

Cannabis in Georgia: An Expose

Intoxicating Cannabis is legal in Georgia. Intoxicating cannabis is regulated in Georgia, available to ALL adults over 21, and children and adults with severe medical conditions. And this fact is unknown to roughly 80% of Georgians, and the ones who do know about it are severely misinformed.

My name is SJ Nicholls, I am a Georgia born, raised and educated scientist and I am an advocate for safe adult cannabis access. In 2019 I left my career as a research scientist to open Georgia's first cannabis testing lab. Five years later, SJ Labs and Analytics, LLC remains the only accredited and approved cannabis lab within the state of Georgia, in major part because the "secret" of legal cannabis has contracted growth of an otherwise bustling industry. This industry goes by other terms you may have heard of, "recreation marijuana", "medical marijuana", "medical cannabis" and "hemp". Are these all the same industry? Nope. Do they overlap? Yup.

Medical Cannabis

The Regulatory Players

Medical Cannabis in GA is primarily regulated and overseen by two government agencies (although some additional agencies touch the program). The Department of Public Health (DPH) and The Georgia Medical Cannabis Commission (GMCC). Both of these agencies fall under the executive branch, aka the Governor. The GMCC is responsible for issuing licenses to producers and independent third party labs (that's me), and are responsible for writing and modifying rules and regulations that provide the detailed production requirements from the point a license is issued through the purchase by a consumer. The DPH is responsible for maintaining accurate education to GA citizens regarding medical cannabis, maintaining and approving approval of physician prescribers and issuing medical cannabis cards to Georgians.

Products

Medical Cannabis is defined in GA as cannabis derived oil based products with 5% (or 50 mg/g) or less of Total THC (delta-9 THC + THCA). These products included gummies, lozenges, nasal sprays, tinctures and topicals. THESE PRODUCTS ARE extremely effective. Somehow the 5% has dissuaded those aware of the program from participating, but consider this:

The average market gummy weighs 4 grams, so a legal GA medical cannabis gummy could max out at 200 mg of THC, and the average adult feels an effect around 5 mg. The recreational marijuana industry in, say Colorado, maxes out doses at 10 mg per unit or 100 mg per pack. Currently GA offers medical gummies ranging from 10-40 mg of THC per unit.

Ingestible products, the majority of the types of products offered and purchased in the GA Medical program are effective, despite being limited to 5%, and last 4-12 hours.

Issues

As of writing this, there are ~25,000 Georgians registered with the Medical Cannabis program, despite ¼ Georgians potentially qualifying. Why so few participants? Lack of education, mismanagement and dereliction of duties from government agencies, the law banning medical cannabis companies from advertising, lack of available products patient want/need (namely vapes and flower), and concerns around protections of the right of a medical patient to consumer and possess their medicine under varying situations.

Lack of education & mismanagement and dereliction of duties from government agencies

In my position, I work closely with those agencies and individuals regulating this industry. They oversee me. They inspect me and set the requirements I must meet to operate in GA. And so the following statement I make at great risk to those relationships, but in the interest of truth, it needs to be stated. The Department of Public Health has failed Georgians in their duties regarding cannabis (this goes for Hemp and Medical Cannabis).

At the onset of the medical cannabis program, DPH stated there were more than 30,000 registrants, nearly a year later they retracted that number and said the real number was closer to 13,000. This error had massive ramifications for producers who had hired and produced more than double the expected demand of the product. Then, following the passage of SB 495 this spring, DPH has actively refused to comply with the law which went into effect July 1, 2024.

SB 495 was a super simple 2 page legislation that mandated the DPH mail AND email medical cards. Prior to the passage of SB 495, medical cards had to be picked up from the regional department of public health. This severely impacted rural, low income and disabled individuals who could not make the journey to regional offices to pick the card up in person, and many have died without their medicine which could have drastically improved quality of life. In October, the DPH STILL were not mailing out medical cards, and told me the law did not pass. Both the state and local office told me this directly, and when I challenged them that the law had in fact passed, both individuals responded that the "logistics" had not been worked out. The consistency in answers between the two offices demonstrates a coordinated and coached effort at the department.

Eventually the DPH did begin mailing out cards. The process is overly complicated. It requires patients to access a link on an email (that you don't know when it may arrive) within 24 hours, pay a fee, wait 10 days and then sign for the package upon arrival. If you aren't at your residence to sign after 3 tries, the card is returned to DPH. Now bare in mind, this is a card for SEVERLY ill people. These conditions for mail delivery were not required in SB 495, and serve no purpose other than obstructing patients from accessing their medication.

Additionally, SB 495 required DPH to allow patients to request the card be delivered by mail OR email. To date, the DPH is still refusing to email medical cannabis cards to approved patients. Dereliction of duty means the intentional or careless failure to perform one's responsibilities or doing so inadequately. Now I am not an attorney, and I'm not sure whether the DPH is breaking the law, but at a minimum it can be considered dereliction of duty.

Lack of available products patient want/need (namely vapes and flower)

Despite the effectiveness of the current products available to Georgia patients, a key category is notably missing. Smokable products like vapes and flowers. The most effective route of cannabis consumption is ingestion, the most rapid onset is inhalation. In other words, smoking cannabis can instantaneously remove pain and will last 20-60 minutes, whereas ingestible products may take up to 2 hours to reach full effectiveness. Smokable cannabis is the market leader in medical markets across the country for this reason. And patients are demanding these products because they are the fastest route of relief.

concerns around protections of the right of a medical patient to consumer and possess their medicine under varying situations

An often overlooked component causing issues in the medical market are patients' concerns about possessing and using the medical cannabis and laws, procedures, or protections that may be in conflict with a patient taking their medicine. Examples include: possessing a gun, professional licenses, employment drug screens, parole and probation, VA hospitals refusing to treat, nursing homes refusing to administer, hospice conflicts. Now, most reasonable people would agree that people should not be allowed to practice medicine, drive a car, drive a forklift, work a job site etc under the influence of any drug be that alcohol, cannabis or other illicit substance. The solution for clarity in these issues outside of policy change, is modifying standard toxicology tests used in employment and insurance screens to test for active THC (the component that makes an individual high) instead of THC metabolites (which shows historical use).

Hemp

Regulatory Player

Like most other states around the country, hemp is regulated by the Georgia Department of Agriculture, which is led by an elected official (Commissioner Tyler Harper) and is an agency independent from the executive branch (who regulates medical cannabis).

In Georgia Hemp is defined as the following "Hemp' means the Cannabis sativa L. plant and any part of such plant, including 111 the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and 112 salts of isomers, whether growing or not, with a total delta-9-THC concentration that does not exceed the legal limit." The legal limit is 0.3% Total THC (which include delta-9 THC and THCA)

Hemp Products

Now that the definitions are out of the way, here is the “big secret”, **the hemp market in Georgia is legally allowed to sell intoxicating products AND these products are comparable to recreational marijuana products in legal states**. Products allowed to be legally sold include gummies, tinctures, beverages, vapes and topicals. The allowable dose limits are the same doses as recreational products elsewhere and are intoxicating to an average adult. Food products (brownies cookies etc) and plant material are not allowed under the current rules and regulations that went into effect October 1, 2024, and these products are the only difference between a recreational market in another state and the hemp market in GA. Georgia does not ban any cannabinoids, rather Georgia requires all products meet the legal limit (see above). Many of these products are incredible. They can offer improved quality of life, mellow intoxication with a much lower addiction potential than alcohol and are generally safe to use in moderation.

Issues

The biggest issue facing hemp is confusion amongst consumers and operators about product legality and safety, misinformation, and once again dereliction of duty by DPH. Cannabis is regulated at a state level, but because hemp was legalized federally, each state has a program and those products can be sold in other states. This is in stark contrast to the medical program where everything must be produced, tested and sold in state. At the core, this ability to trade “legal” products across state lines has led to the spread of misinformation about what can and cannot be sold in Georgia. It is nearly impossible for a manufacturer to consider 50 different state laws when manufacturing a hemp product, so often only the state the manufacturer is in is considered.

Product legality and safety

As an advocate of safe adult access, I find myself often stating that I want cannabis to be talked about in the light of day. I want professionals and house wives (by the way this is the fastest growing population of cannabis purchasers) and life long connoisseurs alike to feel comfortable walking into a hemp store and confidently selecting products or confidently asking the questions to find the products they need. Unfortunately, many manufacturers have muddied the waters by supplying GA dispensaries with mislabeled, illegal and unsafely contaminated products. Some retail stores have pushed high dose products and vapes to children, which has resulted in numerous ER visits and emergency calls from school principals across the state. Many operators in the hemp space have consciously chosen to make fast money with “loophole” products, and have undermined the stability and growth of the industry. Manufacturers have chosen to sell their products they know or should know are above the legal THC limit, or

products they know have contaminants that could endanger the health of consumers, like heavy metals, mycotoxins, pesticides, residual solvents and microbes.

I often find myself contemplating what I consider two sides of cannabis advocacy: the right to get high, and the right for an adult to choose to consume safe cannabis products. For the record I am the latter. Adults should be able to consume cannabis, intoxication or otherwise, smokable or otherwise, but an adult should have the appropriate education, should be sold products free of contaminants, and should be sold accurately labeled doses. Prior to SB 494, more than $\frac{2}{3}$ (based on my own testing) were either inaccurately labeled, contained unsafe levels of contaminants, or were illegal. In fact, 97.1% of all delta-8 THC Vape carts I have tested over the past 5 years have more than 0.3% delta- THC and even higher Total THC values, and that holds true when co-elutors are accounted for. But the industry listened to the money, the demands to get high. In the process of stretching the boundaries and finding loopholes and the coordinated effort across the industry to bury mounting evidence of these issues in the products, the consumer has lost confidence in the ability for the hemp industry to supply good, safe, and transparent products.

As an industry, we are losing the ability to discuss the industry in the daylight.

Dereliction of Duty

This brings me to my next issue in hemp. Most people know our news industry in the US is in trouble. Most Americans now consume “news” via social media, a known source of high misinformation. There are legitimate safety concerns in the current hemp industry, and there are also products available on the hemp market that can greatly improve the lives of Georgians. Both of these statements are true. There is a state agency that is charged with educating Georgians on both health risks and health improvements. The Georgia Department of Public Health once again has dropped the ball in transparently educating Georgians about the current state of cannabis, what is accessible, what should parents know, what is a “normal” dose, what are the health effects, and what does science say in 2024. I still remember the campaigns from my youth about drug use from the DPH, they are impactful. DPH is aware of the issues from the hemp industry as it pertains to children. I know because I have personally told them. I get asked weekly, “how do I talk to my kids about this and what is actually legal or safe”. That's not my job. I pay tax dollars to an agency to provide updated medical and health information to the public regarding current health concerns. Cannabis is that. We NEED accurate public education. Parents, law enforcement, principals, and children NEED accurate cannabis information.