

Senate Bill 232

By: Senators Rahman of the 5th, Butler of the 55th, Jones II of the 22nd, Jordan of the 6th, Orrock of the 36th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to  
2 repeal the Low THC Oil Patient Registry; to amend Chapter 34 of Title 43 of the Official  
3 Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer  
4 and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics  
5 practice, so as to repeal provisions relating to use of marijuana for treatment of cancer and  
6 glaucoma and provide for medical use of marijuana; to provide for a short title; to provide  
7 for legislative findings; to provide for definitions; to provide for the addition of debilitating  
8 conditions; to provide for controlled substances therapeutic relief, limitations, and rule  
9 making; to provide for registration of marijuana dispensaries; to provide for a tracking  
10 system; to provide for registration of qualifying patients and designated caregivers; to  
11 provide for the issuance, revocation, suspension, and expiration of registry identification  
12 cards; to provide for the automatic registration of individuals registered under former Code  
13 Section 31-2A-18; to provide for facility restrictions; to provide for dispensary locations; to  
14 provide for dispensing marijuana for medical use; to provide for a verification system; to  
15 provide for notices and civil penalties; to provide for annual reporting; to provide for  
16 confidentiality; to prohibit discrimination under certain circumstances; to provide for  
17 funding; to provide for enforcement; to provide for fingerprinting; to provide for related  
18 matters; to repeal conflicting laws; and for other purposes.

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

20 **SECTION 1.**

21 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by  
22 repealing Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient  
23 Registry, definitions, purpose, registration cards, semiannual reports, and waiver forms, and  
24 designating said Code section as reserved.

25

**SECTION 2.**

26 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,  
 27 acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical  
 28 perfusionists, and orthotics and prosthetics practice, is amended by repealing Article 5,  
 29 relating to use of marijuana for treatment of cancer and glaucoma, and enacting a new  
 30 Article 5 to read as follows:

31

"ARTICLE 532 43-34-120.

33 This article shall be known and may be cited as the 'Controlled Substances Therapeutic  
 34 Relief Act.'

35 43-34-121.36 The General Assembly finds and declares the following:

37 (1) The federal government, pursuant to the Consolidated Appropriations Act of 2016,  
 38 P.L. 114-113, determined that none of the funds made available in such act to the  
 39 Department of Justice may be used, with respect to any of the enumerated states, which  
 40 includes Georgia, the District of Columbia, Guam, or Puerto Rico, to prevent the  
 41 implementation of state laws that authorize the use, distribution, possession, and  
 42 cultivation of medical marijuana;

43 (2) Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern  
 44 medical research has confirmed beneficial uses for marijuana in treating or alleviating the  
 45 pain, nausea, and other symptoms associated with a variety of debilitating medical  
 46 conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National  
 47 Academy of Sciences' Institute of Medicine in March, 1999;

48 (3) Studies published since the 1999 Institute of Medicine report have continued to show  
 49 the therapeutic value of marijuana in treating a wide array of debilitating medical  
 50 conditions. Such therapeutic value includes relief of neuropathic pain caused by multiple  
 51 sclerosis, HIV/AIDS, and other illnesses that often fail to respond to conventional  
 52 treatments, and relief of nausea, vomiting, and other side effects of drugs used to treat  
 53 HIV/AIDS and hepatitis C, increasing the chances of patients continuing on lifesaving  
 54 treatment regimens;

55 (4) Marijuana currently has many accepted medical uses in the United States and has  
 56 been recommended by thousands of licensed physicians to at least 260,000 patients in the  
 57 states with medical marijuana laws. Marijuana's medical utility has been recognized by  
 58 a wide range of medical and public health organizations, including the American

59 Academy of HIV Medicine, American College of Physicians, American Nurses  
 60 Association, American Public Health Association, Leukemia & Lymphoma Society, and  
 61 many others;

62 (5) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the  
 63 Compendium of Federal Justice Statistics show that approximately 99 out of every 100  
 64 marijuana arrests in the United States are made under state law rather than under federal  
 65 law. Consequently, changing state law will have the practical effect of protecting from  
 66 arrest the vast majority of seriously ill patients who have a medical need to use  
 67 marijuana;

68 (6) Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia,  
 69 Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi,  
 70 Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New  
 71 York, Oregon, Rhode Island, Vermont, and Washington have removed state-level  
 72 criminal penalties for the medical use and cultivation of marijuana. Georgia joins in this  
 73 effort for the health and welfare of its citizens;

74 (7) State law should make a distinction between the medical and nonmedical uses of  
 75 marijuana. Hence, the purpose of this Act is to protect qualifying patients, as well as  
 76 their physicians and designated caregivers, from arrest and prosecution, criminal and  
 77 other penalties, and property forfeiture if such qualifying patients engage in the medical  
 78 use of marijuana; and

79 (8) It is the intent of the General Assembly in enacting this article to permit registered  
 80 qualifying patients to use and possess medical marijuana and its derivatives and to allow  
 81 dispensation of medical marijuana and its derivatives by licensed, registered medical  
 82 marijuana dispensaries within this state.

83 43-34-122.

84 As used in this article, the term:

85 (1) 'Allowable amount of marijuana' means:

86 (A) With respect to a qualifying patient:

87 (i) Two ounces of usable marijuana; and

88 (ii) If the qualifying patient's registry identification card provides that the qualifying  
 89 patient is authorized to cultivate marijuana plants, eight marijuana plants contained  
 90 in an enclosed, locked facility, provided that such plants are not required to be in an  
 91 enclosed, locked facility if such plants are being transported because the qualifying  
 92 patient is moving; and

93 (B) With respect to a designated caregiver, for each qualifying patient assisted by the  
 94 designated caregiver under this article:

95 (i) Two ounces of usable marijuana; and  
 96 (ii) If the designated caregiver's registry identification card provides that the  
 97 designated caregiver is authorized to cultivate marijuana plants, eight marijuana  
 98 plants contained in an enclosed, locked facility, provided that such plants are not  
 99 required to be in an enclosed, locked facility if such plants are being transported  
 100 because the designated caregiver is moving.

101 Marijuana that is incidental to medical use, but is not usable marijuana as defined in this  
 102 article, shall not be counted toward a qualifying patient's or designated caregiver's  
 103 allowable amount of marijuana.

104 (2) 'Cardholder' means a qualifying patient, designated caregiver, or dispensary agent  
 105 who has been issued and possesses a valid registry identification card.

106 (3) 'Debilitating medical condition' means one or more of the following:

107 (A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
 108 immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's  
 109 disease, agitation of Alzheimer's disease, post-traumatic stress disorder, or the treatment  
 110 of such conditions;

111 (B) A chronic or debilitating disease or medical condition or its treatment that produces  
 112 one or more of the following: cachexia or wasting syndrome; severe and chronic pain;  
 113 severe nausea; seizures, including those characteristic of epilepsy; or severe and  
 114 persistent muscle spasms, including those characteristic of multiple sclerosis; or

115 (C) Any other medical condition or its treatment added by the department pursuant to  
 116 Code Section 43-34-123.

117 (4) 'Department' means the Department of Public Health or its successor agency.

118 (5) 'Designated caregiver' means a person who:

119 (A) Is at least 21 years of age;

120 (B) Has agreed to assist with a qualifying patient's medical use of marijuana;

121 (C) Has not been convicted of a felony offense;

122 (D) Assists no more than five qualifying patients at one time with the medical use of  
 123 marijuana; and

124 (E) May receive reimbursement for actual costs incurred in assisting a registered  
 125 qualifying patient's medical use of marijuana if the registered designated caregiver is  
 126 connected to the registered qualifying patient through the department's registration  
 127 process. The designated caregiver shall not be paid any fee or compensation for his or  
 128 her service as a caregiver. Payment for costs under this subparagraph shall not  
 129 constitute an offense under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled  
 130 Substances Act.'

131 (6) 'Dispensary' means a Georgia entity that acquires, possesses, cultivates,  
132 manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or  
133 related supplies and educational materials to cardholders.

134 (7) 'Dispensary agent' means a principal officer, board member, employee, or volunteer  
135 of a medical marijuana dispensary who is at least 21 years of age and has not been  
136 convicted of a felony offense.

137 (8) 'Enclosed, locked facility' means a closet, room, greenhouse, or other enclosed area  
138 equipped with locks or other security devices that permit access only by a cardholder.

139 (9) 'Medical marijuana' means all parts of the plant of the genus Cannabis, whether  
140 growing or not, the seed thereof, the resin extracted from any part of such plant, and  
141 every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
142 seed, or resin that has been converted into a liquid or solid substance.

143 (10) 'Medical use' means the acquisition, possession, cultivation, manufacture, use,  
144 administration, delivery, transfer, or transportation of marijuana or paraphernalia relating  
145 to the administration of marijuana to treat or alleviate a registered qualifying patient's  
146 debilitating medical condition or symptoms associated with such qualifying patient's  
147 debilitating medical condition.

148 (11) 'Physician' means a doctor of medicine who holds a valid and existing license to  
149 practice medicine pursuant to Article 2 of this chapter.

150 (12) 'Qualifying patient' means a person who has been diagnosed by a physician as  
151 having a debilitating medical condition.

152 (13) 'Registration certificate' means a document issued by the Department of Revenue  
153 to a dispensary.

154 (14) 'Registry identification card' means a document issued by the department that  
155 identifies a person as a registered qualifying patient or a registered designated caregiver  
156 or a document issued by the Department of Revenue that identifies a person as a  
157 registered dispensary agent.

158 (15) 'Tracking system' means an electronic tracking process that monitors marijuana  
159 seedlings, clones, plants, flowers, other plant material, oils, waste, and any other  
160 marijuana derived products from production to processing to dispensary sale.

161 (16) 'Usable marijuana' means the dried flowers of the marijuana plant, and any mixture  
162 or preparation thereof, but shall not include the seeds, stalks, and roots of the plant or the  
163 weight of any nonmarijuana ingredients combined with marijuana and prepared for  
164 consumption as food or drink.

165 (17) 'Verification system' means a secure, password protected, web based system  
166 established and maintained by the department and the Department of Revenue that is

167 available to law enforcement personnel and dispensary agents on a 24 hour basis for  
 168 verification of registry identification cards.

169 (18) 'Visiting qualifying patient' means a person who:

170 (A) Is not a resident of Georgia or who has been a resident of Georgia for fewer than  
 171 30 days; and

172 (B) Has been diagnosed with a debilitating medical condition by a person who is  
 173 licensed with authority to prescribe drugs to humans in the state of the person's  
 174 residence or, in the case of a person who has been a resident of Georgia for fewer than  
 175 30 days, the state of the person's former residence.

176 (19) 'Written certification' means a document dated and signed by a physician in the  
 177 course of a physician-patient relationship after the physician has completed a full  
 178 assessment of the qualifying patient's medical history that specifies the qualifying  
 179 patient's debilitating medical condition and states that, in the physician's professional  
 180 opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from  
 181 the medical use of marijuana to treat or alleviate his or her debilitating medical condition  
 182 or symptoms associated with such condition.

183 43-34-123.

184 Any individual may petition the department to add a debilitating medical condition or  
 185 treatment to the list of debilitating medical conditions set forth in paragraph (3) of Code  
 186 Section 43-34-122. The department shall consider petitions in the manner required by  
 187 department rule, including public notice and hearing. The department shall approve or  
 188 deny a petition within 180 days of its submission. The approval or denial of a petition is  
 189 a final decision of the department subject to judicial review pursuant to Chapter 13 of Title  
 190 50, the 'Georgia Administrative Procedure Act.' Initial judicial review of a final decision  
 191 of the department shall be held solely in the Superior Court of Fulton County.

192 43-34-124.

193 No later than November 1, 2019, the department shall adopt rules and regulations:

194 (1) Governing the manner in which it shall consider petitions from individual members  
 195 of the public to add a debilitating medical condition or treatment to the list of debilitating  
 196 medical conditions set forth in paragraph (3) of Code Section 43-34-122, including public  
 197 notice of, and an opportunity to comment in a public hearing upon, petitions;

198 (2) Establishing the form and content of qualifying patient and designated caregiver  
 199 registration and renewal applications submitted under this article;

200 (3) Governing the manner in which it shall consider applications for and renewals of  
 201 registry identification cards; and

202 (4) Establishing application and renewal fees for registry identification cards according  
203 to the following:

204 (A) The total amount of all fees shall generate revenues sufficient to implement and  
205 administer the department's responsibilities under this article, provided that fee revenue  
206 may be offset or supplemented by private donations;

207 (B) The department may establish a sliding scale of qualifying patient application and  
208 renewal fees based upon a qualifying patient's household income; and

209 (C) The department may consider private donations under Code Section 43-34-139.12  
210 to reduce application and renewal fees.

211 43-34-125.

212 (a) A qualifying patient may apply to the department for a registry identification card by  
213 submitting:

214 (1) Written certification issued by a physician within the 90 days immediately preceding  
215 the date of application;

216 (2) The application fee; and

217 (3) An application that includes:

218 (A) The name, mailing address, residence address, and date of birth of the qualifying  
219 patient, provided that, if the applicant is homeless, no address is required;

220 (B) The name, address, and telephone number of the qualifying patient's physician;

221 (C) The name, address, and date of birth of the qualifying patient's designated  
222 caregiver, if any;

223 (D) A statement signed by the qualifying patient pledging not to divert marijuana to  
224 anyone who is not allowed to possess marijuana pursuant to this article;

225 (E) A signed statement from the designated caregiver, if any, agreeing to be the  
226 qualifying patient's designated caregiver and pledging not to divert marijuana to anyone  
227 who is not allowed to possess marijuana pursuant to this article; and

228 (F) A designation as to who shall be allowed to cultivate marijuana plants for the  
229 qualifying patient's medical use if a registered dispensary distribution center is not  
230 operating within 120 miles of the qualifying patient's residence and such qualifying  
231 patient has other disabilities creating an undue hardship that prevents such access,  
232 including but not limited to transportation.

233 (b) The application for a qualifying patient's registry identification card shall ask whether  
234 the qualifying patient would like the department to notify him or her of any clinical studies  
235 needing human subjects for research on the medical use of marijuana. The department  
236 shall notify interested qualifying patients if it is notified of studies that will be conducted  
237 in the United States.

238 43-34-126.

239 (a) Except as provided in subsection (b) of this Code section, the department shall:

240 (1) Verify the information contained in an application or renewal submitted pursuant to  
241 this article and approve or deny an application or renewal within ten days of receiving a  
242 completed application or renewal; and

243 (2) Issue a registry identification card to a qualifying patient and his or her designated  
244 caregiver, if any, within five days of approving the application or renewal. A designated  
245 caregiver shall have a registry identification card for each of his or her qualifying  
246 patients.

247 (b) The department shall not issue a registry identification card to a qualifying patient who  
248 is under the age of 18 unless:

249 (1) The qualifying patient's physician has explained the potential risks and benefits of  
250 the medical use of marijuana to the custodial parent or legal guardian responsible for  
251 health care decisions for the qualifying patient;

252 (2) A custodial parent or legal guardian responsible for health care decisions for the  
253 qualifying patient submits a written certification from two physicians; and

254 (3) The custodial parent or legal guardian responsible for health care decisions for the  
255 qualifying patient consents in writing to:

256 (A) Allow the qualifying patient's medical use of marijuana;

257 (B) Serve as the qualifying patient's designated caregiver; and

258 (C) Control the acquisition of marijuana and the dosage and frequency of the medical  
259 use of marijuana by the qualifying patient.

260 (c) A registry identification card, or its equivalent, that is issued under the laws of another  
261 state, district, territory, commonwealth, or insular possession of the United States that  
262 allows a visiting qualifying patient to possess or use marijuana for medical purposes in the  
263 jurisdiction of issuance shall have the same force and effect when held by a visiting  
264 qualifying patient as a registry identification card issued by the department, provided that  
265 a visiting qualifying patient shall not be authorized to obtain marijuana from a dispensary.

266 (d) Any individual who on June 30, 2019, holds a valid low THC oil registration card  
267 issued under former Code Section 31-2A-18 shall be deemed to be automatically registered  
268 under this Code section as of July 1, 2019, and shall be subject to the provisions of this  
269 article. Such provisionally issued registry cards shall be deemed to have been issued under  
270 this article on July 1, 2019, and shall be valid for all purposes of this article and applicable  
271 laws.



272 43-34-127.

273 (a) Registry identification cards for qualifying patients and designated caregivers shall  
274 contain the following:

275 (1) The name, address, and date of birth of the cardholder;

276 (2) A statement of whether the cardholder is a qualifying patient or designated caregiver;

277 (3) The date of issuance and expiration date of the registry identification card;

278 (4) A random 20 digit alphanumeric identification number, containing at least four  
279 numbers and at least four letters, that is unique to the cardholder;

280 (5) If the cardholder is a designated caregiver, the random identification number of the  
281 registered qualifying patient the designated caregiver is assisting;

282 (6) A photograph of the cardholder; and

283 (7) A clear indication of whether the cardholder has been authorized by this article to  
284 cultivate marijuana plants for the qualifying patient's medical use.

285 (b) If the registry identification card of either a qualifying patient or designated caregiver  
286 does not state that the cardholder is authorized to cultivate marijuana plants, then the  
287 department shall give written notice to the registered qualifying patient, when the  
288 qualifying patient's registry identification card is issued, of the name and address of all  
289 registered dispensaries.

290 43-34-128.

291 (a) The department shall deny an application or renewal of a qualifying patient's registry  
292 identification card if the applicant:

293 (1) Does not meet the requirements of paragraph (12) of Code Section 43-34-122;

294 (2) Does not provide the information required;

295 (3) Previously had a registry identification card revoked for violating this article; or

296 (4) Provides false information.

297 (b) The department shall deny an application or renewal of a designated caregiver's  
298 registry identification card if the applicant:

299 (1) Does not meet the requirements of paragraph (5) of Code Section 43-34-122;

300 (2) Does not provide the information required;

301 (3) Previously had a registry identification card revoked for violating this article; or

302 (4) Provides false information.

303 (c) The department shall conduct a criminal records check of each designated caregiver  
304 applicant to carry out this Code section.

305 (d) The department shall give written notice to the qualifying patient of the reason for  
306 denying a registry identification card to such qualifying patient's designated caregiver.

307 (e) Denial of an application or renewal is considered a final decision of the department  
308 subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative  
309 Procedure Act.'

310 43-34-129.

311 (a) All registry identification cards for qualifying patients and designated caregivers shall  
312 expire one year after date of issue.

313 (b) If a cardholder loses his or her registry identification card, he or she shall promptly  
314 notify the department. Within five days of the notification, and upon payment of a fee to  
315 be determined by the department, the department shall issue a new registry identification  
316 card with a new random 20 digit alphanumeric identification number to the cardholder and,  
317 if the cardholder is a registered qualifying patient, to such patient's registered designated  
318 caregiver, if any.

319 43-34-130.

320 (a) A registered qualifying patient shall notify the department within 14 days of any  
321 change in his or her name, address, designated caregiver, or preference regarding who may  
322 cultivate marijuana plants for him or her or if he or she ceases to have a debilitating  
323 medical condition.

324 (b) A registered designated caregiver shall notify the department within 14 days of any  
325 change in his or her name or address.

326 (c) When a cardholder notifies the department of any changes listed in subsection (a) of  
327 this Code section but remains eligible under this article, the department shall issue the  
328 cardholder a new registry identification card with a new random 20 digit alphanumeric  
329 identification number within ten days of receiving the updated information and a fee to be  
330 determined by the department. If the cardholder notifying the department is a registered  
331 qualifying patient, the department shall also issue his or her registered designated  
332 caregiver, if any, a new registry identification card with a new random 20 digit  
333 alphanumeric identification number within ten days of receiving the updated information.

334 (d) If the registered qualifying patient's certifying physician notifies the department in  
335 writing that either the registered qualifying patient has ceased to suffer from a debilitating  
336 medical condition or that the physician no longer believes the qualifying patient would  
337 receive therapeutic or palliative benefit from the medical use of marijuana, the registry  
338 identification card shall be void upon notification by the department to the qualifying  
339 patient.

340 (e) When a registered qualifying patient ceases to be a registered qualifying patient or  
341 changes registered designated caregiver, the department shall promptly notify the former

342 designated caregiver that his or her duties and rights under this article as to that qualifying  
343 patient shall expire 15 days after notification by the department is sent.

344 (f) A registered qualifying patient or registered designated caregiver who fails to comply  
345 with subsection (a) or (b) of this Code section shall be subject to a civil penalty of not more  
346 than \$150.00.

347 43-34-131.

348 No later than November 1, 2019, the Department of Revenue shall adopt rules and  
349 regulations:

350 (1) Governing dispensaries for protection against diversion and theft without imposing  
351 an undue burden on dispensaries or compromising the confidentiality of cardholders,  
352 including:

353 (A) The manner in which the Department of Revenue shall consider applications and  
354 renewals of registration certificates;

355 (B) Minimum oversight requirements for dispensaries;

356 (C) Minimum record-keeping requirements for dispensaries;

357 (D) Minimum security requirements for dispensaries, including requirements for  
358 protection of each registered dispensary location by a fully operational security alarm  
359 system; and

360 (E) Procedures for suspending or revoking the registration certificates of dispensaries  
361 that violate the provisions of this article or the rules adopted pursuant to this Code  
362 section; and

363 (2) Establishing application and renewal fees for dispensary registration certificates  
364 according to the following:

365 (A) The total amount of all fees shall generate revenues sufficient to implement and  
366 administer this article, provided that fee revenue may be offset or supplemented by  
367 private donations;

368 (B) Dispensary application fees shall not exceed \$5,000.00;

369 (C) Dispensary renewal fees shall not exceed \$1,000.00;

370 (D) The total amount of revenue from dispensary application and renewal fees and  
371 registry identification card fees for dispensary agents shall be sufficient to implement  
372 and administer the dispensary provisions of this article, including the verification  
373 system, provided that the fee revenue may be offset or supplemented by private  
374 donations; and

375 (E) The Department of Revenue may consider private donations under Code  
376 Section 43-34-139.12.

377 43-34-132.

378 (a) The Department of Revenue shall register a minimum of three in-state medical  
379 marijuana dispensaries. Each dispensary shall operate distribution facilities which may  
380 include the dispensary's single location for cultivation, harvesting, manufacturing,  
381 packaging, and processing. There shall be a minimum of 14 distribution centers required  
382 throughout the state, with a minimum of one per congressional district. Additional  
383 distribution center locations shall be determined by the department based on geographical  
384 need throughout the state to provide adequate patient access.

385 (b) Medical marijuana dispensaries shall register with the Department of Revenue. No  
386 later than 90 days after receiving an application for a dispensary, the Department of  
387 Revenue shall register the dispensary and issue a registration certificate and a random 20  
388 digit alphanumeric identification number if:

389 (1) The prospective dispensary has submitted the following:

390 (A) The application fee, to be set by the Department of Revenue;

391 (B) An application that includes:

392 (i) The legal name of the dispensary;

393 (ii) The physical address of the dispensary and the physical address of one additional  
394 location, if any, where marijuana will be cultivated, neither of which shall be within  
395 500 feet of a public or private school existing before the date of the dispensary  
396 application; and

397 (iii) The name, address, and date of birth of each dispensary agent;

398 (C) Operating procedures consistent with Department of Revenue rules for oversight  
399 of dispensaries, including procedures to ensure accurate record keeping and adequate  
400 security measures; and

401 (D) If the city, town, or county in which the dispensary would be located has enacted  
402 zoning restrictions, a sworn statement certifying that the dispensary is in compliance  
403 with the restrictions;

404 (2) None of the principal officers or board members has been convicted of a felony  
405 offense;

406 (3) None of the principal officers or board members has served as a principal officer or  
407 board member for a dispensary that has had its registration certificate revoked; and

408 (4) None of the principal officers or board members is under 21 years of age.

409 (c) The Department of Revenue may conduct criminal records checks in order to carry out  
410 this Code section.

411 43-34-133.

412 (a) A dispensary agent shall be registered with the Department of Revenue before working  
413 or volunteering at a dispensary.

414 (b) A dispensary may apply to the Department of Revenue for a registry identification card  
415 for a dispensary agent by submitting:

416 (1) The name, address, and date of birth of the prospective dispensary agent;

417 (2) A dispensary agent application;

418 (3) A statement signed by the prospective dispensary agent pledging not to divert  
419 medical marijuana to anyone who is not allowed to possess medical marijuana pursuant  
420 to this article; and

421 (4) The application fee.

422 (c) A registered dispensary shall notify the Department of Revenue within ten days after  
423 a dispensary agent ceases to be employed by or a volunteer at the registered dispensary.

424 (d) No person who has been convicted of a felony offense shall be a dispensary agent.

425 (e) The Department of Revenue may conduct criminal records checks in order to carry out  
426 this Code section.

427 43-34-134.

428 The Department of Revenue shall issue each dispensary agent a registry identification card  
429 and log-in information for the verification system within five days of approving the  
430 application or renewal.

431 43-34-135.

432 Registry identification cards for dispensary agents shall contain the following:

433 (1) The name, address, and date of birth of the dispensary agent;

434 (2) A statement that the cardholder is a dispensary agent;

435 (3) The legal name of the registered dispensary with which the dispensary agent is  
436 affiliated;

437 (4) A random 20 digit alphanumeric identification number that is unique to the  
438 cardholder;

439 (5) The date of issuance and expiration date of the registry identification card; and

440 (6) A photograph, if required by the Department of Revenue.

441 43-34-136.

442 (a) The Department of Revenue shall deny a registry identification card to a dispensary  
443 agent if:

444 (1) The applicant does not meet the requirements of paragraph (7) of Code Section  
445 43-34-122;

446 (2) The applicant or dispensary did not provide the required information;

447 (3) The applicant previously had a registry identification card revoked for violating this  
448 article; or

449 (4) The applicant or dispensary provides false information.

450 (b) The Department of Revenue may conduct a criminal records check of each dispensary  
451 agent applicant to carry out this Code section.

452 (c) The Department of Revenue shall give written notice to the registered dispensary of  
453 the reason for denying a registry identification card to a dispensary agent.

454 (d) Denial of an application or renewal is considered a final decision of the Department  
455 of Revenue subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia  
456 Administrative Procedure Act.' Initial judicial review of a final decision of the Department  
457 of Revenue shall be held solely in the Superior Court of Fulton County.

458 43-34-137.

459 (a) All registry identification cards of dispensary agents and registration certificates for  
460 dispensaries shall expire one year after date of issue.

461 (b) A registry identification card of a dispensary agent shall be canceled and his or her  
462 access to the verification system shall be deactivated upon notification to the Department  
463 of Revenue by a registered dispensary that the dispensary agent is no longer employed by  
464 or no longer volunteers at the registered dispensary.

465 (c) A renewal dispensary registration certificate shall be issued within ten days of receipt  
466 of the prescribed renewal application and renewal fee from a registered dispensary if its  
467 registration certificate is not under suspension and has not been revoked.

468 (d) If a dispensary agent loses his or her registry identification card, he or she shall  
469 promptly notify the Department of Revenue. Within five days of the notification, and upon  
470 payment of a fee to be determined by the Department of Revenue, the Department of  
471 Revenue shall issue a new registry identification card with a new random 20 digit  
472 alphanumeric identification number to the dispensary agent.

473 43-34-138.

474 (a) A dispensary agent shall notify the Department of Revenue within 14 days of any  
475 change in his or her name or address.

476 (b) When a cardholder notifies the Department of Revenue of any changes listed in  
477 subsection (a) of this Code section but remains eligible under this article, the Department  
478 of Revenue shall issue the cardholder a new registry identification card with a new random

479 20 digit alphanumeric identification number within ten days of receiving the updated  
480 information and a fee to be determined by the Department of Revenue.

481 (c) A dispensary agent who fails to comply with subsection (a) of this Code section shall  
482 be subject to a civil penalty of not more than \$150.00.

483 43-34-139.

484 Cities, towns, and counties may enact reasonable zoning regulations that limit the use of  
485 land for registered dispensaries to specified areas in the manner provided in Chapter 66 of  
486 Title 36, 'The Zoning Procedures Law.'

487 43-34-139.1.

488 (a) Any nursing care institution, hospice, assisted living center, assisted living facility,  
489 assisted living home, residential care institution, adult day health care facility, or other  
490 adult care facility licensed under Chapter 7 of Title 31 may adopt reasonable restrictions  
491 on the use of medical marijuana by its residents or persons receiving inpatient services,  
492 including that:

493 (1) The facility shall not store or maintain the qualifying patient's supply of medical  
494 marijuana;

495 (2) The facility, caregivers, or hospice agencies serving the facility's residents are not  
496 responsible for providing the medical marijuana for qualifying patients;

497 (3) Medical marijuana shall be consumed by a method other than smoking; and

498 (4) Medical marijuana shall be consumed only in a place specified by the facility.

499 (b) Nothing in this Code section requires a facility listed in subsection (a) of this Code  
500 section to adopt restrictions on the medical use of marijuana.

501 (c) A facility listed in subsection (a) of this Code section shall not unreasonably limit a  
502 registered qualifying patient's access to or use of medical marijuana authorized under this  
503 article unless failing to do so would cause such facility to lose a monetary or licensing  
504 related benefit under federal law or regulations.

505 43-34-139.2.

506 (a) The operating procedures of a registered dispensary shall include procedures for the  
507 oversight of the registered dispensary and procedures to ensure accurate record keeping.

508 (b) A registered dispensary shall have a single secure entrance and shall implement  
509 appropriate security measures to deter and prevent the theft of marijuana and unauthorized  
510 entrance into areas containing marijuana.

511 (c) A registered dispensary shall be prohibited from acquiring, possessing, cultivating,  
512 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana

513 for any purpose except to assist registered qualifying patients with the medical use of  
 514 marijuana directly or through the registered qualifying patients' designated caregivers.

515 (d) All cultivation of marijuana shall take place in an enclosed, locked facility at a physical  
 516 address provided to the Department of Revenue during the registration process, and such  
 517 facility shall be accessed only by registered dispensary agents associated in the registry  
 518 with the dispensary.

519 (e) A registered dispensary may acquire usable marijuana or marijuana plants from a  
 520 registered qualifying patient or registered designated caregiver only if the registered  
 521 qualifying patient or registered designated caregiver receives no compensation for the  
 522 marijuana.

523 (f) A registered dispensary shall not permit any person to consume marijuana on the  
 524 property of such dispensary.

525 (g) Registered dispensaries shall be subject to reasonable inspection by the Department of  
 526 Revenue. The Department of Revenue shall give reasonable notice of an inspection under  
 527 this subsection.

528 43-34-139.3.

529 (a) Before medical marijuana may be dispensed to a registered qualifying patient or  
 530 registered designated caregiver, a dispensary agent shall access the verification system and  
 531 shall determine for whom the medical marijuana is intended and the identity of any  
 532 registered designated caregiver who will be transporting the medical marijuana to the  
 533 registered qualifying patient and that:

534 (1) The registry identification card presented to the registered dispensary agent is valid;

535 (2) Each person presenting a registry identification card is the person identified on such  
 536 card; and

537 (3) The amount to be dispensed would not cause the registered qualifying patient to  
 538 exceed the allowable amount of marijuana during any 14 day period.

539 (b) After making the determinations required in subsection (a) of this Code section, but  
 540 before dispensing medical marijuana to a registered qualifying patient or registered  
 541 designated caregiver on a registered qualifying patient's behalf, a dispensary agent shall  
 542 enter the following information in the verification system:

543 (1) How much medical marijuana is being dispensed to the registered qualifying patient;

544 (2) Whether medical marijuana was dispensed directly to the registered qualifying  
 545 patient or to the registered qualifying patient's registered designated caregiver;

546 (3) The date and time the medical marijuana was dispensed; and

547 (4) The registry identification card number of the dispensary and of the dispensary agent  
 548 who dispensed the medical marijuana.



549 43-34-139.4.

550 (a) The department shall establish, maintain, and utilize, directly or by contract, a tracking  
551 system to monitor medical marijuana that is grown, processed, transferred, stored, or  
552 disposed of pursuant to this article.

553 (b) The tracking system shall have the functions and capabilities described in this Code  
554 section and shall be operated in compliance with the federal Health Insurance Portability  
555 and Accountability Act of 1996, P.L. 104-191.

556 (c) The tracking system shall be hosted on a platform that allows for:

557 (1) Dynamic allocation of resources;

558 (2) Data redundancy; and

559 (3) Recovery from natural disaster within hours.

560 (d) The tracking system shall be capable of:

561 (1) Tracking all plants, products, packages, qualifying patient and designated caregiver  
562 purchase totals, waste, transfers, conversions, sales, and returns that, if practicable, are  
563 linked to unique identification numbers;

564 (2) Tracking lot and batch information throughout the entire chain of custody;

565 (3) Tracking all products, conversions, and derivatives throughout the entire chain of  
566 custody;

567 (4) Tracking plant, batch, and product destruction;

568 (5) Tracking transportation of product;

569 (6) Performing complete batch recall tracking that clearly identifies all of the following  
570 details relating to the specific batch subject to the recall:

571 (A) Sold product;

572 (B) Product inventory that is finished and available for sale;

573 (C) Product that is in the process of transfer;

574 (D) Product being processed into another form; and

575 (E) Postharvest raw product, such as product that is in the drying, trimming, or curing  
576 process;

577 (7) Reporting and tracking loss, theft, or diversion of product containing cannabis;

578 (8) Reporting and tracking all inventory discrepancies;

579 (9) Reporting and tracking adverse qualifying patient responses or dose related efficacy  
580 issues;

581 (10) Reporting and tracking all sales and refunds;

582 (11) Tracking qualifying patient purchase limits and flagging purchases in excess of  
583 authorized limits;

584 (12) Receiving electronically submitted information required to be reported under this  
585 Code section;

586 (13) Receiving testing results electronically from a safety compliance facility via a  
587 secured application program interface into the tracking system and directly linking the  
588 testing results to each applicable source batch and sample;

589 (14) Flagging test results that have characteristics indicating that they may have been  
590 altered;

591 (15) Providing information to cross-check that product sales are made to a qualifying  
592 patient or designated caregiver and that the product received the required testing;

593 (16) Providing the department, local law enforcement agencies, and state law  
594 enforcement agencies with real-time access to information in the database; and

595 (17) Providing real-time analytics to the department regarding key performance  
596 indicators including:

597 (A) Total daily sales;

598 (B) Total plants in production;

599 (C) Total plants destroyed; and

600 (D) Total inventory adjustments.

601 (e) A dispensary shall supply the relevant tracking or testing information in the form the  
602 department requires regarding each plant, product, package, batch, test, transfer,  
603 conversion, sale, recall, or disposition of medical marijuana in or from the dispensary's  
604 possession or control. The dispensary shall include information identifying the qualifying  
605 patient to or for whom each sale was made and, if applicable, the designated caregiver to  
606 whom each sale was made. The department may require that the information be submitted  
607 electronically.

608 43-34-139.5.

609 (a) No later than November 1, 2019, the department and Department of Revenue shall  
610 establish a verification system.

611 (b) The verification system shall disclose:

612 (1) The name of the cardholder but shall not disclose the cardholder's address; and

613 (2) The amount of medical marijuana that each registered qualifying patient received  
614 from dispensaries during the past 60 days.

615 (c) The verification system shall include the following data security features:

616 (1) Any time an authorized user enters five invalid registry identification numbers within  
617 five minutes, such user cannot log in to the system again for ten minutes;

618 (2) An authorized user's log-in information shall be deactivated after five incorrect log-in  
619 attempts until the authorized user contacts the Department of Revenue and verifies his  
620 or her identity; and

621 (3) The server shall reject any log-in request that is not sent over an encrypted  
 622 connection.

623 43-34-139.6.

624 The department and the Department of Revenue shall submit to the General Assembly an  
 625 annual report that shall not disclose any identifying information about cardholders,  
 626 dispensaries, or physicians but shall contain all of the following information:

627 (1) The number of registry identification card applications and renewals;

628 (2) The number of qualifying patients and designated caregivers approved in each  
 629 county;

630 (3) The nature of the debilitating medical conditions of the qualifying patients;

631 (4) The number of registry identification cards revoked;

632 (5) The number of physicians providing written certifications for qualifying patients;

633 (6) The number of registered dispensaries; and

634 (7) The number of dispensary agents in each county.

635 43-34-139.7.

636 (a) The following information received and records kept by the department and the  
 637 Department of Revenue for purposes of administering this article shall be confidential, in  
 638 accordance with this Code section except as necessary for authorized employees of the  
 639 department and the Department of Revenue to perform their official duties pursuant to this  
 640 article:

641 (1) Applications or renewals, their contents, and supporting information submitted by  
 642 qualifying patients and designated caregivers, including information regarding their  
 643 designated caregivers and physicians;

644 (2) Applications or renewals, their contents, and supporting information submitted by or  
 645 on behalf of dispensaries in compliance with this article, including the physical addresses  
 646 of dispensaries; and

647 (3) The individual names and other information identifying cardholders.

648 (b) Any dispensing information that is required to be collected pursuant to Code  
 649 Section 43-34-139.3 or pursuant to department or Department of Revenue regulations shall  
 650 identify cardholders by their registry identification card numbers and shall not contain  
 651 names or other personally identifying information.

652 (c) Any department and Department of Revenue hard drive or other data recording media  
 653 that are no longer in use and that contain cardholder information shall be destroyed. The  
 654 department and the Department of Revenue shall retain a signed statement from a  
 655 department or Department of Revenue employee confirming the destruction.

656 (d) Data subject to this Code section shall not be combined or linked in any manner with  
 657 any other list or data base, and it shall not be used for any purpose not provided for in this  
 658 article.

659 (e) Nothing in this Code section shall preclude the following notifications:

660 (1) Department employees and Department of Revenue employees may notify law  
 661 enforcement about falsified or fraudulent information submitted to the department and  
 662 Department of Revenue if the employee who suspects that falsified or fraudulent  
 663 information has been submitted has conferred with his or her supervisor and both agree  
 664 that the circumstances warrant reporting;

665 (2) The department and the Department of Revenue may notify state or local law  
 666 enforcement about apparent criminal violations of this article if the employee who  
 667 suspects the offense has conferred with his or her supervisor and both agree that the  
 668 circumstances warrant reporting; and

669 (3) Dispensary agents may notify the Department of Revenue of a suspected violation  
 670 or attempted violation of this article or Department of Revenue rules.

671 (f) Nothing in this Code section shall preclude submission of the annual report to the  
 672 General Assembly under Code Section 43-34-139.6. Such annual report shall be subject  
 673 to Article 4 of Chapter 18 of Title 50, relating to open records.

674 43-34-139.8.

675 (a) No school or landlord shall refuse to enroll or lease to and shall not otherwise penalize  
 676 a person solely for his or her status as a cardholder unless failing to do so would cause the  
 677 school or landlord to lose a monetary or licensing related benefit under federal law or  
 678 regulations.

679 (b) Unless a failure to do so would cause an employer to lose a monetary or licensing  
 680 related benefit under federal law or regulations, an employer shall not discriminate against  
 681 a person in hiring, terminating, or imposing any term or condition of employment or  
 682 otherwise penalize a person based upon either:

683 (1) The person's status as a cardholder; or

684 (2) A registered qualifying patient's positive drug test for marijuana components or  
 685 metabolites, unless the qualifying patient used, possessed, or was impaired by marijuana  
 686 on the premises of the place of employment or during the hours of employment.

687 (c) For the purposes of medical care, including organ transplants, a registered qualifying  
 688 patient's authorized use of medical marijuana shall be considered the equivalent of the use  
 689 of any other medication under the direction of a physician and shall not constitute the use  
 690 of an illicit substance or otherwise disqualify a registered qualifying patient from medical  
 691 care.

692 (d) No person shall be denied custody of or visitation or parenting time with a minor, and  
 693 there shall be no presumption of neglect or child endangerment, for conduct allowed under  
 694 this article, unless the person's behavior creates an unreasonable danger to the safety of the  
 695 minor as established by clear and convincing evidence.

696 43-34-139.9.

697 (a) Nothing in this article shall require:

698 (1) A government medical assistance program or private health insurer to reimburse a  
 699 person for costs associated with the medical use of marijuana;

700 (2) Any person or establishment in lawful possession of property to allow a guest, client,  
 701 customer, or other visitor to use marijuana or medical marijuana on or in such property;

702 or

703 (3) An employer to allow the ingestion of medical marijuana in any workplace or any  
 704 employee to work while under the influence of medical marijuana, provided that a  
 705 registered qualifying patient shall not be considered to be under the influence of  
 706 marijuana solely because of the presence of metabolites or components of marijuana that  
 707 appear in insufficient concentration to cause impairment.

708 (b) Nothing in this article shall prohibit an employer from disciplining an employee for  
 709 ingesting marijuana or medical marijuana in the workplace or working while under the  
 710 influence of marijuana.

711 43-34-139.10.

712 (a) The Department of Revenue shall immediately revoke the registry identification card  
 713 of a dispensary agent who violates subsection (d) of Code Section 43-34-133 or subsection  
 714 (b) of Code Section 43-34-139.11. The Department of Revenue shall suspend or revoke  
 715 the registry identification card of a dispensary agent for other violations of this article.

716 (b) The Department of Revenue shall immediately revoke the registration certificate of a  
 717 registered dispensary that violates subsection (b) or (c) of Code Section 43-34-139.11, and  
 718 its board members and principal officers shall not serve as the board members or principal  
 719 officers for any other registered dispensary.

720 (c) Any cardholder who sells marijuana to a person who is not allowed to possess  
 721 marijuana for medical purposes under this article shall have his or her registry  
 722 identification card revoked and shall be subject to other penalties for the unauthorized sale  
 723 of marijuana and other applicable offenses.

724 (d) The department or Department of Revenue may revoke the registry identification card  
 725 of any cardholder who knowingly violates this article, and the cardholder shall be subject  
 726 to other penalties for the applicable offense.

727 (e) Revocation under this Code section is a final decision of the department or the  
728 Department of Revenue subject to judicial review pursuant to Chapter 13 of Title 50, the  
729 'Georgia Administrative Procedure Act.'

730 43-34-139.11.

731 (a) A registered qualifying patient shall not directly, or through his or her designated  
732 caregiver, obtain more than two ounces of marijuana from registered dispensaries in any  
733 14 day period.

734 (b) A registered dispensary or registered dispensary agent shall not dispense, deliver, or  
735 otherwise transfer marijuana to a person other than another registered dispensary, a  
736 registered qualifying patient, or a registered qualifying patient's registered designated  
737 caregiver.

738 (c) A registered dispensary shall not acquire usable marijuana or mature marijuana plants  
739 from any person other than another registered dispensary, a registered qualifying patient,  
740 or a registered designated caregiver. Anyone who knowingly violates this subsection shall  
741 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for  
742 not less than one nor more than five years, a fine not to exceed \$5,000.00, or both.

743 (d) It shall be a misdemeanor of a high and aggravated nature which shall be punishable  
744 by not more than 12 months' imprisonment and a fine not to exceed \$5,000.00 for any  
745 person, including an employee or official of the department, the Department of Revenue,  
746 or another state agency or local government, to breach the confidentiality of information  
747 obtained pursuant to this article.

748 (e) Making false statements to a law enforcement official about any fact or circumstance  
749 relating to the medical use of marijuana to avoid arrest or prosecution is subject to a civil  
750 penalty of not more than \$500.00, which shall be in addition to any other penalties that may  
751 apply for making a false statement or for the use of marijuana other than use undertaken  
752 pursuant to this article.

753 43-34-139.12.

754 The department and the Department of Revenue may accept private grants, gifts, donations,  
755 contributions, and devise to assist in carrying out the provisions of this article.

756 43-34-139.13.

757 (a) If the department or the Department of Revenue fails to issue a registry identification  
758 card within 45 days of the submission of a valid application or renewal, the registry  
759 identification card shall be deemed issued, and a copy of the registry identification card  
760 application or renewal shall be deemed a valid registry identification card.

761 (b) If after November 1, 2019, the department is not accepting applications or has not  
762 promulgated rules allowing qualifying patients to submit applications, a notarized  
763 statement by a qualifying patient containing the information required in an application  
764 pursuant to paragraph (3) of subsection (a) of Code Section 43-34-125, together with a  
765 written certification issued by a physician within the 90 days immediately preceding the  
766 notarized statement, shall be deemed a valid registry identification card.

767 43-34-139.14.

768 (a) As used in this Code section, the term 'conviction data' means a record of a finding or  
769 verdict of guilty or plea of guilty or nolo contendere with regard to any crime regardless  
770 of whether an appeal of the conviction has been sought.

771 (b) The department shall be authorized to obtain conviction data with respect to each  
772 person applying as a designated caregiver under this article. The department shall submit  
773 to the Georgia Crime Information Center two complete sets of fingerprints of the applicant  
774 for appointment or employment, the required records search fees, and such other  
775 information as may be required. Upon receipt of such material, the Georgia Crime  
776 Information Center shall promptly forward one set of fingerprints to the Federal Bureau of  
777 Investigation for a search of bureau records and the preparation of an appropriate report  
778 concerning such records search and shall retain the other set and promptly conduct a search  
779 of its own records and all records to which the center has access. The Georgia Crime  
780 Information Center shall notify the department in writing of any derogatory finding,  
781 including, but not limited to, any conviction data regarding the fingerprint records check  
782 or if there is no such finding. All conviction data received by the department shall not be  
783 a public record, shall be privileged, and shall not be disclosed to any other person or  
784 agency except as provided in this Code section and except to any person or agency that  
785 otherwise has a legal right to inspect the employment file. All such records shall be  
786 maintained by the department pursuant to the laws regarding such records and the rules and  
787 regulations of the Federal Bureau of Investigation and the Georgia Crime Information  
788 Center, as applicable.

789 (c) The Department of Revenue shall be authorized to obtain conviction data with respect  
790 to each person applying as a dispensary agent under this article. The Department of  
791 Revenue shall submit to the Georgia Crime Information Center two complete sets of  
792 fingerprints of the applicant for appointment or employment, the required records search  
793 fees, and such other information as may be required. Upon receipt of such material, the  
794 Georgia Crime Information Center shall promptly forward one set of fingerprints to the  
795 Federal Bureau of Investigation for a search of bureau records and the preparation of an  
796 appropriate report concerning such records search and shall retain the other set and

797 promptly conduct a search of its own records and all records to which the center has access.  
798 The Georgia Crime Information Center shall notify the Department of Revenue in writing  
799 of any derogatory finding, including, but not limited to, any conviction data regarding the  
800 fingerprint records check or if there is no such finding. All conviction data received by the  
801 Department of Revenue shall not be a public record, shall be privileged, and shall not be  
802 disclosed to any other person or agency except as provided in this Code section and except  
803 to any person or agency that otherwise has a legal right to inspect the employment file. All  
804 such records shall be maintained by the Department of Revenue pursuant to the laws  
805 regarding such records and the rules and regulations of the Federal Bureau of Investigation  
806 and the Georgia Crime Information Center, as applicable.  
807 (d) The department and the Department of Revenue shall promulgate rules and regulations  
808 as are necessary to implement and effectuate the provisions of this Code section.

809 43-34-139.15.

810 Medical marijuana is exempt from taxation by the state or any county, municipality,  
811 authority, or political subdivision of this state."

812 **SECTION 3.**

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