

The House Committee on Public Safety and Homeland Security offers the following substitute to SB 97:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to access to medical cannabis, so as to transfer duties and responsibilities of the  
3 Georgia Access to Medical Cannabis Commission to the Department of Agriculture; to  
4 abolish the Georgia Access to Medical Cannabis Commission; to revise definitions; to  
5 provide for legislative oversight; to authorize the location of retail outlets for the dispensing  
6 of low THC oil and products to registered patients at Class 1 and Class 2 production  
7 facilities; to authorize the dispensing of low THC oil and products from any Class 1 or  
8 Class 2 production licensee by any dispensing licensee; to provide for additional Class 1 and  
9 Class 2 production licenses; to provide for criteria; to provide for appeals to the Georgia  
10 State-wide Business Court; to amend Code Section 31-2A-18 of the Official Code of Georgia  
11 Annotated, relating to the Low THC Oil Patient Registry, so as to expand conditions for  
12 which low THC oil may be used for treatment; to provide for reinstatement to registry  
13 without charge under certain circumstances; to provide for related matters; to provide for an  
14 effective date; to repeal conflicting laws; and for other purposes.

S. B. 97 (SUB)

- 1 -

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

17 Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to  
18 access to medical cannabis, is amended by revising Code Section 16-12-200, relating to  
19 definitions, as follows:

20 "16-12-200.

21 As used in this article, the term:

22 (1) 'Applicant' means a corporate entity applying for a license pursuant to this article.

23 (2) 'Available capital' means corporate assets that are available to fund business  
24 operations in the event a license is awarded pursuant to Part 2 of this article.

25 (3) 'Class 1 production license' means a license to produce and manufacture low THC  
26 oil and products issued pursuant to Code Section 16-12-211.

27 (4) 'Class 2 production license' means a license to produce and manufacture low THC  
28 oil and products issued pursuant to Code Section 16-12-212.

29 (5) ~~'Commission' means the Georgia Access to Medical Cannabis Commission created~~  
30 ~~pursuant to Code Section 16-12-202~~ 'Commissioner' means the Commissioner of  
31 Agriculture.

32 (5.1) 'Department' means the Department of Agriculture of this state.

33 (6) 'Designated universities' means the University of Georgia and Fort Valley State  
34 University.

35 (7) 'Designated university license' means a license issued by the ~~commission~~  
36 Commissioner pursuant to this article to a designated university to, separately or jointly,  
37 produce, manufacture, and purchase low THC oil and products in accordance with this  
38 article.

39 (8) 'Dispense' means the sale or provision of low THC oil and products to registered  
40 patients by a dispensing licensee.

41 (9) 'Dispensing license' means a specialty license issued by the State Board of Pharmacy  
42 or the ~~commission~~ Commissioner pursuant to Code Section 16-12-206 to dispense low  
43 THC oil and products to registered patients.

44 (10) 'Grow' means cultivating and harvesting cannabis for use in producing low THC oil  
45 and products.

46 (11) 'Licensee' means any business, or owner of such business, with a valid license  
47 issued pursuant to this article.

48 (12) 'Low THC oil' shall have the same meaning as set forth in Code Section 16-12-190.

49 (13) 'Manufacture' means to process cannabis to produce low THC oil and products.

50 (14) 'Owner' means any person who directly or indirectly owns, actually or beneficially,  
51 or controls 5 percent or greater of interests of the applicant or any licensee. In the event  
52 that one person owns a beneficial right to interests and another person holds the voting  
53 rights with respect to such interests, then both shall be considered an owner of such  
54 interests.

55 (15) 'Product' means low THC oil delivered through an oil, tincture, transdermal patch,  
56 lotion, or capsule, except as prohibited by Code Section 16-12-234, but not including any  
57 food products infused with low THC oil, including, but not limited to, cookies, candies,  
58 or edibles.

59 (16) 'Registered patient' means an individual who is legally authorized to possess and use  
60 low THC oil and products pursuant to Code Section 31-2A-18.

61 (17) 'Tracking system' means a seed-to-sale tracking system to track marijuana that is  
62 grown, processed, manufactured, transferred, stored, or disposed of and low THC oil and  
63 products that are transferred, stored, sold, dispensed, or disposed of pursuant to this  
64 article."

65 **SECTION 2.**

66 Said article is further amended by revising Code Section 16-12-202, relating to creation of  
67 Georgia Access to Medical Cannabis Commission, terms, designation, meetings, vacancy,  
68 and compensation, as follows:

69 "16-12-202.

70 (a) ~~There is created the Georgia Access to Medical Cannabis Commission which is~~  
71 ~~assigned to the Secretary of State for administrative purposes only, as prescribed in Code~~  
72 ~~Section 50-4-3 within the department a Medical Cannabis Division which shall specifically~~  
73 ~~be subject to the provisions of Chapters 13 and 14 of Title 50 and, except as otherwise~~  
74 ~~specifically provided in this article, the provisions of Article 4 of Chapter 18 of Title 50.~~  
75 ~~The commission shall consist of seven members who shall be appointed as follows:~~

76 (1) ~~Three members appointed by the Governor;~~

77 (2) ~~Two members appointed by the Lieutenant Governor; and~~

78 (3) ~~Two members appointed by the Speaker of the House of Representatives.~~

79 (b) ~~Members shall serve four-year terms of office. The Governor shall designate one of~~  
80 ~~his or her appointees as the chairperson~~ On July 1, 2023, the Georgia Access to Medical  
81 Cannabis Commission shall be abolished and the terms of all members of the commission  
82 shall be terminated. All employees of the Georgia Access to Medical Cannabis  
83 Commission shall be transferred to the department on such date along with all equipment,  
84 supplies, office space, contracts and agreements, and appropriations. All licenses  
85 previously issued by the Georgia Access to Medical Cannabis Commission shall become  
86 licenses of the department under the same terms and conditions as issued by the Georgia  
87 Access to Medical Cannabis Commission. The Commissioner shall be the successor to the  
88 Georgia Access to Medical Cannabis Commission on all contracts and agreements of the  
89 Georgia Access to Medical Cannabis Commission in existence on July 1, 2023. All rules  
90 and regulations of the Georgia Access to Medical Cannabis Commission in effect on such

91 date shall become rules and regulations of the department until changed by the department  
 92 pursuant to Chapter 13 of Title 50.

93 ~~(c) The commission shall meet upon the call of the chairperson or upon the request of three~~  
 94 ~~members. The commission shall organize itself as it deems appropriate and may elect~~  
 95 ~~additional officers from among its members.~~

96 ~~(d) Any vacancy on the commission shall be filled for the unexpired term by appointment~~  
 97 ~~by the original appointing authority.~~

98 ~~(e) Members of the commission shall serve without compensation but shall receive the~~  
 99 ~~same expense allowance per day as that received by a member of the General Assembly~~  
 100 ~~for each day such member of the commission is in attendance at a meeting of such~~  
 101 ~~commission, plus either reimbursement for actual transportation costs while traveling by~~  
 102 ~~public carrier or the same mileage allowance for use of a personal car in connection with~~  
 103 ~~such attendance as members of the General Assembly receive. Such expense and travel~~  
 104 ~~allowance shall be paid in lieu of any per diem, allowance, or other remuneration now~~  
 105 ~~received by any such member for such attendance.~~

106 (c) The Commissioner shall be subject to the provisions of Article 3 of Chapter 5,  
 107 Chapter 13, Chapter 14, and Article 4 of Chapter 18 of Title 50."

108 **SECTION 3.**

109 Said article is further amended by revising Code Section 16-12-203, relating to powers,  
 110 duties, and responsibilities of the Georgia Access to Medical Cannabis Commission, as  
 111 follows:

112 "16-12-203.

113 The ~~commission~~ Commissioner shall have the following powers, duties, and  
 114 responsibilities:

115 (1) To apply for, receive, and administer state funds appropriated to the ~~commission~~  
 116 department, private grants and donations, and other funds and donations. The

117 ~~commission's~~ department's annual distributions shall be capped and limited to funds  
118 received from the sources specified in this paragraph. The ~~commission~~ Commissioner  
119 shall ensure that its funds are not used as a supplement or secondary payor to any other  
120 third-party payor;

121 (2) To execute a contract or contracts to purchase or obtain low THC oil, cannabis,  
122 cannabinoids, or any other derivative, compound, or substantially similar products from  
123 any available legal source and to provide logistics related thereto in accordance with this  
124 article. Such contract or contracts may be executed with one or more qualified  
125 corporations or with one or more governmental entities. Purchases made and contracts  
126 entered into pursuant to this paragraph shall ~~not~~ be subject to state purchasing laws  
127 contained in Article 3 of Chapter 5 of Title 50 ~~or in other provisions of the Official Code~~  
128 ~~of Georgia Annotated~~;

129 (3) To utilize funds appropriated to the ~~commission~~ department as may be necessary to  
130 purchase and transport low THC oil and products to the State of Georgia for use by  
131 registered patients;

132 (4) To develop, establish, maintain, and administer a low THC oil and products  
133 distribution network to obtain and distribute low THC oil and products to registered  
134 patients in this state and to coordinate the best use of facilities and resources to operate  
135 such distribution network;

136 (5) To establish procedures for inspecting production facilities operated by designated  
137 universities;

138 (6) To establish requirements and procedures to ensure quality control, security, and  
139 oversight of low THC oil and products production in this state, including, but not limited  
140 to, testing for purity and dosage levels and verification that product labels accurately  
141 reflect product content;

142 (7) To provide for oversight of tracking systems;

- 143 (8) To coordinate and assist in the collection of data to evaluate the provision of low  
144 THC oil and products in this state;
- 145 (9) To study the provision of low THC oil and products in this state to determine the best  
146 practices and methods of providing such services, to determine what changes are needed  
147 to improve the provision of low THC oil and products, and to report any proposed  
148 legislative changes to the General Assembly each year;
- 149 (10) To coordinate its activities with the Department of Public Health;
- 150 (11) To employ ~~an executive director and other~~ staff and to establish duties and  
151 responsibilities of such persons;
- 152 (12) To employ and manage consultants, as deemed necessary, in order to fulfill its  
153 duties and responsibilities under this article;
- 154 (13) To review new treatment and delivery methods for low THC oil and products that  
155 may result from medical research and are not otherwise inconsistent with this article, and  
156 recommend statutory changes to the General Assembly to authorize such treatment and  
157 delivery methods and products;
- 158 (14) To be responsible for the noncriminal enforcement of the provisions of this article  
159 and to have all of the necessary duties, power, and authority to carry out such  
160 responsibility;
- 161 (15) To be authorized to draft, adopt, amend, repeal, and enforce such rules and  
162 regulations as it deems necessary for the administration and enforcement of this article  
163 in the protection of public health, safety, and welfare pursuant to Chapter 13 of Title 50;
- 164 (16) To enforce qualifications for licensure; and
- 165 (17) To levy fines for failure by a Class 1 production licensee, Class 2 production  
166 licensee, or dispensing licensee to operate in accordance with rules and regulations  
167 established by the ~~commission~~ Commissioner within 14 days of written notice by the  
168 ~~commission~~ Commissioner of specific violations. Such fines shall not exceed \$25,000.00  
169 for a first offense, \$50,000.00 for a failure to remedy the offense within 60 days after

170 written notice of a first offense, and \$75,000.00 for subsequent failures to remedy  
171 noncompliance within 90 days after written notice of a first offense. Following a third  
172 written notice of a recurring violation, the ~~commission~~ Commissioner may also order a  
173 licensee to cease operations for a period of up to 30 days to correct the violation. Any  
174 such fines or orders to cease operations shall be subject to Chapter 13 of Title 50, the  
175 'Georgia Administrative Procedure Act-'; provided, however, that any appeal from a final  
176 decision regarding such fines or orders shall be made to the Georgia State-wide Business  
177 Court in accordance with Code Section 16-12-221.1."

178 **SECTION 4.**

179 Said article is further amended by revising Code Section 16-12-204, relating to issuance of  
180 nontransferable designated university licenses for production of low THC oil and products,  
181 research on therapeutic use, reporting, collected information, and license revocation, as  
182 follows:

183 "16-12-204.

184 (a) Upon request by a designated university, the ~~commission~~ Commissioner shall issue  
185 nontransferable designated university licenses for the production of low THC oil and  
186 products. The licenses granted to designated universities pursuant to this Code section  
187 shall be in addition to any licenses issued pursuant to Part 2 of this article. The designated  
188 universities shall have the option to be licensed as a production facility, either separately  
189 or jointly. The designated universities shall be authorized to contract with private entities  
190 to fulfill the terms of the license, including contracting for the production of low THC oil  
191 and products. All contracts shall be approved by the ~~commission~~ Commissioner.

192 (b) Each designated university may conduct research on marijuana for therapeutic use if  
193 such university is licensed as a production facility pursuant to this Code section. Effective  
194 January 1, 2020, and annually thereafter, the designated universities shall submit a report  
195 to the Senate Health and Human Services Committee and the House Committee on Health



196 ~~and Human Services~~, to include data and outcomes of the research conducted pursuant to  
197 this paragraph.

198 (c)(1) The ~~commission~~ Commissioner shall collect the following information from each  
199 licensee:

200 (A) The amount of low THC oil and products produced by the licensee during each  
201 calendar year;

202 (B) The details of all production costs, including but not limited to seed, fertilizer,  
203 labor, advisory services, construction, and irrigation;

204 (C) The details of any items or services for which the licensee subcontracted and the  
205 costs of each subcontractor directly or indirectly working for the licensee;

206 (D) The amount of therapeutic chemicals produced resulting from the low THC oil and  
207 products manufactured pursuant to this article;

208 (E) The amounts paid each year to the licensee related to the licensee's production of  
209 low THC oil and products manufactured pursuant to this article; and

210 (F) The amount of low THC oil and products distributed to each dispensing licensee  
211 to dispense low THC oil and products in this state during each calendar year.

212 (2) The ~~commission~~ Commissioner shall provide the information collected pursuant to  
213 this subsection for the previous calendar year in the form of a written report to the Senate  
214 Health and Human Services Committee and the House Committee on Health ~~and Human~~  
215 ~~Services~~ no later than February 1 of each year. The ~~commission~~ Commissioner shall also  
216 make a copy of such report available to the public by posting such report on the  
217 ~~commission's~~ department's website.

218 (d) The ~~commission~~ Commissioner may revoke the license of a designated university if  
219 it is found by the ~~commission~~ Commissioner to have violated any of the requirements  
220 established pursuant to this article."

221 **SECTION 5.**

222 Said article is further amended by revising Code Section 16-12-206, relating to annual,  
223 nontransferable dispensing license, adoption of rules, and fees, as follows:

224 "16-12-206.

225 (a)(1) Upon request by a licensed pharmacy in this state, the State Board of Pharmacy  
226 shall be authorized to develop an annual, nontransferable specialty dispensing license for  
227 an independent pharmacy with a registered office located within this state to dispense low  
228 THC oil and products to registered patients. The State Board of Pharmacy shall develop  
229 rules and regulations regarding dispensing pharmacies in this state in accordance with the  
230 requirements contained in subsection (b) of this Code section.

231 (2) The ~~commission~~ Commissioner shall be authorized to issue five dispensing licenses  
232 to each Class 1 production licensee and each Class 2 production licensee for retail outlets  
233 to dispense low THC oil and products to registered patients. In addition, the  
234 Commissioner shall be authorized to issue a dispensing license for a retail outlet to each  
235 Class 1 production licensee and each Class 2 production licensee for the purpose of  
236 establishing a retail outlet for the dispensing of low THC oil and products to registered  
237 patients at the location of the Class 1 production licensee's production facility or at the  
238 location of the Class 2 production licensee's production facility. The ~~commission~~  
239 Commissioner shall ensure that dispensing licenses shall be issued so that retail outlets  
240 are dispersed throughout the state. The ~~commission~~ Commissioner shall develop rules  
241 and regulations regarding retail dispensing licensees in this state in accordance with the  
242 requirements contained in subsection (b) of this Code section. The ~~commission~~  
243 Commissioner shall be authorized to issue one additional dispensing license to each  
244 Class 1 and Class 2 production licensee when the Low THC Oil Patient Registry  
245 established and maintained pursuant to Code Section 31-2A-18 reaches 25,000 patients  
246 and for every increase of 10,000 patients thereafter.

247 (b) The State Board of Pharmacy and the ~~commission~~ Commissioner shall separately adopt  
248 rules relating to the dispensing of low THC oil and products, with the State Board of  
249 Pharmacy promulgating rules and regulations for pharmacies that dispense low THC oil  
250 and products and the ~~commission~~ Commissioner promulgating rules and regulations for  
251 other retail outlets that dispense low THC oil and products. Such rules shall include but  
252 not be limited to:

253 (1) Standards, procedures, and protocols for the effective use of low THC oil and  
254 products as authorized by state law and related rules and regulations;

255 (2) Standards, procedures, and protocols for the dispensing of low THC oil and products  
256 by a pharmacy with a dispensing license and by retail dispensing licensees and for the  
257 utilization of a tracking system;

258 (3) Procedures and protocols to provide that no low THC oil or products may be sold to  
259 or transferred to a location outside of this state;

260 (4) The establishment of standards, procedures, and protocols for determining the  
261 amount of usable low THC oil and products that is necessary to constitute an adequate  
262 supply for registered patients in this state to ensure uninterrupted availability for a period  
263 of one month, including amounts for topical treatments;

264 (5) The establishment of standards, procedures, and protocols to ensure that all low THC  
265 oil and products dispensed are consistently pharmaceutical grade;

266 (6) The establishment of standards and procedures for the revocation, suspension, and  
267 nonrenewal of dispensing licenses;

268 (7) The establishment of other licensing, renewal, and operational standards which are  
269 deemed necessary by the State Board of Pharmacy and the ~~commission~~ Commissioner;

270 (8) The establishment of standards and procedures for testing low THC oil and products  
271 for levels of tetrahydrocannabinol or other testing parameters deemed appropriate by the  
272 State Board of Pharmacy and the ~~commission~~ Commissioner;

273 (9) The establishment of health, safety, and security requirements for pharmacies and  
 274 retail dispensing licensees dispensing low THC oil and products; and

275 (10) Requirements for the issuance of dispensing licenses to pharmacies and Class 1 and  
 276 Class 2 production licensees.

277 (c) The ~~commission~~ Commissioner shall be authorized, by rules and regulations, to  
 278 establish fees for dispensing licenses to Class 1 and Class 2 production licensees  
 279 commensurate with the location of the retail outlet and demand for low THC oil and  
 280 products at such location.

281 (d) Each dispensing location shall be authorized to sell low THC oil and products from any  
 282 Class 1 or Class 2 production licensee in this state."

283

### SECTION 6.

284 Said article is further amended by revising Code Section 16-12-207, relating to establishment  
 285 of Medical Cannabis Commission Oversight Committee, membership, inspections, provision  
 286 of information, plan for accredited lab testing, and patient and physician input, as follows:  
 287 "16-12-207.

288 (a) ~~The~~ There is created as a joint committee of the General Assembly shall establish a the  
 289 Georgia Access to Medical Cannabis Commission Legislative Oversight Committee with  
 290 two members appointed by the Lieutenant Governor and two members appointed by the  
 291 Speaker of the House of Representatives to be composed of the chairpersons of the House  
 292 Committee on Regulated Industries, the House Committee on Agriculture, the House  
 293 Committee on Health, the Senate Economic Development Committee, the Senate  
 294 Committee on Health and Human Services, and the Senate Agriculture Committee and an  
 295 additional member of the House of Representatives appointed by the Speaker of the House  
 296 of Representatives and an additional senator appointed by the Lieutenant Governor. The  
 297 Speaker of the House of Representatives shall appoint one of the representatives and the  
 298 Lieutenant Governor shall appoint one of the senators to serve as cochairpersons of the

299 legislative oversight committee. The oversight committee shall periodically inquire into  
300 and review the operations of the department with regard to medical cannabis, as well as  
301 periodically review and evaluate the success with which the Commissioner is  
302 accomplishing the statutory duties and functions as provided in this chapter. The oversight  
303 committee may conduct any independent audit or investigation of the department with  
304 regard to medical cannabis that it deems necessary. Any member of the Georgia Access  
305 to Medical Cannabis Commission Legislative Oversight Committee shall be permitted to  
306 inspect any production facility upon request and after reasonable notice is provided to the  
307 production facility.

308 (b) ~~The commission Commissioner shall promptly provide any document or information~~  
309 ~~requested by the legislative oversight committee that is in its his or her possession,~~  
310 ~~provided that the commission Commissioner shall not be required to share documents~~  
311 ~~containing data identifying individual patients or physicians, information marked as trade~~  
312 ~~secrets by applicants or licensees, information that in the view of the commission would~~  
313 ~~interfere with an ongoing licensing applicant selection process, or information that in the~~  
314 ~~judgment of the commission would create law enforcement or security risks to the citizens~~  
315 ~~of Georgia any information that would be exempt from public disclosure pursuant to Code~~  
316 ~~Section 50-18-72 or pursuant to state or federal privacy laws.~~

317 (c) ~~No later than August 1, 2021, the oversight committee shall recommend to the~~  
318 ~~commission a process and plan for providing accredited lab testing of products produced~~  
319 ~~by licensees and for labeling such products. The commission shall consider the~~  
320 ~~recommendations of the oversight committee in adopting policies, procedures, and~~  
321 ~~regulations regarding such testing and labeling Reserved.~~

322 (d) The legislative oversight committee may regularly seek input from patients and  
323 physicians as to the availability and quality of products produced pursuant to this chapter,  
324 and recommend to the ~~commission~~ Commissioner changes to policies, procedures, and

325 regulations to improve availability and quality. The ~~commission~~ Commissioner shall  
326 consider such recommendations in adopting policies, procedures, and regulations."

327 **SECTION 7.**

328 Said article is further amended by revising Code Section 16-12-210, relating to powers,  
329 duties, and responsibilities of commission, no undue burden on patients, and remission of  
330 fees, as follows:

331 "16-12-210.

332 (a) The ~~commission~~ Commissioner shall have the following powers, duties, and  
333 responsibilities to implement the provisions of this part:

334 (1) Issue licenses related to the production, growing, and manufacturing of low THC oil  
335 and products in accordance with the provisions of this part;

336 (2) Coordinate with the Georgia Bureau of Investigation to implement security plans and  
337 enforce the provisions of this part;

338 (3) Establish procedures for granting licenses, testing products, and inspecting facilities;

339 (4) Establish requirements and procedures to ensure quality control, security, and  
340 oversight of all low THC oil and product production in this state, including, but not  
341 limited to, conducting testing for purity and dosage levels and verifying that product  
342 labels accurately reflect product content. The ~~commission~~ Commissioner is authorized  
343 to contract with private laboratories to perform the functions described in this paragraph;

344 (5) Establish procedures and ensure sufficient resources are available to receive and  
345 resolve complaints from registered patients;

346 (6) Establish applications and forms necessary to carry out the provisions of this part;

347 (7) Establish criteria for applicants and licensees as necessary to ensure market stability  
348 and adequate supply;

349 (8) Provide for the selection, implementation, and oversight of tracking systems;

350 (9) Provide oversight of licensee reporting, data collection, and analysis;

- 351 (10) Establish requirements and procedures for marketing and signage; and  
352 (11) Promulgate rules and regulations and adopt policies and procedures necessary to  
353 carry out the provisions of this part.
- 354 (b) ~~The commission~~ Commissioner shall not promulgate any rules or regulations that  
355 would unduly burden access to low THC oil or products by registered patients.
- 356 (c) All fees collected by the ~~commission~~ Commissioner shall be remitted to the general  
357 fund of the state treasury."

358 **SECTION 8.**

359 Said article is further amended by revising Code Section 16-12-211, relating to Class 1  
360 production licenses, application fees, revocation, and limitation of ownership, as follows:

361 "16-12-211.

362 (a) ~~The commission may issue up to two Class 1 production licenses.~~ In addition to the  
363 two initial Class 1 production licenses issued by the former Georgia Access to Medical  
364 Cannabis Commission, the Commissioner shall issue up to nine additional Class 1  
365 production licenses pursuant to subsection (a) of Code Section 16-12-221, provided that  
366 the total number of Class 1 and Class 2 production licenses shall not exceed 20 production  
367 licenses. A Class 1 production licensee shall be authorized to:

- 368 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to  
369 100,000 square feet of cultivation space; and  
370 (2) Manufacture low THC oil and products.

371 (b) Except as otherwise provided in paragraph (1) of subsection (a) of Code  
372 Section 16-12-221, Class 1 production licenses shall be issued to applicants selected by the  
373 ~~commission~~ Commissioner following a competitive application and review process in  
374 accordance with the requirements set forth in this part. An applicant must be a Georgia  
375 corporation or entity and shall maintain a bank account with a bank or credit union located  
376 in this state. An applicant for a Class 1 production license shall submit an application on

377 a form established by the ~~commission~~ Commissioner, together with the following  
378 information:

379 (1) Proof of available capital to make the investments needed to safely, securely, and  
380 promptly perform all required functions of a licensee. Prior to issuance of a Class 1  
381 production license, the applicant shall provide written documentation showing that on the  
382 date of application and award such applicant holds at least \$2 million in available cash  
383 reserves to invest in operations in this state;

384 (2) A written production plan detailing the production processes that, at a minimum,  
385 includes details describing how the chain of custody will be maintained, documented, and  
386 made available for review by the ~~commission~~ Commissioner or the Georgia Bureau of  
387 Investigation. Production processes shall include compliance with all production  
388 standards, laws, and regulations needed to protect public safety and ensure product purity;

389 (3) A comprehensive security plan that ensures compliance with the applicable laws of  
390 this state. At a minimum, a security plan shall include a 24 hours per day, seven days per  
391 week interior and exterior video monitoring and intrusion detection monitoring system,  
392 recording and video storage capabilities for all facilities, and licensed security personnel.  
393 The entire premises of licensees shall be equipped with a centralized access control  
394 system capable of generating detailed reports of access logs for a minimum of one year.  
395 All videos, access logs, and any other monitoring data shall be available to the Georgia  
396 Bureau of Investigation upon request. The ~~commission~~ Commissioner is authorized to  
397 set requirements for the minimum technology, resolution, and storage capacity of at least  
398 45 days for the video recording capabilities of licensees;

399 (4) A written plan detailing specific security measures to ensure secured transportation  
400 and tracking of delivered products for intrafacility transportation;

401 (5) A detailed employment plan specifying the jobs and salaries of employees and  
402 demonstrating the expected economic impact of proposed activities in Georgia;



- 403 (6) A written plan to ensure that no pesticides are used at any point in the production  
404 process other than those certified organic by the Organic Materials Review Institute or  
405 another similar standards organization;
- 406 (7) Detailed designs of all production facilities;
- 407 (8) Letters of support from one or more local governmental entities where the primary  
408 facilities will be located;
- 409 (9) A demonstration of significant involvement in the business by one or more minority  
410 business enterprises as defined in Code Section 50-5-131, either as co-owners of the  
411 business or as significant suppliers of goods and services for the business. Such  
412 applicants shall be encouraged to form business relationships with Georgia agricultural  
413 businesses and military veterans;
- 414 (10) Documentation of the applicant's industry capabilities and management experience.  
415 The ~~commission~~ Commissioner shall consider the relevant industry experience and  
416 strength of the applicant's management team and board of directors when considering its  
417 merits;
- 418 (11) Sufficient documentation to prove that a \$1.5 million cash bond or for any licenses  
419 that are applied for on or after July 1, 2021, other comparable surety as determined by the  
420 ~~commission~~ Commissioner, payable to the State of Georgia or an irrevocable letter of  
421 credit can be obtained within 30 days of license award. Failure to provide the requisite  
422 bond or letter of credit within 30 days of the license award date shall be cause for  
423 revocation of the license;
- 424 (12) At least one set of classifiable electronically recorded fingerprints submitted to the  
425 ~~commission~~ Commissioner in accordance with the fingerprint system of identification  
426 established by the director of the Federal Bureau of Investigation. The ~~commission~~  
427 Commissioner shall transmit the fingerprints to the Georgia Crime Information Center,  
428 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of  
429 bureau records and an appropriate report and shall promptly conduct a search of state

430 records based upon the fingerprints. After receiving the report from the Georgia Crime  
431 Information Center and the Federal Bureau of Investigation, the ~~commission~~  
432 Commissioner shall review the record for all owners, officers, and employees of the  
433 applicant demonstrating a lack of convictions, except for felony convictions that are  
434 greater than ten years old, are not drug related, or have been expunged or pardoned; and  
435 (13) A description of any efforts made by the applicant to create jobs or locate facilities  
436 in tier one or tier two counties as defined in Code Section 48-7-40.

437 (c) An applicant for a Class 1 production license shall submit a nonrefundable application  
438 fee in the amount of \$25,000.00 concurrent with submission of the application.

439 (d) Upon award of a Class 1 production license, an applicant shall be required to submit  
440 an initial license fee of \$200,000.00, and upon annual renewal, a license renewal fee of  
441 \$100,000.00.

442 (e) A Class 1 production license shall be revoked if the licensee is not operational within  
443 12 months of the award date.

444 (f)(1) No person or entity holding an ownership interest in a license issued under this  
445 Code section may hold an ownership interest in any other type of license issued under  
446 this part.

447 (2) No person or entity or director or officer of such entity may hold an ownership  
448 interest in more than one Class 1 production license at any one time.

449 (3) Ownership interests in more than one license shall be cause for revocation of all  
450 licenses."

451 **SECTION 9.**

452 Said article is further amended by revising Code Section 16-12-212, relating to Class 2  
453 production licenses, application fees, revocation, and limitation of ownership, as follows:

454 "16-12-212.

455 (a) ~~The commission may issue up to four Class 2 production licenses.~~ In addition to the  
456 four initial Class 2 production licenses authorized by the former Georgia Access to Medical  
457 Cannabis Commission, the Commissioner shall issue up to 12 additional Class 2 production  
458 licenses pursuant to subsection (a) of Code Section 16-12-221, provided that the total  
459 number of Class 1 and Class 2 production licenses shall not exceed 20 production licenses.

460 A Class 2 production licensee shall be authorized to:

461 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited  
462 to 50,000 square feet of cultivation space; and

463 (2) Manufacture low THC oil and products.

464 (b) Except as otherwise provided in paragraph (1) of subsection (a) of Code  
465 Section 16-12-221, Class 2 production licenses shall be issued to applicants selected by the  
466 ~~commission~~ Commissioner following a competitive application and review process in  
467 accordance with the requirements set forth in this part. An applicant must be a Georgia  
468 corporation or entity and shall maintain a bank account with a bank or credit union located  
469 in this state. An applicant for a Class 2 production license shall submit an application on  
470 a form established by the ~~commission~~ Commissioner, together with the following  
471 information:

472 (1) Proof of available capital to make the investments needed to safely, securely, and  
473 promptly perform all required functions of a licensee. Prior to issuance of a Class 2  
474 production license, the applicant shall provide written documentation showing that on the  
475 date of application and award such applicant holds at least \$1.25 million in available cash  
476 reserves to invest in operations in this state;

477 (2) A written production plan detailing the production processes that, at a minimum,  
478 includes details describing how the chain of custody will be maintained, documented, and  
479 made available for review by the ~~commission~~ Commissioner or the Georgia Bureau of

480 Investigation. Production processes shall include compliance with all production  
481 standards, laws, and regulations needed to protect public safety and ensure product purity;  
482 (3) A comprehensive security plan that ensures compliance with the applicable laws of  
483 this state. At a minimum, a security plan shall include a 24 hours per day, seven days per  
484 week interior and exterior video monitoring and intrusion detection monitoring system,  
485 recording and video storage capabilities for all facilities, and licensed security personnel.  
486 The entire premises of licensees shall be equipped with a centralized access control  
487 system capable of generating detailed reports of access logs for a minimum of one year.  
488 All videos, access logs, and any other monitoring data shall be available to the Georgia  
489 Bureau of Investigation upon request. The ~~commission~~ Commissioner is authorized to  
490 set requirements for the minimum technology, resolution, and storage capacity of at least  
491 45 days for the video recording capabilities of licensees;  
492 (4) A written plan detailing specific security measures to ensure secured transportation  
493 and tracking of delivered products for intrafacility transportation;  
494 (5) A detailed employment plan specifying the jobs and salaries of employees and  
495 demonstrating the expected economic impact of proposed activities in Georgia;  
496 (6) A written plan to ensure that no pesticides are used at any point in the production  
497 process other than those certified organic by the Organic Materials Review Institute or  
498 another similar standards organization;  
499 (7) Detailed designs of all production facilities;  
500 (8) Letters of support from one or more local governmental entities where the primary  
501 facilities will be located;  
502 (9) A demonstration of significant involvement in the business by one or more minority  
503 business enterprises as defined in Code Section 50-5-131, either as co-owners of the  
504 business or as significant suppliers of goods and services for the business. Such  
505 applicants shall be encouraged to form business relationships with Georgia agricultural  
506 businesses and military veterans;

507 (10) Documentation of the applicant's industry capabilities and management experience.  
508 The ~~commission~~ Commissioner shall consider the relevant industry experience and  
509 strength of the applicant's management team and board of directors when considering its  
510 merits;

511 (11) Sufficient documentation to prove that a \$625,000.00 cash bond or for any licenses  
512 that are applied for on or after July 1, 2021, other comparable surety as determined by the  
513 ~~commission~~ Commissioner, payable to the State of Georgia or an irrevocable letter of  
514 credit can be obtained within 30 days of license award. Failure to provide the requisite  
515 bond or letter of credit within 30 days of the license award date shall be cause for  
516 revocation of the license;

517 (12) At least one set of classifiable electronically recorded fingerprints submitted to the  
518 ~~commission~~ Commissioner in accordance with the fingerprint system of identification  
519 established by the director of the Federal Bureau of Investigation. The ~~commission~~  
520 Commissioner shall transmit the fingerprints to the Georgia Crime Information Center,  
521 which shall submit the fingerprints to the Federal Bureau of Investigation for a search of  
522 bureau records and an appropriate report and shall promptly conduct a search of state  
523 records based upon the fingerprints. After receiving the report from the Georgia Crime  
524 Information Center and the Federal Bureau of Investigation, the ~~commission~~  
525 Commissioner shall review the record for all owners, officers, and employees of the  
526 applicant demonstrating a lack of convictions, except for felony convictions that are  
527 greater than ten years old, are not drug related, or have been expunged or pardoned; and

528 (13) A description of any efforts made by the applicant to create jobs or locate facilities  
529 in tier one or tier two counties as defined in Code Section 48-7-40.

530 (c) An applicant for a Class 2 production license shall submit a nonrefundable application  
531 fee in the amount of \$5,000.00 concurrent with submission of the application.

532 (d) Upon award of a Class 2 production license, an applicant shall be required to submit  
533 an initial license fee of \$100,000.00, and upon annual renewal, a license renewal fee of  
534 \$50,000.00.

535 (e) A Class 2 production license shall be revoked if the licensee is not operational within  
536 12 months of the award date.

537 (f)(1) No person or entity holding an ownership interest in a license issued under this  
538 Code section may hold an ownership interest in any other type of license issued under  
539 this part.

540 (2) No person or entity or director or officer of such entity may hold an ownership  
541 interest in more than one Class 2 production license at any one time.

542 (3) Ownership interests in more than one license shall be cause for revocation of all  
543 licenses."

544 **SECTION 10.**

545 Said article is further amended by revising Code Section 16-12-213, relating to tracking  
546 systems required, as follows:

547 "16-12-213.

548 (a) The ~~commission~~ Commissioner shall require that each Class 1 production licensee and  
549 Class 2 production licensee establish, maintain, and utilize, directly or by contract, a  
550 tracking system. The ~~commission~~ Commissioner shall approve one or more vendors to  
551 provide or operate tracking systems.

552 (b) A tracking system shall have the functions and capabilities described in subsections (c)  
553 and (d) of this Code section and shall be operated in compliance with the federal Health  
554 Insurance Portability and Accountability Act of 1996, Public Law 104-191.

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

556 (1) Dynamic allocation of resources;

557 (2) Data redundancy; and

- 558 (3) Recovery from natural disaster within 12 hours.
- 559 (d) The tracking system shall be capable of:
- 560 (1) Tracking all plants, products, packages, and registered patients' purchase totals,  
561 waste, transfers, conversions, sales, and returns that, if practicable, are linked to unique  
562 identification numbers;
- 563 (2) Tracking lot and batch information throughout the entire chain of custody;
- 564 (3) Tracking all marijuana, low THC oil, and products throughout the entire chain of  
565 custody;
- 566 (4) Tracking plant, batch, and marijuana, low THC oil, and product destruction;
- 567 (5) Tracking transportation of marijuana, low THC oil, and products;
- 568 (6) Performing complete batch recall tracking that clearly identifies all of the following  
569 details relating to the specific batch subject to the recall:
- 570 (A) Amount of low THC oil and products sold;
- 571 (B) Amount of low THC oil and products inventory that is finished and available for  
572 sale;
- 573 (C) Amount of low THC oil and products that is in the process of transfer;
- 574 (D) Amount of low THC oil and products being processed into another form; and
- 575 (E) Amount of postharvest raw marijuana, such as marijuana that is in the drying,  
576 trimming, or curing process;
- 577 (7) Reporting and tracking loss, theft, or diversion of marijuana, low THC oil, or  
578 products;
- 579 (8) Reporting and tracking all inventory discrepancies;
- 580 (9) Reporting and tracking adverse patient responses or dose related efficacy issues;
- 581 (10) Reporting and tracking all sales and refunds;
- 582 (11) Tracking purchase limits and flagging purchases in excess of authorized limits;
- 583 (12) Receiving electronically submitted information required to be reported under this  
584 Code section;

- 585 (13) Receiving testing results electronically from a laboratory via a secured application  
586 program interface into the tracking system and directly linking the testing results to each  
587 applicable source batch and sample;
- 588 (14) Flagging test results that have characteristics indicating that they may have been  
589 altered;
- 590 (15) Providing information to cross-check that low THC oil and product sales are made  
591 to a registered patient, caregiver, or designated caregiver and that the low THC oil and  
592 products received the required testing;
- 593 (16) Providing the ~~commission~~ Commissioner with real-time access to information in the  
594 tracking system; and
- 595 (17) Providing real-time information to the ~~commission~~ Commissioner regarding key  
596 performance indicators, including:
- 597 (A) Total low THC oil and products daily sales;
- 598 (B) Total marijuana plants in production;
- 599 (C) Total marijuana plants destroyed; and
- 600 (D) Total inventory adjustments.
- 601 (e) A Class 1 production licensee or Class 2 production licensee shall supply the relevant  
602 tracking or testing information regarding each plant, product, package, batch, test, transfer,  
603 conversion, sale, recall, or disposition of marijuana, low THC oil, or products in or from  
604 such licensee's possession or control on forms created by the ~~commission~~ Commissioner."

605 **SECTION 11.**

606 Said article is further amended by revising Code Section 16-12-214, relating to study on  
607 minority and women participation and addressing discrimination, as follows:

608 "16-12-214.

- 609 (a) Beginning January 1, ~~2022~~ 2026, the ~~commission~~ Commissioner shall undertake a  
610 ~~retrospective~~ study of the participation of minority and women owned businesses as



611 licensees under this part for the period from January 1, ~~2020~~ 2022, through December 31,  
 612 ~~2021~~ 2025. Thereafter, the ~~commission~~ Commissioner shall conduct such study every four  
 613 years for the immediately preceding four-year period.

614 (b) The initial and subsequent studies conducted pursuant to subsection (a) of this Code  
 615 section shall identify any proof of discrimination based on race or gender in the issuance  
 616 of licenses under this part.

617 (c) In the event that any proof of discrimination based on race or gender in the issuance  
 618 of licenses under this part is identified, the ~~commission~~ Commissioner shall be authorized  
 619 to address such proof of discrimination by:

620 (1) Issuing one additional Class 1 production license and two additional Class 2  
 621 production licenses to minority and women owned businesses;

622 (2) Reissuing any licenses that have been surrendered or revoked to minority or women  
 623 owned businesses; or

624 (3) A combination of the above.

625 (d) This Code section shall not require the ~~commission~~ Commissioner to issue a license  
 626 to any applicant unless such applicant otherwise meets all requirements for licensure under  
 627 this part."

## 628 **SECTION 12.**

629 Said article is further amended by revising Code Section 16-12-215, relating to limitation on  
 630 locations, advertising or marketing prohibited, and information available to physicians, as  
 631 follows:

632 "16-12-215.

633 (a) No licensee shall operate in any location, whether for cultivation, harvesting, and  
 634 processing of marijuana or for processing, manufacturing, packaging, or distributing low  
 635 THC oil or products, within a 3,000 foot radius of a covered entity, measured from  
 636 property boundary to property boundary. No dispensing licensee may operate in any

637 location within a 1,000 foot radius of a covered entity, measured from property boundary  
638 to property boundary. Notwithstanding the provisions of this subsection, local  
639 governments may, via use of existing zoning powers otherwise provided by law, allow  
640 dispensing licensees only to locate in places other than those provided in this subsection  
641 so long as such modification is needed to allow retail outlets to be established to service  
642 registered patients residing within such local jurisdiction. As used in this subsection, the  
643 term 'covered entity' means a public or private school; an early care and education program  
644 as defined in Code Section 20-1A-2; or a church, synagogue, or other place of public  
645 religious worship, in existence prior to the date of licensure of such licensee by the  
646 ~~commission~~ Commissioner or State Board of Pharmacy.

647 (b) No licensee shall advertise or market low THC oil or products to registered patients or  
648 the public; provided, however, that a licensee shall be authorized to provide information  
649 regarding its low THC oil and products directly to physicians."

650

**SECTION 13.**

651 Said article is further amended by revising Code Section 16-12-216, relating to Bureau of  
652 Investigation, Access to Medical Cannabis Commission, and Composite Medical Board to  
653 jointly establish procedures to ensure compliance, as follows:

654 "16-12-216.

655 The Georgia Bureau of Investigation shall be responsible for investigating any alleged  
656 criminal activities related to the activities of the licensees, and shall work with the  
657 ~~commission~~ Commissioner and the Georgia Composite Medical Board to develop  
658 procedures to ensure that all activities of licensees are conducted in accordance with this  
659 part and the laws of this state. In addition to other powers and duties, the Georgia Bureau  
660 of Investigation, the ~~commission~~ Commissioner, and the Georgia Composite Medical  
661 Board shall jointly establish procedures to ensure that no activities conducted under this  
662 part result in the illegal or recreational use of low THC oil, products, or manufacturing

663 by-products and jointly establish any other procedures necessary to carry out its duties and  
664 responsibilities pursuant to this part."

665 **SECTION 14.**

666 Said article is further amended by revising Code Section 16-12-217, relating to on-demand  
667 access to facilities, provision of samples, testing, and secured transportation, as follows:

668 "16-12-217.

669 (a) All licensees shall provide on-demand access to facilities for inspection when requested  
670 by the Georgia Bureau of Investigation, the ~~commission~~ Commissioner, or the local law  
671 enforcement agency for the jurisdiction in which the facility is located. The ~~commission~~  
672 Commissioner and the Georgia Drugs and Narcotics Agency may each conduct one annual  
673 inspection. Upon request by the Georgia Bureau of Investigation, the ~~commission~~  
674 Commissioner, the Georgia Drugs and Narcotics Agency, or the local law enforcement  
675 agency for the jurisdiction in which the facility is located, a licensee shall immediately  
676 provide product samples for the purposes of laboratory testing.

677 (b) Each Class 1 production licensee and Class 2 production licensee shall contract with  
678 a laboratory on the ~~commission's~~ Commissioner's approved list of independent laboratories,  
679 subject to any requirements set by the ~~commission~~ Commissioner, for purposes of testing  
680 low THC oil and products manufactured by such licensees. Low THC oil and products  
681 shall be analyzed for potency, foreign matter, microbial presence, pesticides, heavy metals,  
682 and residual solvents. The ~~commission~~ Commissioner shall establish limits for each item  
683 tested to verify that such low THC oil and products meet the requirements of this part. The  
684 ~~commission~~ Commissioner shall promulgate rules and regulations governing the operations  
685 of laboratories for the testing of low THC oil and products. The costs of laboratory testing  
686 shall be paid by the licensees. Each low THC oil product shall be required to pass all  
687 requirements established by the ~~commission~~ Commissioner before being distributed.  
688 Products that do not pass the ~~commission's~~ Commissioner's requirements shall be destroyed

689 by the licensee and proof of such destruction shall be sent to the ~~commission~~  
690 Commissioner upon request.

691 (c) This Code section shall not apply to intrafacility transportation of low THC oil or  
692 products; provided, however, that licensees engaging in such transportation shall maintain  
693 secured transportation and tracking of product delivery."

694 **SECTION 15.**

695 Said article is further amended by revising Code Section 16-12-220, relating to confidential  
696 nature of data, exclusion, and patient privacy, as follows:

697 "16-12-220.

698 (a) All working papers, recorded information, documents, and copies produced by,  
699 obtained by, or disclosed to the ~~commission~~ Commissioner pursuant to the activities  
700 conducted pursuant to this part, ~~other than information published in an official commission~~  
701 ~~report regarding the activities conducted pursuant to this article, shall be confidential data~~  
702 ~~and shall not be subject to Article 4 of Chapter 18 of Title 50; provided, however, that any~~  
703 ~~contract, memorandum of understanding, or cooperative endeavor agreement entered into~~  
704 ~~by the commission pursuant to this article shall be subject to Article 4 of Chapter 18 of~~  
705 Title 50, relating to open records.

706 (b) In no event shall the ~~commission~~ Commissioner disclose any information that would  
707 reveal the identity or health information of any registered patient or violate the federal  
708 Health Insurance Portability and Accountability Act of 1996, Public Law 104-191."

709 **SECTION 16.**

710 Said article is further amended by revising subsection (a) of Code Section 16-12-221, relating  
711 to contracts awarded through bids or proposals, minimum contract terms and renewals,  
712 subcontracting, and giving or receiving things of value limited, as follows:

713 "(a)(1) The ~~commission~~ Commissioner shall grant initial licenses under this part pursuant  
714 to contracts awarded through competitive sealed bids or competitive sealed proposals as  
715 provided for in Article 3 of Chapter 5 of Title 50. After issuance of two initial Class 1  
716 production licenses pursuant to Code Section 16-12-211 and four initial Class 2  
717 production licenses pursuant to Code Section 16-12-212, and in the Commissioner shall,  
718 not later than May 31, 2023, issue a Class 1 or Class 2 production license to the  
719 applicants who participated in the competitive application request for proposals for  
720 Class 1 and Class 2 production licenses and:

721 (A) Filed post-award and administrative protests of such notices of intent to award; and  
722 (B) Appealed the administrative decisions denying such protests to the superior court  
723 and, where appropriate, state appellate court.

724 A person that filed a post-award protest which is on appeal that had applied for both a  
725 Class 1 and a Class 2 production license pursuant to such notices of intent to award shall  
726 choose which class of license such person wants to receive. A person designated under  
727 this paragraph shall be awarded or issued either a Class 1 or a Class 2 production license,  
728 but not both. The aggregate number of Class 1 and Class 2 production licenses awarded  
729 or issued under this paragraph shall not exceed nine licenses.

730 (2) Thereafter, the Commissioner shall issue one additional Class 1 or Class 2 production  
731 license when the number of patients in the Low THC Oil Patient Registry established and  
732 maintained pursuant to Code Section 31-2A-18 meets or exceeds 100,000 and one  
733 additional Class 1 or Class 2 production license for every increase of 75,000 patients in  
734 the Low THC Oil Patient Registry, subject to the overall limit of total number of Class 1  
735 and Class 2 production licenses contained in Code Sections 16-12-211 and 16-12-212.  
736 The initial increase in the number of patients in the Low THC Oil Patient Registry shall  
737 be based on the number of patients in the registry as of January 1, 2023.

738 (3) In the event that the commission revokes a Class 1 or Class 2 production license, a  
739 Class 1 or Class 2 production license is surrendered for any reason, or the commission

740 issues an additional Class 1 production license pursuant to Code Section 16-12-214, the  
 741 commission shall be authorized to issue any replacement Class 1 or Class 2 production  
 742 licenses in accordance with ~~rules and regulations established by the commission for such~~  
 743 ~~purpose. Such rules and regulations shall not otherwise conflict with this article, and to~~  
 744 ~~the extent practicable, such rules and regulations shall incorporate provisions and~~  
 745 ~~processes similar to Article 3 of Chapter 5 of Title 50."~~

746 **SECTION 17.**

747 Said article is further amended by adding a new Code section to read as follows:

748 "16-12-221.1.

749 (a) The Georgia State-wide Business Court shall exercise exclusive jurisdiction over any  
 750 appeal by a party aggrieved by a final decision of the commission pursuant to this article  
 751 for any appeal filed on and after July 1, 2023. The Georgia State-wide Business Court  
 752 shall conduct expedited hearings on any such appeals, and review by the court shall be  
 753 confined to the record.

754 (b) The court shall not substitute its judgment for that of the Commissioner as to the  
 755 weight of the evidence on questions of fact committed to the discretion of the  
 756 Commissioner. The court may affirm any decision of the Commissioner in whole or in  
 757 part. The court shall reverse or remand any case for further proceedings if material rights  
 758 of the appellant have been prejudiced because the Commissioner's findings, inferences,  
 759 conclusions, or decisions are:

760 (1) In violation of constitutional or statutory provisions or applicable procurement rules;

761 (2) Made upon unlawful procedures;

762 (3) Affected by other error of law;

763 (4) Not reasonably supported by substantial evidence in view of the reliable and  
 764 probative evidence in the record as a whole; or

765 (5) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted  
 766 exercise of discretion.

767 (c) The court shall require a litigation bond or other form of surety payable to the state  
 768 from any protesting party in an amount determined by the court, which shall be forfeited  
 769 if the court affirms, in whole, the decision of the Commissioner."

770 **SECTION 18.**

771 Said article is further amended by revising Code Section 16-12-222, relating to transfer of  
 772 ownership, appeals, meaning of license, and transfer fees, as follows:

773 "16-12-222.

774 (a) No license issued under this part shall transfer ownership within five years of issuance.

775 (b) All subsequent transfers of license ownership shall be approved by the ~~commission~~  
 776 Commissioner to become valid. The ~~commission~~ Commissioner shall not unreasonably  
 777 withhold approval of a license transfer when the parties adequately demonstrate that a  
 778 proposed new owner satisfies all requirements necessary to obtain a license and that the  
 779 transfer is in the best interest of registered patients in this state.

780 (c) A licensee who has been denied transfer approval by the ~~commission~~ Commissioner  
 781 may file an appeal with the Georgia State-wide Business Court in accordance with Code  
 782 Section 16-12-221.1, in the Superior Court of Fulton County in accordance with Chapter  
 783 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

784 (d) A license issued pursuant to this article:

785 (1) Is effective for a single business entity;

786 (2) Vests no property or right in the holder of the license except to conduct the licensed  
 787 business during the period the license is in effect;

788 (3) Is nontransferable, nonassignable by and between owners or location owners and  
 789 location operators, and not subject to execution; and

790 (4) Expires upon the death of an individual holder of a license or upon the dissolution  
791 of any other holder of a license.

792 (e) Upon the sale of a licensee's business in its entirety, the buyer shall pay to the  
793 ~~commission~~ Commissioner, subject to approval, a transfer fee for the license that  
794 accompanies the business in the following amounts:

795 (1) For the first sale of a:

796 (A) Class 1 production license business, a transfer fee for the license in the amount of  
797 \$100,000.00; and

798 (B) Class 2 production license business, a transfer fee for the license in the amount of  
799 \$12,500.00;

800 (2) For the second sale of a:

801 (A) Class 1 production license business, a transfer fee for the license in the amount of  
802 \$150,000.00; and

803 (B) Class 2 production license business, a transfer fee for the license in the amount of  
804 \$62,500.00;

805 (3) For the third sale of a:

806 (A) Class 1 production license business, a transfer fee for the license in the amount of  
807 \$200,000.00; and

808 (B) Class 2 production license business, a transfer fee for the license in the amount of  
809 \$112,500.00; and

810 (4) For the fourth or subsequent sale of a:

811 (A) Class 1 production license business, a transfer fee for the license in an amount to  
812 be established by the ~~commission~~ Commissioner, which shall be not less than  
813 \$200,000.00; and

814 (B) Class 2 production license business, a transfer fee for the license in an amount to  
815 be established by the ~~commission~~ Commissioner, which shall be not less than  
816 \$112,500.00."



817 **SECTION 19.**

818 Said article is further amended by revising Code Section 16-12-223, relating to revocation  
819 of license and appeal, as follows:

820 "16-12-223.

821 (a) A license shall be revoked by the ~~commission~~ Commissioner if the licensee:

822 (1) Holds ownership interest in more than one category of license issued under this  
823 article;

824 (2) Knowingly employs individuals convicted of a felony within the previous ten years  
825 unless the conviction has been expunged or the individual has been pardoned or had his  
826 or her civil rights restored;

827 (3) Utilizes pesticides other than pest management products that have been certified  
828 organic by the Organic Materials Review Institute or another similar standards  
829 organization;

830 (4) Fails to comply with inspection and access requirements in accordance with this part;

831 (5) Fails to be fully operational within 12 months of the date a license is awarded; or

832 (6) Fails to comply with any other provision or requirement of this part.

833 (b) A licensee whose license has been revoked by the ~~commission~~ Commissioner may file  
834 an appeal with the Georgia State-wide Business Court in accordance with Code Section  
835 16-12-221.1, in the Superior Court of Fulton County in accordance with Chapter 13 of Title  
836 50, the 'Georgia Administrative Procedure Act.'"

837 **SECTION 20.**

838 Said article is further amended by revising Code Section 16-12-224, relating to limitation on  
839 ownership by member or former member of commission, limitation on physician's  
840 involvement, and identification when contributing to political campaigns, as follows:

841 "16-12-224.

842 (a) No ~~current member of the commission, or former member of the commission~~ Georgia  
 843 Access to Medical Cannabis Commission for a period of five years from the date such  
 844 individual ceased to be a member, shall own, operate, have a financial interest in, or be  
 845 employed by a low THC oil or product manufacturer or distributor, including any licensee  
 846 under this part.

847 (b) No physician who, presently or during the period of such business relationship,  
 848 certifies individuals to the former commission pursuant to Code Section 31-2A-18 for the  
 849 use of low THC oil and products to treat certain conditions shall own, operate, have a  
 850 financial interest in, or be employed by a low THC oil or product manufacturer or  
 851 distributor, including any licensee under this part. This subsection shall not prohibit a  
 852 physician from furnishing a registered patient or his or her caregiver, upon request, with  
 853 the names of low THC oil and product manufacturers or distributors. Any physician  
 854 violating this Code section shall be guilty of a misdemeanor.

855 (c) A licensee that makes a campaign contribution pursuant to Article 2 of Chapter 5 of  
 856 Title 21 shall identify itself as a licensee under this part to the recipient of such campaign  
 857 contribution."

858 **SECTION 21.**

859 Code Section 31-2A-18 of the Official Code of Georgia Annotated, relating to the Low THC  
 860 Oil Patient Registry, is amended by revising paragraph (3) of subsection (a) and adding a  
 861 new subsection as follows:

862 "(3) 'Condition' means:

863 (A) Cancer, when such disease is diagnosed as end stage or the treatment produces  
 864 related wasting illness or recalcitrant nausea and vomiting;

865 (B) Amyotrophic lateral sclerosis, when such disease is diagnosed as severe or end  
 866 stage;

- 867 (C) Seizure disorders related to a diagnosis of epilepsy or trauma related head injuries;  
868 (D) Multiple sclerosis, when such disease is diagnosed as severe or end stage;  
869 (E) Crohn's disease;  
870 (F) Mitochondrial disease;  
871 (G) Parkinson's disease, when such disease is diagnosed as severe or end stage;  
872 (H) Sickle cell disease, when such disease is diagnosed as severe or end stage;  
873 (I) Tourette's syndrome, when such syndrome is diagnosed as severe;  
874 (J) Autism spectrum disorder, when such disorder is diagnosed for a patient who is at  
875 least 18 years of age, or severe autism, when diagnosed for a patient who is less than  
876 18 years of age;  
877 (K) Epidermolysis bullosa;  
878 (L) Alzheimer's disease, when such disease is diagnosed as severe or end stage;  
879 (M) Acquired immune deficiency syndrome, when such syndrome is diagnosed as  
880 severe or end stage;  
881 (N) Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage;  
882 (O) Post-traumatic stress disorder resulting from direct exposure to or the witnessing  
883 of a trauma for a patient who is at least 18 years of age; ~~or~~  
884 (P) Intractable pain;  
885 (Q) Ulcerative colitis;  
886 (R) Myasthenia Gravis; or  
887 (S) Dysmenorrhea."  
888 "(i) Individuals who were formerly included on the Low THC Oil Patient Registry but  
889 have been deleted or removed from such registry may reapply without charge for  
890 reinstatement to such registry, provided that such application for reinstatement is received  
891 by the department not later than December 31, 2023."

892 **SECTION 22.**

893 This Act shall become effective upon its approval by the Governor or upon its becoming law  
894 without such approval.

895 **SECTION 23.**

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