance of an exposed weapons permit shall authorize the holder of such permit to carry a revolver of no greater caliber than a .357, or to carry a semi-automatic handgun of no greater caliber than .45. The applicant for a weapon permit must submit proof of range and classroom training for the caliber weapon carried. Classroom training must be conducted using a Board-approved curriculum, except for any person with a valid peace officer certification issued pursuant to Chapter 8 of Title 35, the "Georgia Peace Officer Standards and Training Act," who is employed by or works as an independent contractor for a Private Security company, pursuant to O.C.G.A. § 43-38-14.

(a) The holder of a weapon permit may be authorized to carry a shotgun upon request in writing to the Board. Such request shall include supporting justification and reasons for the need to carry such weapon;

(b) The holder of a weapons permit who has been authorized to carry a shotgun must submit proof of two (2) hours of classroom instruction within the past two (2) years to include mechanics of the shotgun, components of the shot-shell, penetration power of the shotgun and safe handling of the shotgun.

(4) The issuance of a concealed weapons permit shall authorize the holder of such permit to carry a revolver of no greater caliber than a .357, or to carry a semi-automatic handgun of no greater caliber than a .45. The holder of a concealed weapon permit must submit proof of firing range score for the caliber weapon carried.

(5) The holder of any weapon permit issued by the Board must qualify annually with the weapon carried or assigned. Proof of range scores must be retained by the license holder or agency.

**Cite as** Ga. Comp. R. & Regs. R. 509-4-.01

**AUTHORITY: O.C.G.A. §§** 43-38-4(d)(3), (4), (10), 43-38-10(c), (d), 43-38-14(b).

**HISTORY:** Original Rule entitled "Weapons" adopted as ER. 509-4-0.4-.01. F. July 24, 1981; eff. July 20, 1981, the date of adoption.

**Amended:** ER. 509-4-0.9-.01 of same title adopted. F. Oct. 13, 1981; eff. Oct. 7, 1981, the date of adoption.

**Amended:** Permanent Rule of same title adopted. F. Dec. 15, 1981; eff. Jan. 4, 1982.

**Amended:** F. Jan. 23, 1985; eff. Feb. 12, 1985.

**Amended:** F. Dec. 27, 1989; eff. Jan. 16, 1990.

**Amended:** F. Aug. 17, 1998; eff. Sept. 6, 1998.

**Repealed:** New Rule of same title adopted. F. May 17, 2005; eff. June 6, 2005.

**Repealed:** New Rule of same title adopted. F. Dec. 12, 2006; eff. Jan. 1, 2007.

**Amended:** F. Nov. 4, 2022; eff. Nov. 24, 2022.

**Note:** Correction of non-substantive typographical error recently discovered by the Board, subparagraph number "(3)(c)" deleted to reflect Rule as originally filed on November 4, 2022. Subparagraph "(3)(c)" was a migration error which occurred during Administrative Procedure processing; and the subparagraph appeared blank on the Rules and Regulations prior to this correction. Effective September 18, 2024.

# Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

## Chapter 511-5. HEALTH PROMOTION

## Subject 511-5-5. TESTING FOR INHERITED DISORDERS IN THE NEWBORN

### 511-5-5-.03 [Effective 10/9/2024] Testing Required of Newborn Babies

(1) It is the goal of the Department that every baby born alive in Georgia shall be tested for the following conditions, unless its parents or legal guardians object in writing on the ground that such tests and treatment conflict with their religious beliefs:

(a) critical congenital heart disease (CCHD);

(b) hearing impairment;

(c) argininosuccinic aciduria;

(d) beta-ketothiolase deficiency;

(e) biotinidase deficiency;

(f) carnitine uptake defect;

(g) citrullinemia;

(h) congenital adrenal hyperplasia;

(i) congenital hypothyroidism;

(j) cystic fibrosis;

(k) galactosemia;

(l) glutaric acidemia type I;

(m) homocystinuria;

(n) isovaleric acidemia;

(o) Krabbe disease as a pilot program beginning September 21, 2021;

(p) long-chain acyl-CoA dehydrogenase deficiency;

(q) maple syrup urine disease;

(r) medium-chain acyl-CoA dehydrogenase deficiency;

(s) methylmalonic acidemia;

(t) mucopolysaccharidosis type 1;

(u) multiple carboxylase deficiency;

(v) phenylketonuria;

(w) pompe disease;

(x) propionic acidemia;

(y) severe combined immunodeficiency (SCID);

(z) sickle cell hemoglobinopathies;

(aa) spinal muscular atrophy;

(bb) trifunctional protein deficiency;

(cc) tyrosinemia;

(dd) very long-chain acyl-CoA dehydrogenase deficiency;

(ee) x-linked adrenoleukodystrophy;

(ff) 3-methylcrotonyl-CoA carboxylase deficiency; and

(gg) 3-OH 3-CH3 glutaric aciduria.

(2) Unless otherwise noted in subparagraph (1) above, testing for conditions (1)(c) through (gg) shall be conducted through laboratory analysis of the baby's blood on a Newborn Screening Specimen Card as provided in DPH Rule 511-5-5-.04.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-5-.03

**AUTHORITY: O.C.G.A. §§** 31-2A-6**,** 31-12-5 **through** 31-12-7**.**

**HISTORY:** Original Rule entitled "Testing Required of Newborn Babies" adopted. F. May 13, 2014; eff. June 2, 2014.

**Amended:** F. June 14, 2019; eff. July 15, 2019, as specified by the Agency.

**Amended:** F. Nov. 29, 2021; eff. Dec. 29, 2021, as specified by the Agency.

**Amended:** F. Sept. 16, 2024; eff. Oct. 9, 2024, as specified by the Agency.

## 511-5-5-.06 [Effective 10/9/2024] Hearing Screening

(1) All hospitals and birthing centers shall be equipped to conduct a newborn hearing screening test in accordance with these Rules.

(2) When a live birth occurs in a hospital or birthing center or in an office or facility that is equipped to conduct a newborn hearing screening test according to these Rules, a newborn hearing screening test shall be conducted prior to the baby's discharge.

(3) A newborn hearing screening test shall be conducted in accordance with the Georgia Newborn Screening Program Policy and Procedure Manual as follows:

(a) If the baby is in the well-baby nursery, then the test shall be conducted by aOAE and/or aABR;

(b) If the baby is in a SCN or NICU, for greater than five days, then the test shall be conducted after 32 weeks gestational age and when the baby is medically stable, and must include an aABR;

(c) If the baby does not pass the initial newborn hearing screening test, then the submitter may perform a second newborn hearing screening test prior to hospital discharge in accordance with the Georgia Newborn Screening Program Policy and Procedure Manual;

(d) If the baby does not pass the initial or final inpatient newborn hearing screening test, in cases where a second test is performed, in accordance with the Georgia Newborn Screening Program Policy and Procedure Manual, the hospital or birthing center shall conduct cytomegalovirus testing before hospital discharge or 21 days of age, whichever occurs earlier;

(e) In the event that a baby is transferred to another hospital or birthing center before the newborn hearing screening test has been completed, then it is the responsibility of the second facility to assure that a newborn hearing screening test and cytomegalovirus test, as indicated in subsection 3(d) of this Rule, is completed.

(4) The results of the hearing test shall be included in the baby's clinical record, reported to the Department, and given to the parents or legal guardians along with any follow-up recommendations, in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

(5) The results of the cCMV test shall be included in the baby's clinical record, and the status of the cCMV test shall be provided to the baby's physician or healthcare provider and the parent or legal guardian, in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-5-.06

**AUTHORITY: O.C.G.A. §§** 31-2A-6**,** 31-12-5 **through** 31-12-7**.**

**HISTORY:** Original Rule entitled "Hearing Screening" adopted. F. May 13, 2014; eff. June 2, 2014.

**Amended:** F. Sept. 16, 2024; eff. Oct. 9, 2024, as specified by the Agency.

## 511-5-5-.08 [Effective 10/9/2024] Abnormal Test Results

(1) In the event of an abnormal test result from the NBS Card, the appropriate newborn screening follow-up provider shall notify the baby's physician or healthcare provider, and the parent or legal guardian, in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

(2) In the event of an abnormal test result for CCHD, an appropriate assessment or referral shall be made immediately, in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

(3) In the event of a newborn not passing the newborn hearing screening test, the person administering the newborn hearing screening test shall notify the Department of Public Health (DPH) in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

(4) In the event of an abnormal test for cCMV, the provider administering the cCMV test shall notify the Department. The appropriate follow-up provider shall notify the baby's physician or healthcare provider, and the parent or legal guardian, in accordance with the Georgia Newborn Screening Policy and Procedure Manual.

(5) If the parents or legal guardians cannot be reached or are non-responsive, the Department or the parents' county health department should be contacted for assistance.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-5-.08

**AUTHORITY: O.C.G.A. §§** 31-2A-6**,** 31-12-5 **through** 31-12-7**.**

**HISTORY:** Original Rule entitled "Abnormal Test Results" adopted. F. May 13, 2014; eff. June 2, 2014.

**Amended:** F. Sept. 16, 2024; eff. Oct. 9, 2024, as specified by the Agency.

# Department 511. RULES OF GEORGIA DEPARTMENT OF PUBLIC HEALTH

# Chapter 511-5. HEALTH PROMOTION

# Subject 511-5-11. LOW THC OIL PATIENT REGISTRY

## 511-5-11-.01 [Effective 10/17/2024] Definitions

(1) "Cardholder" means a certified patient registered on the Low THC Oil Patient Registry and identified on a "Low THC Oil Card" issued by the Department. A cardholder may also be such a certified patient's caregiver who has been issued a "Low THC Oil Card" by the Department.

(2) "Caregiver" means the parent, legal guardian, or legal custodian of a certified patient, including but not limited to:

(a) An individual person authorized by the Division of Family and Children's Services of the Department of Human Services to care for a child in foster care; or

(b) An individual identified as such a patient's caregiver on the certification form.

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

(4) "Certified patient" means a resident of Georgia who has been certified by a physician licensed by the Georgia Composite Medical Board as being in an inpatient or outpatient hospice program, or as having one of the following conditions:

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

(b) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end stage;

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

(d) Multiple sclerosis, when such disease is diagnosed as severe or end stage;

(e) Crohn's disease;

(f) Mitochondrial disease;

(g) Parkinson's disease, when such disease is diagnosed as 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; as defined in Code Section 31-2A-18(a)(5).

(5) "Low THC Oil" has the definition set forth in Code Section 16-12-190;

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

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

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

**Cite as** Ga. Comp. R. & Regs. R. 511-5-11-.01

**AUTHORITY: O.C.G.A. §§** 16-12-190**,** 16-12-191**,** 31-2A-6**,** 31-2A-18**.**

**HISTORY:** Original Rule entitled "Definitions" adopted. F. July 24, 2015; eff. Aug. 13, 2015.

**Amended:** F. Sept. 18, 2024; eff. Oct. 17, 2024, as specified by the Agency.

## 511-5-11-.02 [Effective 10/17/2024] Low THC Oil Patient Registry

(1) The Department shall maintain a database of certified patients and their caregivers, and shall periodically review the database to determine whether the Low THC Oil Cards of such cardholders are to remain active based on the following information maintained by or submitted to the Department:

(a) The expiration date as printed on the registration card;

(b) The cardholder has become deceased;

(c) The cardholder, specifically the certified patient, no longer has a condition as defined in Code Section 31-2A-18 or is no longer an inpatient or outpatient in hospice care; or

(d) The cardholder, specifically the caregiver, is no longer a caregiver of the certified patient.

(2) All applications for and information stored in the Low THC Oil Patient 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 Patient Registry may be shared with the Georgia Composite Medical Board to assist in the preparation of the semiannual 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 Card;

(d) Information in the Low THC Oil Patient 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.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-11-.02

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

**HISTORY:** Original Rule entitled "Low THC Oil Patient Registry" adopted. F. July 24, 2015; eff. Aug. 13, 2015.

**Amended:** F. Sept. 18, 2024; eff. Oct. 17, 2024, as specified by the Agency.

## 511-5-11-.03 [Effective 10/17/2024] 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 Patient 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 Patient Registry;

(d) Whether the certifying physician has a doctor-patient relationship with the patient; and

(e) Whether the certifying physician is treating the patient for the medical condition or conditions that make the patient eligible for the Low THC Oil Patient Registry.

(3) A physician's certification of a patient for the Low THC Oil Patient Registry shall not constitute a prescription.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-11-.03

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

**HISTORY:** Original Rule entitled "Applications for the Low THC Oil Patient Registry" adopted. F. July 24, 2015; eff. Aug. 13, 2015

**Amended:** F. Sept. 18, 2024; eff. Oct. 17, 2024, as specified by the Agency.

## 511-5-11-.04 [Effective 10/17/2024] Issuance of Low THC Oil Cards

(1) The Department shall print and issue a Low THC Oil Card upon receipt and review of an application certified by the patient's physician and showing eligibility as provided by law. The Low THC Oil Card shall be valid for five years from issuance or the death of the cardholder, whichever happens first.

(2) A Low THC Oil Card 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 Cards shall be mailed to an approved County Health Department nearest to the patient's home if they do not have a mailing address or have a PO Box 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.

(5) The fee for a Low THC Oil Card shall be set forth on the Department's website.

(6) Replacements for an unexpired Low THC Oil Card that has been lost or damaged may be ordered by the cardholder or certifying physician. Replacement cards shall be subject to the same fee as original cards.

**Cite as** Ga. Comp. R. & Regs. R. 511-5-11-.04

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

**HISTORY:** Original Rule entitled "Issuance of Low THC Oil Permits" adopted. F. July 24, 2015; eff. August 13, 2015.

**Amended:** New title, "Issuance of Low THC Oil Cards." F. Sept. 18, 2024; eff. Oct. 17, 2024, as specified by the Agency.

# Department 591. RULES OF BRIGHT FROM THE START GEORGIA DEPARTMENT OF EARLY CARE AND LEARNING

## Chapter 591-1.

## Subject 591-1-1. CHILD CARE LEARNING CENTERS

### 591-1-1-.46 Exemptions

(1) All programs providing group care for children shall obtain either a License, Permit or a commission for an early care and education program or an exemption from the Department, as applicable. Any person or entity operating or planning to operate a program that meets the criteria for exemption from licensure, as listed below, shall either apply to the Department for exemption by submitting the Department's online application for exemption or complete an online self-assessment through the Department, whichever is applicable.

(a) Requirements for Exemption Applications

1. The following exemption categories are required to complete an online application for an exemption through the Department: Category (1) - Government Owned and Operated, if receiving Childcare and Parent Services (CAPS), Category (5) - Licensed Faith Based Accredited or Religious Schools, and Category (7) - Day Camp Programs or School Breaks for School-Aged Children, if receiving Childcare and Parent Services (CAPS). The application for exemption shall include the following:

(i) A valid and current e-mail address.

(ii) A written description of services, fees, ages of children to be served, months, days, and hours of operation and location.

(iii) Verification documentation of ownership type (e.g., Inc. or LLC, board sponsored, individual owner, etc.).

(iv) Copies of written policies, advertisements, parental agreement forms, and other materials to support the criteria for exemption as determined by the Department.

(v) A sworn statement that the information provided to the Department is accurate and truthful.

2. The exemptions granted by the Department are exemptions from licensure, and do not affect the authority of local, regional or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs operated in a residence are not eligible for exemption. Additionally, the exemption is only valid at the address listed on the application.

3. A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the Department and a notice provided by the Department that will notify a Parent that the program is not licensed and is not required to be licensed by the state. The notice shall be at least 1/2 inch letters and shall contain the Department's telephone number and website address.

4. A program approved for an exemption shall maintain attendance records for children. When a Parent initially registers a child with an exempt program, the Parent shall sign a form indicating the Parent has been advised and understands that the program is not licensed and is not required to be licensed by the state. The program must maintain the attendance records and parental notification forms during the time the child is enrolled in the program and for one year after the child no longer attends the program. All records shall be made available to any authorized representative of the Department upon request.

5. Any program granted an exemption from licensure that subsequently loses accreditation, closes and/or ceases operation shall notify the Department in writing within five (5) business days of such a change. A program granted an exemption that has subsequent material changes in the operation of their program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a change in the ages served shall be required to submit an amendment or a new application for exemption to the Department.

6. Programs granted an exemption may be required to periodically update the Department on the status of their exemption and operating information such as but not limited to submitting an annual report that would contain information related to the exemption approval.

7. The Department may rescind an approval for exemption when one or more of the following is determined by the department:

(i) The program no longer meets the criteria for the exemption.

(ii) The program provided false information during the exemption request process or during an investigation.

(iii) The program failed to comply with local, regional, or state health department, fire marshal, fire prevention, or building/zoning guidelines/requirements.

(iv) The program failed to provide the Department with a valid and current e-mail address or with other information requested by the department, such as but not limited to, the months, days, and hours of operation, ages of children served or operating address.

8. A program granted an exemption from licensure that receives funding under the Childcare and Parent Services (CAPS) program must comply with the background check requirements as outlined in Rule 591-1-1-.09, Criminal Records and Comprehensive Background Checks.

(b) Requirements for Exemption Self-Assessments

1. The following exemption categories shall complete an online self-assessment through the Department: Category (2) - National Membership School Aged, Category (3) - Private Schools, and Category (4) - Short Term Care. In addition, Category (1) - Government Owned and Operated and Category (7) - Day Camp Programs or School Breaks for School-Aged Children that will not participate in the Childcare and Parent Services (CAPS) program, shall also complete a self-assessment.

2. Programs that self-assess, do not affect the authority of local, regional, or state health department officials, the state fire marshal, local fire prevention officials, local or regional building officials or zoning officials to inspect and approve facilities and locations. Programs operated in a residence are not eligible for self-assessment. Additionally, the self-assessment is only valid at the address listed and for the services indicated.

3. A program that completes a self-assessment and deems itself exempt but has subsequent material changes in the operation of the program, such as, but not limited to, a change of physical location, a change in operating months, days, and/or hours, or a change in the ages served, shall complete a new self-assessment.

(c) Exemption Categories. The following types of programs shall be exempt from licensure:

1. Category (1) - Government Owned and Operated. Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before- and/or after- school programs in public schools operated by the public school system and staffed with school system employees, recreation programs operated by city or county parks and recreation departments and staffed with city or county employees, and charter schools that operate under the terms of a charter or contract, with an authorizer, such as the state and local boards of education in accordance with the Charter Schools Act, O.C.G.A. § 20-2-2060 *et seq*, and is recognized by the State Charter Schools Commission of Georgia.

2. Category (2) - National Membership School-Aged. Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its national association as complying with the association's purposes, procedures, minimum standards, and mandatory requirements.

3. Category (3) - Private Schools. Private school programs that meet one or more of the following:

(i) A private, either accredited or non-accredited, educational program which provides education in any grades from kindergarten through 12th grade, that operates during the school term for the customary school day, as defined by Georgia law, but that does not provide care before, after, or both before and after the customary school day.

(ii) A non-accredited private educational program which provides education in any grades from kindergarten through 12th grade, and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service.

(iii) An accredited private educational program with an established curriculum for four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full day Child Care Learning Center and are an integral part of an accredited private educational program that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before and/or after school hours for four-year-old children who attend such a program as described above, provided the children do not leave the premises of the accredited private educational program and the program is staffed with employees of that private school.

4. Category (4) - Short Term Care. A program serving children for no more than four (4) hours a day, excluding before and after school care. This may include part-time preschool, parent's morning or night out, short-term educational or recreational classes, or single skill activities.

5. Category (5) - Licensed Faith Based Accredited or Religious Schools. A Center that is licensed by the Department may request an exemption from licensure if the Center's program is an integral part of an established religious congregation or religious school that conducts regularly scheduled classes, courses of study, or educational programs and is a member of, or accredited or certified by a state, regional, or national accrediting agency for religious educational instruction or a state, regional, or national accrediting agency for educational instruction as recognized and approved by the Department if such accrediting entity uses standards that are substantially similar to those established by the Department. In addition to the requirements listed above applicable to all exemptions, the following additional requirements shall apply to Centers seeking an exemption under this provision:

(i) A Center seeking such exemption from licensure shall be required to submit to the Department documentation of certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and any other pertinent documentation as requested by the Department, such as non-profit tax-exempt verification. The accrediting agency must conduct regularly scheduled visits to the program while such program remains accredited.

(ii) If such exemption is granted, the program shall submit documentation to the Department verifying its continued certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and other pertinent documentation as may be requested by the Department.

(iii) Such exemptions granted by the Department are valid as long as the program remains certified or accredited for all ages in which the certification or accreditation is approved. The program shall provide the Department written notice within five (5) business days of the program's loss of certification or accreditation, including a copy of such notification from the certifying or accrediting entity. The Department shall rescind the program's exemption granted herein upon notification of the loss of certification or accreditation.

(iv) Any Center seeking such exemption shall comply with all applicable requirements for background checks for Directors, Provisional Employees and Employees as required in O.C.G.A. § 20-1A-30 *et seq*., Chapter 591-1-1, Rules for Child Care Learning Centers, Department policies, as well as applicable local, regional, and state health

department, state fire marshal, and local fire prevention guidelines/requirements while such exemption is in effect. The Department retains jurisdiction over programs granted such exemption to conduct unannounced periodic background check audits and to conduct complaint investigations regarding compliance with background check requirements, as well as compliance with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.

(v) The Department may rescind such exemption for a program's failure to comply with the requirements for background checks for directors/employees pursuant to O.C.G.A. § 20-1A-30 *et seq*., Chapter 591-1-1, Rules for Child Care Learning Centers, and Department policies.

(vi) Any Center applying for such exemption that is owned and/or under the legal control/direction of the certifying or accrediting entity shall not be approved by the Department.

(vii) A Center seeking such exemption shall adopt and comply with the minimum standards of its certifying or accrediting entity for the operation of the Center's program. Such minimum standards adopted by the Center shall be published and made available to Parents of enrolled or prospective children upon request.

(viii) A program granted such exemption shall comply with the requirements regarding notification to Parents of enrolled children if the program does not carry liability insurance.

6. Category (6) - Reserved.

7. Category (7) - Day Camp Programs or School Breaks for School-Aged Children. Any program whose primary purpose is to provide organized recreational, religious, or instructional activities for children five (5) years and older that is operated during summer and other school breaks for no more than twelve (12) hours per day.

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