

Senate Bill 104

By: Senators James of the 35th and Rhett of the 33rd

**AS PASSED**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and  
 2 offenses, so as to designate the existing crime of hijacking a motor vehicle as being in the  
 3 first degree and create a new crime of hijacking a motor vehicle in the second degree; to  
 4 provide for penalties; to change provisions relating to burglary in the second degree  
 5 involving a vehicle; to amend the Official Code of Georgia Annotated to provide for  
 6 conforming cross-references; to require the posting of the human trafficking hotline model  
 7 notice in government buildings; to provide for definitions; to provide for exceptions; to  
 8 delete the sunset provision; to change provisions relating to punishment for the unlawful  
 9 manufacture, sale, or distribution of a counterfeit or false proof of insurance document; to  
 10 prohibit the use of a device to film underneath or through an individual's clothing under  
 11 certain circumstances; to provide for definitions; to provide for exceptions; to include the  
 12 sale, manufacture, delivery, or possession of fentanyl and related substances within the  
 13 prohibition of trafficking certain drugs; to change provisions relating to Schedule I and II  
 14 controlled substances; to amend Code Section 26-4-115 of the Official Code of Georgia  
 15 Annotated, relating to wholesale drug distributors, so as to provide for exceptions; to provide  
 16 for related matters; to provide for effective dates; to repeal conflicting laws; and for other  
 17 purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **PART I**  
 20 **SECTION 1-1.**

21 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
 22 amended by revising subsections (b) through (d) of Code Section 16-5-44.1, relating to  
 23 hijacking a motor vehicle, as follows:

24 "(b)(1) A person commits the offense of hijacking a motor vehicle in the first degree  
 25 when such person while in possession of a firearm or weapon obtains a motor vehicle

26 from ~~the person~~ an individual or ~~the~~ presence of another individual by force and violence  
 27 or intimidation or attempts or conspires to do so.

28 (2) A person commits the offense of hijacking a motor vehicle in the second degree when  
 29 such person obtains a motor vehicle from an individual without his or her consent or from  
 30 the immediate presence of another individual without his or her consent or attempts or  
 31 conspires to do so.

32 (c)(1) A person convicted of the offense of hijacking a motor vehicle in the first degree  
 33 shall be punished by imprisonment for not less than ten nor more than 20 years and a fine  
 34 of not less than \$10,000.00 nor more than \$100,000.00, provided that any person who has  
 35 previously committed an offense under the laws of the United States or of Georgia or of  
 36 any of the several states or of any foreign nation recognized by the United States which  
 37 if committed in Georgia would have constituted the offense of hijacking a motor vehicle  
 38 shall be punished by imprisonment for life and a fine of not less than \$100,000.00 nor  
 39 more than \$500,000.00. The punishment imposed pursuant to this paragraph shall not be  
 40 deferred, suspended, or probated. For purposes of this ~~subsection~~ paragraph, the term  
 41 'state' shall include the District of Columbia and any territory, possession, or dominion  
 42 of the United States.

43 (2) A person convicted of the offense of hijacking a motor vehicle in the second degree  
 44 shall be punished upon a first conviction by imprisonment for not less than one nor more  
 45 than ten years and a fine of not more than \$5,000.00. Upon a second conviction for  
 46 hijacking a motor vehicle in the second degree, a person shall be punished by  
 47 imprisonment for not less than three nor more than 15 years and a fine of not more than  
 48 \$5,000.00. Upon a third or subsequent conviction of hijacking a motor vehicle in the  
 49 second degree, a person shall be punished by imprisonment for not less than five nor  
 50 more than 20 years and a fine of not more than \$5,000.00.

51 (d) The offense of hijacking a motor vehicle in the first degree shall be considered a  
 52 separate offense and shall not merge with any other offense; ~~and the punishment prescribed~~  
 53 ~~by subsection (c) of this Code section shall not be deferred, suspended, or probated."~~

54 **SECTION 1-2.**

55 Said title is further amended by revising subsection (c) of Code Section 16-7-1, relating to  
 56 burglary, as follows:

57 "(c) A person commits the offense of burglary in the second degree when, without  
 58 authority and with the intent to commit a felony or theft therein, he or she enters or remains  
 59 within an occupied, unoccupied, or vacant building, structure, ~~vehicle~~, railroad car,  
 60 watercraft, or aircraft. A person who commits the offense of burglary in the second degree  
 61 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment

62 for not less than one nor more than five years. Upon the second and all subsequent  
 63 convictions for burglary in the second degree, the defendant shall be guilty of a felony and  
 64 shall be punished by imprisonment for not less than one nor more than eight years."

65 **PART II**

66 **SECTION 2-1.**

67 The Official Code of Georgia Annotated is amended by replacing "hijacking a motor vehicle"  
 68 with "hijacking a motor vehicle in the first degree" in the following:

- 69 (1) Subparagraph (a)(12)(G) of Code Section 15-11-2, relating to definitions for the  
 70 Juvenile Code;
- 71 (2) Subparagraph (b)(1)(L) of Code Section 15-11-505, relating to use of detention  
 72 assessments to determine if detention is warranted and "serious delinquent act" defined;
- 73 (3) Paragraph (6) of subsection (a) of Code Section 17-6-1, relating to where offenses  
 74 are bailable, procedure, schedule of bails, and appeal bonds; and
- 75 (4) Subparagraph (a)(2)(C) of Code Section 17-6-12, relating to the discretion of the  
 76 court to release person charged with a crime on person's own recognizance only.

77 **PART III**

78 **SECTION 3-1.**

79 Code Section 16-11-131 of the Official Code of Georgia Annotated, relating to possession  
 80 of a firearm by convicted felons and first-offender probationers, is amended by revising  
 81 subsection (e) as follows:

82 "(e) As used in this Code section, the term 'forcible felony' means any felony which  
 83 involves the use or threat of physical force or violence against any person and further  
 84 includes, without limitation, murder; murder in the second degree; burglary in any degree;  
 85 robbery; armed robbery; home invasion in any degree; kidnapping; hijacking of an aircraft  
 86 or hijacking a motor vehicle in the first degree; aggravated stalking; rape; aggravated child  
 87 molestation; aggravated sexual battery; arson in the first degree; the manufacturing,  
 88 transporting, distribution, or possession of explosives with intent to kill, injure, or  
 89 intimidate individuals or destroy a public building; terroristic threats; or acts of treason or  
 90 insurrection."

91 **SECTION 3-2.**

92 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
 93 amended by revising division (a)(11)(A)(vi) of Code Section 17-7-130, relating to  
 94 proceedings upon plea of mental incompetence to stand trial, as follows:

95 "(vi) Hijacking of a motor vehicle in the first degree or hijacking an aircraft;"

96 **SECTION 3-3.**

97 Said title is further amended by revising paragraph (6) of subsection (a) of Code Section  
 98 17-10-9.1, relating to voluntary surrender to county jail or correctional institution, as follows:

99 "(6) Aircraft hijacking and hijacking of a motor vehicle in the first degree;"

100 **PART IV**101 **SECTION 4-1.**

102 Said title is further amended by repealing subsection (e), adding a new subsection, and  
 103 revising subsections (a), (b), and (d) of Code Section 16-5-47, relating to posting model  
 104 notice with human trafficking hotline information in businesses and on Internet and  
 105 termination, as follows:

106 "(a) As used in this Code section, the term:

107 (1) 'Adult entertainment establishment' means any place of business or commercial  
 108 establishment wherein:

109 (A) The entertainment or activity therein consists of nude or substantially nude persons  
 110 dancing with or without music or engaged in movements of a sexual nature or  
 111 movements simulating sexual intercourse, oral copulation, sodomy, or masturbation;

112 (B) The patron directly or indirectly is charged a fee or required to make a purchase  
 113 in order to view entertainment or activity which consists of persons exhibiting or  
 114 modeling lingerie or similar undergarments; or

115 (C) The patron directly or indirectly is charged a fee to engage in personal contact by  
 116 employees, devices, or equipment, or by personnel provided by the establishment.

117 Such term shall include, but shall not be limited to, bathhouses, lingerie modeling studios,  
 118 and related or similar activities. Such term shall not include businesses or commercial  
 119 establishments which have as their sole purpose the improvement of health and physical  
 120 fitness through special equipment and facilities, rather than entertainment.

121 (2) 'Agricultural products' means raising, growing, harvesting, or storing of crops;  
 122 feeding, breeding, or managing livestock, equine, or poultry; producing or storing feed  
 123 for use in the production of livestock, including, but not limited to, cattle, calves, swine,  
 124 hogs, goats, sheep, equine, and rabbits, or for use in the production of poultry, including,

125 but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, Christmas  
 126 trees, fowl, equine, or animals; or ~~the production of~~ producing aquacultural, horticultural,  
 127 viticultural, silvicultural, grass sod, dairy, livestock, poultry, egg, and apiarian products.

128 (3) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for  
 129 consumption by guests on the premises and in which the serving of food is only  
 130 incidental to the consumption of those beverages, including, but not limited to, taverns,  
 131 nightclubs, cocktail lounges, and cabarets.

132 (4) 'Day hauler' means any person who is employed by a farm labor contractor to  
 133 transport, or who for a fee transports, by motor vehicle, workers to render personal  
 134 services in connection with the production of any farm products to, for, or under the  
 135 direction of a third person; provided, however, that such term shall not include a person  
 136 who produces agricultural products.

137 (5) 'Farm labor contractor' means any person who, for a fee, employs workers to render  
 138 personal services in connection with the production of any farm products to, for, or under  
 139 the direction of a third person, or who recruits, solicits, supplies, or hires workers on  
 140 behalf of an employer engaged in the growing or producing of farm products, and who,  
 141 for a fee, provides in connection therewith one or more of the following services:  
 142 furnishes board, lodging, or transportation for those workers; supervises, times, checks,  
 143 counts, weighs, or otherwise directs or measures their work; or disburses wage payments  
 144 to such persons; provided, however, that such term shall not include a person who  
 145 produces agricultural products.

146 (5.1) 'Government building with public access' means a building or portion of a building  
 147 owned or leased by a government entity.

148 (5.2) 'Government entity' means an office, agency, authority, department, commission,  
 149 board, body, division, instrumentality, or institution of the executive, legislative, or  
 150 judicial branch of the state government and any county, municipal corporation, or  
 151 consolidated government within this state.

152 (6) 'Hotel' means any hotel, inn, or other establishment which offers overnight  
 153 accommodations to the public for hire.

154 (7) 'Massage therapist' means a person licensed pursuant to Chapter 24A of Title 43.

155 (8) 'Primary airport' shall have the same meaning as set forth in 49 U.S.C. Section  
 156 47102(16).

157 (9) 'Substantially nude' means dressed in a manner so as to display any portion of the  
 158 female breast below the top of the areola or displaying any portion of any person's pubic  
 159 hair, anus, cleft of the buttocks, vulva, or genitals.

160 (10) 'Truck stop' means a privately owned and operated facility that provides food, fuel,  
 161 shower or other sanitary facilities, and lawful overnight truck parking.

162 (b) Effective September 15, 2013, the following businesses and other establishments shall  
 163 post the notice described in subsection (c) of this Code section, or a substantially similar  
 164 notice, in English, Spanish, and any other language deemed appropriate by the director of  
 165 the Georgia Bureau of Investigation, in each public restroom for the business or  
 166 establishment and either in a conspicuous place near the public entrance of the business or  
 167 establishment or in another conspicuous location in clear view of the public and employees  
 168 where similar notices are customarily posted:

- 169 (1) Adult entertainment establishments;
- 170 (2) Bars;
- 171 (3) Primary airports;
- 172 (4) Passenger rail or light rail stations;
- 173 (5) Bus stations;
- 174 (6) Truck stops;
- 175 (7) Emergency rooms within general acute care hospitals;
- 176 (8) Urgent care centers;
- 177 (9) Farm labor contractors and day haulers;
- 178 (10) Privately operated job recruitment centers;
- 179 (11) Safety rest areas located along interstate highways in this state;
- 180 (12) Hotels; ~~and~~
- 181 (13) Businesses and establishments that offer massage or bodywork services by a person  
 182 who is not a massage therapist; ~~and~~
- 183 (14) Government buildings; provided, however, that in the case of leased property, this  
 184 paragraph shall only apply to public restrooms that are a part of such lease for exclusive  
 185 use by the government entity."

186 "(c.1) Every government entity shall, on the homepage of its website, provide an identified  
 187 hyperlink to the model notice that is on the Georgia Bureau of Investigation website as  
 188 provided for in subsection (c) of this Code section.

189 (d)(1) A law enforcement officer shall notify, in writing, any business or establishment  
 190 that has failed to comply with this Code section that it has failed to comply with the  
 191 requirements of this Code section and if it does not correct the violation within 30 days  
 192 from the date of receipt of the notice, the owner of such business or establishment shall  
 193 be charged with a violation of this Code section and upon conviction shall be guilty of  
 194 the misdemeanor offense of failure to post the National Human Trafficking Resource  
 195 Center hotline number and may be punished by a fine of not more than \$500.00; but the  
 196 provisions of Chapter 11 of Title 17 and any other provision of law to the contrary  
 197 notwithstanding, the costs of such prosecution shall not be taxed nor shall any additional  
 198 penalty, fee, or surcharge to a fine for such offense be assessed against an owner for

199 conviction thereof. Upon a second or subsequent conviction, the owner shall be guilty  
 200 of a high and aggravated misdemeanor and shall be punished by a fine not to exceed  
 201 \$5,000.00. The notice required by this subsection may be hand delivered to the  
 202 noncomplying business or establishment or mailed to it at the address of such business  
 203 or establishment.

204 (2) This subsection shall not apply to government entities."

205 **PART V**

206 **SECTION 5-1.**

207 Said title is further amended by revising Code Section 16-9-5, relating to counterfeit or false  
 208 proof of insurance document, as follows:

209 "16-9-5.

210 (a) As used in this Code section, the term 'proof of insurance document' means any  
 211 document issued by, on behalf of, or purportedly on behalf of an insurer to a motor vehicle  
 212 policyholder or applicant for motor vehicle coverage, which document is designed to  
 213 constitute proof or evidence of the minimum motor vehicle liability insurance required by  
 214 law for the purposes of Code Section 40-6-10.

215 (b)(1) It shall be unlawful for any person knowingly to manufacture, sell, or distribute  
 216 a counterfeit or false proof of insurance document.

217 (2) It shall be unlawful for any person to possess a counterfeit or false proof of insurance  
 218 document that he or she knows to be a counterfeit or false proof of insurance document.

219 (3) A proof of insurance document shall be deemed counterfeit or false if the proof of  
 220 insurance document has been altered, modified, or originally issued in any manner which  
 221 contains false information concerning the insurer, the owner, the motor vehicle, or the  
 222 insurance thereon.

223 (c)(1) ~~Any person who violates paragraph (1) of subsection (b) of this Code section on~~  
 224 ~~the first offense shall be guilty of a misdemeanor.~~ Any person who violates paragraph  
 225 (1) of subsection (b) of this Code section ~~for the second or any subsequent offense~~ shall  
 226 be guilty of a felony and upon conviction shall be punished by a fine of not more than  
 227 ~~\$5,000.00~~ \$10,000.00 or by imprisonment for not ~~more than three years~~ less than two nor  
 228 more than ten years, or both.

229 (2) Any person who violates paragraph (2) of subsection (b) of this Code section shall  
 230 upon conviction be guilty of and be punished as for a misdemeanor."

231

**PART VA**

232

**SECTION 5A-1.**

233 Said title is further amended by adding a new Code section to read as follows:

234 "16-11-91.

235 (a) As used in this Code section, the term:

236 (1) 'Device' means an instrument or apparatus used for observing, photographing,  
237 videotaping, recording, or transmitting visual images, including but not limited to a  
238 camera, photographic equipment, video equipment, mobile phone, or other similar  
239 equipment.

240 (2) 'Intimate parts' shall have the same meaning as set forth in Code Section 16-6-22.1.

241 (b)(1) Notwithstanding Code Section 16-11-90, it shall be unlawful for any person to,  
242 knowingly and without the consent of the individual observed, use or install a device for  
243 the purpose of surreptitiously observing, photographing, videotaping, filming, or video  
244 recording such individual underneath or through such individual's clothing, for the  
245 purpose of viewing the intimate parts of the body of or the undergarments worn by such  
246 individual, under circumstances in which such individual has a reasonable expectation  
247 of privacy, regardless of whether it occurs in a public place.

248 (2) It shall be unlawful to disseminate any image or recording with knowledge that it was  
249 taken or obtained in violation of paragraph (1) of this subsection.

250 (c) Any person convicted of violating this Code section shall be guilty of a felony and,  
251 upon conviction thereof, shall be punished by imprisonment of not less than one year nor  
252 more than five years, a fine of not more than \$10,000.00, or both, or in the discretion of the  
253 court, as for a misdemeanor.

254 (d) Subsection (b) of this Code section shall not apply to:

255 (1) The lawful activities of law enforcement and prosecution agencies; or

256 (2) A business's or entity's surveillance device used in the ordinary course of its business,  
257 provided that signage conspicuously warns of such surveillance and the use of such  
258 device is primarily designed to detect unlawful activity.

259 (e) Any violation of this Code section shall constitute a separate offense and shall not  
260 merge with any other crimes set forth in this title."

261

**PART VI**

262

**SECTION 6-1.**

263 Said title is further amended by revising subparagraph (c)(3)(B) of Code Section 16-13-30,  
 264 relating to purchase, possession, manufacture, distribution, or sale of controlled substances  
 265 or marijuana, as follows:

266 "(B) This paragraph shall not apply to morphine, heroin, or opium, or any substance  
 267 identified in subparagraph (RR) or (SS) of paragraph (1) or paragraph (13), (14), or (15)  
 268 of Code Section 16-13-25, or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2) of  
 269 paragraph (2) of Code Section 16-13-26 or any salt, isomer, or salt of an isomer; rather,  
 270 the provisions of Code Section 16-13-31 shall control these substances."

271

**SECTION 6-2.**

272 Said title is further amended by revising the introductory language to paragraph (1) of  
 273 subsection (a), paragraph (2) of subsection (a), subsection (b), and the introductory language  
 274 to subsections (c), (d), (e), and (f) of Code Section 16-13-31, relating to trafficking in  
 275 cocaine, illegal drugs, marijuana, or methamphetamine, as follows:

276 "(a)(1) ~~Any~~ Except as authorized by this article, any person who sells, manufactures,  
 277 delivers, or brings into this state or who is in possession of 28 grams or more of cocaine  
 278 or of any mixture with a purity of 10 percent or more of cocaine, as described in Schedule  
 279 II, in violation of this article commits the felony offense of trafficking in cocaine and,  
 280 upon conviction thereof, shall be punished as follows:"

281 "(2) ~~Any~~ Except as authorized by this article, any person who sells, manufactures,  
 282 delivers, or brings into this state or who is in possession of any mixture with a purity of  
 283 less than 10 percent of cocaine, as described in Schedule II, in violation of this article  
 284 commits the felony offense of trafficking in cocaine if the total weight of the mixture  
 285 multiplied by the percentage of cocaine contained in the mixture exceeds any of the  
 286 quantities of cocaine specified in paragraph (1) of this subsection. Upon conviction  
 287 thereof, such person shall be punished as provided in paragraph (1) of this subsection,  
 288 depending upon the quantity of cocaine such person is charged with selling,  
 289 manufacturing, delivering, or bringing into this state or possessing.

290 (b) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers,  
 291 brings into this state, or has possession of four grams or more of any morphine, or opium,  
 292 or substance identified in subparagraph (RR) or (SS) of paragraph (1) or paragraph (13),  
 293 (14), or (15) of Code Section 16-13-25, or subparagraph (A), (C.5), (F), (U.1), (V), or (V.2)  
 294 of paragraph (2) of Code Section 16-13-26 or any salt, isomer, or salt of an isomer thereof,  
 295 including heroin, as described in Schedules I and II, or four grams or more of any mixture

296 containing any such substance in violation of this article commits the felony offense of  
 297 trafficking in illegal drugs and, upon conviction thereof, shall be punished as follows:

298 (1) If the quantity of such substances involved is four grams or more, but less than 14  
 299 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of  
 300 five years and shall pay a fine of \$50,000.00;

301 (2) If the quantity of such substances involved is 14 grams or more, but less than 28  
 302 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of  
 303 ten years and shall pay a fine of \$100,000.00; and

304 (3) If the quantity of such substances involved is 28 grams or more, the person shall be  
 305 sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine  
 306 of \$500,000.00.

307 (c) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, grows,  
 308 delivers, brings into this state, or has possession of a quantity of marijuana exceeding ten  
 309 pounds commits the offense of trafficking in marijuana and, upon conviction thereof, shall  
 310 be punished as follows:"

311 "(d) ~~Any~~ Except as authorized by this article, any person who sells, manufactures, delivers,  
 312 or brings into this state 200 grams or more of methaqualone or of any mixture containing  
 313 methaqualone, as described in paragraph (6) of Code Section 16-13-25, in violation of this  
 314 article commits the felony offense of trafficking in methaqualone and, upon conviction  
 315 thereof, shall be punished as follows:"

316 "(e) ~~Any~~ Except as authorized by this article, any person who sells, delivers, or brings into  
 317 this state or has possession of 28 grams or more of methamphetamine, amphetamine, or  
 318 any mixture containing either methamphetamine or amphetamine, as described in Schedule  
 319 II, in violation of this article commits the felony offense of trafficking in methamphetamine  
 320 or amphetamine and, upon conviction thereof, shall be punished as follows:"

321 "(f) ~~Any~~ Except as authorized by this article, any person who manufactures  
 322 methamphetamine, amphetamine, or any mixture containing either methamphetamine or  
 323 amphetamine, as described in Schedule II, in violation of this article commits the felony  
 324 offense of trafficking methamphetamine or amphetamine and, upon conviction thereof,  
 325 shall be punished as follows:"

326

## PART VII

327

### SECTION 7-1.

328 Said title is further amended in Code Section 16-13-25, relating to Schedule I controlled  
 329 substances, by adding two new subparagraphs to paragraph (1) to read as follows:

330 "(RR) 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide (AH-7921);  
 331 (SS) 3,4-dichloro-N-(2-(dimethylamino)cyclohexyl)-N-methylbenzamide (U-47700);"

332 **SECTION 7-2.**

333 Said title is further amended in Code Section 16-13-25, relating to Schedule I controlled  
 334 substances, by replacing the period with a semicolon at the end of subparagraph (V) of  
 335 paragraph (12) and by adding three new paragraphs to read as follows:

336 "(13) The fentanyl analog structural class, including any of the following derivatives,  
 337 their salts, isomers, or salts of isomers, unless specifically utilized as part of the  
 338 manufacturing process by a commercial industry of a substance or material not intended  
 339 for human ingestion or consumption, as a prescription administered under medical  
 340 supervision, or for research at a recognized institution, whenever the existence of these  
 341 salts, isomers, or salts of isomers is possible within the specific chemical designation or  
 342 unless specifically excepted or listed in this or another schedule, structurally derived from  
 343 fentanyl, and whether or not further modified in any of the following ways:

344 (A) Substitution anywhere on the phenethyl group with:

345 (i) Alkyl group;

346 (ii) Hydroxyl group;

347 (iii) Halide group;

348 (B) Replacement of the phenethyl group with:

349 (i) Thienyl ethyl group, which can be further substituted with:

350 (I) Alkyl group;

351 (II) Hydroxyl group;

352 (III) Halide group;

353 (ii) Oxotetrazol ethyl group, which can be further substituted with:

354 (I) Alkyl group;

355 (II) Hydroxyl group;

356 (III) Halide group;

357 (iii) Alkyl group;

358 (iv) Thienyl methyl group, which can be further substituted with:

359 (I) Alkyl group;

360 (II) Hydroxyl group;

361 (III) Halide group;

362 (v) Benzyl group, which can be further substituted with:

363 (I) Alkyl group;

- 364 (II) Hydroxyl group;  
365 (III) Halide group;  
366 (vi) Furanyl ethyl group, which can be further substituted with:  
367 (I) Alkyl group;  
368 (II) Hydroxyl group;  
369 (III) Halide group;  
370 (vii) Phenyl alkyl group, which can be further substituted with:  
371 (I) Alkyl group;  
372 (II) Hydroxyl group;  
373 (III) Halide group;  
374 (viii) Pyridinyl ethyl group, which can be further substituted with:  
375 (I) Alkyl group;  
376 (II) Hydroxyl group;  
377 (III) Halide group;  
378 (ix) Diazole ethyl group, which can be further substituted with:  
379 (I) Alkyl group;  
380 (II) Hydroxyl group;  
381 (III) Halide group;  
382 (IV) Nitro group;  
383 (x) Thiazole ethyl group, which can be further substituted with:  
384 (I) Alkyl group;  
385 (II) Hydroxyl group;  
386 (III) Halide group;  
387 (xi) Benzoxazolinone ethyl group, which can be further substituted with:  
388 (I) Alkyl group;  
389 (II) Hydroxyl group;  
390 (III) Halide group;  
391 (C) Substitution anywhere on the piperidine ring with:  
392 (i) Alkyl group;  
393 (ii) Allyl group;  
394 (iii) Phenyl group;  
395 (iv) Ester group;  
396 (v) Ether group;  
397 (vi) Pyridine group, which can be further substituted with:  
398 (I) Alkyl group;  
399 (II) Hydroxyl group;  
400 (III) Halide group;

- 401 (vii) Thiazole group, which can be further substituted with:
- 402 (I) Alkyl group;
- 403 (II) Hydroxyl group;
- 404 (III) Halide group;
- 405 (viii) Oxadiazole group, which can be further substituted with:
- 406 (I) Alkyl group;
- 407 (II) Hydroxyl group;
- 408 (III) Halide group;
- 409 (IV) Ether group;
- 410 (D) Substitution anywhere on the propanamide group with:
- 411 (i) Cyclic alkyl group;
- 412 (ii) Acyclic alkyl group;
- 413 (iii) Methoxy group;
- 414 (E) Replacement of the propanamide group with:
- 415 (i) Acryloyl amino group;
- 416 (ii) Acetamide group, which itself can be further substituted with a cyclic alkyl
- 417 group;
- 418 (iii) Methoxy acetamide group;
- 419 (iv) Furanyl amide group;
- 420 (F) Substitution anywhere on the phenyl ring with:
- 421 (i) Halide group;
- 422 (ii) Methoxy group;
- 423 (iii) Alkyl group;
- 424 (G) Replacement of the phenyl ring with the pyrazine ring;
- 425 (14) The piperidinyl-sulfonamide structural class, including any of the following
- 426 compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or
- 427 homologues, unless specifically utilized as part of the manufacturing process by a
- 428 commercial industry of a substance or material not intended for human ingestion or
- 429 consumption, as a prescription administered under medical supervision, or for research
- 430 at a recognized institution, whenever the existence of these salts, isomers, or salts of
- 431 isomers, halogen analogues, or homologues is possible within the specific chemical
- 432 designation or unless specifically excepted or listed in this or another schedule,
- 433 structurally derived from piperidinyl-sulfonamide, and whether or not further modified
- 434 in any of the following ways:
- 435 (A) By substitution at the 1-position of the piperidinyl ring with any of the following:
- 436 (i) Alkyl group;
- 437 (ii) Phenyl alkyl group;

438 (iii) Amino substituted phenyl alkyl group;

439 (iv) Nitro substituted phenyl alkyl group;

440 (v) Cycloalkyl group;

441 (vi) Alkenyl substituent group;

442 (B) By substitution at the 3-position or 4-position of the piperidinyl ring with any of  
443 the following:

444 (i) Halide group;

445 (ii) Alkyl group;

446 (iii) Alkoxy substituent;

447 (C) By substitution on the sulfonamide with any of the following:

448 (i) Pyridyl group;

449 (ii) Alkyl group;

450 (iii) Phenyl group;

451 (iv) Phenyl alkyl group;

452 (v) Alkoxy substituted phenyl group;

453 (vi) Halogen substituted phenyl group;

454 (vii) Nitro substituted phenyl group;

455 (viii) Amino substituted phenyl group;

456 (ix) Alkanoylamino substituted phenyl group;

457 (x) Amido substituted phenyl group;

458 (15) The 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine (MT-45) structural class,  
459 including any of the following derivatives, their salts, isomers, or salts of isomers, unless  
460 specifically utilized as part of the manufacturing process by a commercial industry of a  
461 substance or material not intended for human ingestion or consumption, as a prescription  
462 administered under medical supervision, or for research at a recognized institution,  
463 whenever the existence of these salts, isomers, or salts of isomers is possible within the  
464 specific chemical designation or unless specifically excepted or listed in this or another  
465 schedule, structurally derived from 1-cyclohexyl-4-(1,2-diphenylethy)-piperazine  
466 (MT-45), and whether or not further modified in any of the following ways:

467 (A) Replacement of the cyclohexyl group with any of the following:

468 (i) Cycloheptyl group;

469 (ii) Cyclooctyl group;

470 (B) Substitution on the diphenyl groups with any of the following:

471 (i) Hydroxyl group;

472 (ii) Halide;

473 (iii) Alkoxy group;

474 (iv) Alkyl group;

475 (v) Ester group:

476 (vi) Phenyl ether group."

477 **SECTION 7-3.**

478 Said title is further amended in Code Section 16-13-26, relating to Schedule II controlled  
479 substances, by adding new subparagraphs to paragraph (2) to read as follows:

480 "(C.5) Carfentanil;"

481 "(V.2) Thiafentanil;"

482 **SECTION 7-4.**

483 Said title is further amended in Code Section 16-13-26, relating to Schedule II controlled  
484 substances, by revising subparagraph (E) of paragraph (3) as follows:

485 "(E) ~~Carfentanil~~ Reserved;"

486 **PART VIII**

487 **SECTION 8-1.**

488 Code Section 26-4-115 of the Official Code of Georgia Annotated, relating to wholesale drug  
489 distributors, is amended by adding a new subsection to read as follows:

490 "(g) ~~Transfers of drugs from a licensed hospital pharmacy to an entity that is affiliated with~~  
491 ~~or owned by the hospital shall not be deemed wholesale distributors of drugs."~~

492 **PART IX**

493 **SECTION 9-1.**

494 This part and Parts VI through VIII of this Act shall become effective upon its approval by  
495 the Governor or upon its becoming law without such approval and the remaining parts shall  
496 become effective on July 1, 2017.

497 **SECTION 9-2.**

498 All laws and parts of laws in conflict with this Act are repealed.