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"CHAPTER 5214 43-52-1.15 This chapter shall be known and may be cited as the 'Georgia Retail Marijuana Code.'16 43-52-2.17 The General Assembly finds and declares that:18 (1) This chapter shall be deemed an exercise of the police powers of the state for the
19 protection of the economic and social welfare and the health, peace, and morals of the
20 people of this state; and21 (2) The General Assembly further declares that it is unlawful under state law to cultivate,
22 manufacture, distribute, or sell retail marijuana, except in compliance with the terms,
23 conditions, limitations, and restrictions in this chapter.24 43-52-3.25 As used in this chapter, the term:26 (1) 'Commissioner' means the state revenue commissioner.27 (2) 'Department' means the Department of Revenue.28 (3) 'Deputy commissioner' means the deputy revenue commissioner.29 (4) 'Good cause' means:30 (A) The licensee or applicant violated, does not meet, or has failed to comply with any
31 of the terms, conditions, or provisions of this chapter, any rules promulgated pursuant
32 to this chapter, or any supplemental local law, rules, or regulations;33 (B) The licensee or applicant has failed to comply with any special terms or conditions
34 that were placed on its license pursuant to an order of the state or local licensing
35 authority; or

36 (C) The licensed premises have been operated in a manner that adversely affects the
37 public health or the safety of the immediate neighborhood in which the establishment
38 is located.

39 (5) 'License' means a license or registration granted pursuant to this chapter.

40 (6) 'Licensed premises' means the premises specified in an application for a license under
41 this chapter, which are owned or in possession of the licensee and within which the
42 licensee is authorized to cultivate, manufacture, distribute, sell, or test retail marijuana
43 in accordance with this chapter.

44 (7) 'Licensee' means a person licensed or registered pursuant to this chapter.

45 (8) 'Local jurisdiction' means any county or municipality in this state and any duly
46 authorized agency or instrumentality of a county or municipality.

47 (9) 'Local licensing authority' means, for any local jurisdiction that has chosen to adopt
48 a local licensing requirement in addition to the state licensing requirements of this
49 chapter, an authority designated by municipal, county, or city and county charter,
50 ordinance, or resolution, or the governing body of a municipality or city and county, or
51 the board of county commissioners of a county if no such authority is designated.

52 (10) 'Location' means a particular parcel of land that may be identified by an address or
53 other descriptive means.

54 (11) 'Marijuana accessories' means any equipment, products, or materials of any kind
55 which are used, intended for use, or designed for use in planting, propagating, cultivating,
56 growing, harvesting, composting, manufacturing, compounding, converting, producing,
57 processing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing
58 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human
59 body.

60 (12) 'Operating fees' means fees that may be charged by a local jurisdiction for costs,
61 including but not limited to inspection, administration, and enforcement of businesses
62 authorized pursuant to this chapter.

63 (13) 'Person' means a natural person, partnership, association, company, corporation,
64 limited liability company, or organization.

65 (14) 'Premises' means a distinct and definite location, which may include a building, a
66 part of a building, a room, or any other definite contiguous area.

67 (15) 'Retail marijuana' means all parts of the plant of the genus cannabis whether
68 growing or not, the seeds thereof, the resin extracted from any part of the plant, and every
69 compound, manufacture, derivative, mixture, or preparation of the plant, its seeds, or its
70 resin, including marijuana concentrate. The term does not include industrial hemp, nor
71 does it include fiber produced from the stalks, oil, or cake made from the seed of the
72 plant, sterilized seed of the plant which is incapable of germination, or the weight of any
73 other ingredient combined with marijuana to prepare topical or oral administrations, food,
74 drink, or other product.

75 (16) 'Retail marijuana cultivation facility' means an entity licensed to cultivate, prepare,
76 and package retail marijuana and sell retail marijuana to retail marijuana stores, to retail
77 marijuana product manufacturing facilities, and to other marijuana cultivation facilities,
78 but not to consumers.

79 (17) 'Retail marijuana establishment' means a retail marijuana store, a retail marijuana
80 cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing
81 facility.

82 (18) 'Retail marijuana products manufacturer' means an entity licensed to purchase retail
83 marijuana; manufacture, prepare, and package retail marijuana products; and sell retail
84 marijuana and retail marijuana products to other retail marijuana product manufacturing
85 facilities and to retail marijuana stores, but not to consumers.

86 (19) 'Retail marijuana store' means an entity licensed to purchase retail marijuana from
87 retail marijuana cultivation facilities and retail marijuana and retail marijuana products
88 from retail marijuana product manufacturing facilities and to sell retail marijuana and
89 retail marijuana products to consumers.

90 (20) 'Retail marijuana testing facility' means an entity licensed to analyze and certify the
91 safety and potency of retail marijuana.

92 (21) 'School' means a public or private preschool or a public or private elementary,
93 middle, or high school.

94 (22) 'State licensing authority' means the authority created for the purpose of regulating
95 and controlling the licensing of the cultivation, manufacture, distribution, and sale of
96 retail marijuana in this state, pursuant to Code Section 43-52-6.

97 43-52-4.

98 (a) Any local jurisdiction may enact ordinances or regulations governing the time, place,
99 manner, and number of retail marijuana establishments located within the jurisdiction,
100 which may include a local licensing requirement or which may prohibit the operation of
101 retail marijuana establishments through the enactment of an ordinance or through a referred
102 or initiated measure.

103 (b) This chapter sets forth the exclusive means by which the manufacture, sale,
104 distribution, dispensing, and testing of retail marijuana may occur in the State of Georgia.

105 (c) Nothing in this chapter is intended to require an employer to permit or accommodate
106 the use, consumption, possession, transfer, display, transportation, sale, growing, or testing
107 of retail marijuana in the workplace or to affect the ability of employers to have policies
108 restricting the use of retail marijuana by employees.

109 (d) Nothing in this chapter prohibits a person, employer, school, hospital, detention
110 facility, corporation, or any other entity who occupies, owns, or controls a property from
111 prohibiting or otherwise regulating the possession, consumption, use, display, transfer,
112 distribution, sale, transportation, growing, or testing of retail marijuana on or in that
113 property.

114 43-52-5.

115 A limited access area shall be a building, room, or other contiguous area upon the licensed
116 premises where retail marijuana is grown, cultivated, stored, weighed, packaged, or tested,
117 under control of the licensee, with limited access to only those persons licensed by the state
118 licensing authority. All areas of ingress or egress to limited access areas shall be clearly
119 identified as such by a sign as designated by the state licensing authority.

120 43-52-6.

121 (a) For the purpose of regulating and controlling the licensing of the cultivation,
122 manufacture, distribution, and sale of retail marijuana in this state, there is created the state
123 licensing authority which shall be the commissioner or the deputy commissioner if the
124 commissioner so designates. The state licensing authority shall adopt regulations regarding
125 retail marijuana by January 1, 2024.

126 (b) The commissioner shall be the chief administrative officer of the state licensing
127 authority and may employ such employees as may be determined to be necessary, who
128 shall be a part of the department.

129 43-52-7.

130 (a) The state licensing authority has the authority to:

131 (1) Grant or refuse licenses for the cultivation, manufacture, distribution, sale, and
132 testing of retail marijuana as provided by law; suspend, fine, restrict, or revoke such
133 licenses upon a violation of this chapter or any rule promulgated pursuant to this chapter;
134 and impose any penalty authorized by this chapter or any rule promulgated pursuant to
135 this chapter;

136 (2) Promulgate such rules and such special rulings and findings as necessary for the
137 proper regulation and control of the cultivation, manufacture, distribution, sale, and
138 testing of retail marijuana in this state and for the enforcement of this chapter;

139 (3) Hear and determine at a public hearing any contested license denial and any
140 complaints against a licensee and administer oaths and issue subpoenas to require the
141 presence of persons and the production of papers, books, and records necessary to the
142 determination of any hearing so held, all in accordance with Chapter 13 of Title 50, the
143 'Georgia Administrative Procedure Act';

144 (4) Maintain the confidentiality of reports or other information obtained from a licensee.
145 Such reports or other information may be used only for a purpose authorized by this
146 chapter or for any other state or local law enforcement purpose;

147 (5) Develop such forms, licenses, identification cards, and applications as are necessary
148 or convenient in the discretion of the state licensing authority for the administration of
149 this chapter or any of the rules promulgated under this chapter; and

150 (6) Prepare and transmit annually a report to the Governor accounting for the efficient
151 discharge of all responsibilities assigned by law or directive to the state licensing
152 authority.

153 (b) Rules promulgated pursuant to subsection (a) of this Code section shall include, but not
154 be limited to, the following:

155 (1) Procedures consistent with this chapter for the issuance, renewal, suspension, and
156 revocation of licenses to operate retail marijuana establishments;

157 (2) A schedule of application, licensing, and renewal fees for retail marijuana
158 establishments;

159 (3) Qualifications for licensure under this chapter, including but not limited to the
160 requirement for a fingerprint based criminal history record check for all owners, officers,
161 managers, contractors, employees, and other support staff of entities licensed pursuant
162 to this chapter;

163 (4) Security requirements for any premises licensed pursuant to this chapter, including,
164 at a minimum, lighting, physical security, video, and alarm requirements, and other
165 minimum procedures for internal control as deemed necessary by the state licensing

166 authority to properly administer and enforce the provisions of this chapter, including
167 reporting requirements for changes, alterations, or modifications to the premises;
168 (5) Requirements to prevent the sale or diversion of retail marijuana and retail marijuana
169 products to persons under 21 years of age;
170 (6) Labeling requirements for retail marijuana and retail marijuana products sold by a
171 retail marijuana establishment that are at least as stringent as imposed by Article 2 of
172 Chapter 2 of Title 26, the 'Georgia Food Act', and include but are not limited to:
173 (A) The license number of the retail marijuana cultivation license;
174 (B) The license number of the retail marijuana store;
175 (C) An identity statement and standardized graphic symbol;
176 (D) The batch number;
177 (E) A net weight statement;
178 (F) THC potency and the potency of such other cannabinoids or other chemicals,
179 including but not limited to CBD, as determined relevant by the state licensing
180 authority;
181 (G) A list of the nonorganic pesticides, fungicides, herbicides, and solvents used during
182 cultivation or production;
183 (H) A statement to the effect of 'This product contains marijuana and was cultivated
184 or produced without regulatory oversight for health, safety, or efficacy, and there may
185 be health risks associated with the consumption of the product.';
186 (I) Warning labels;
187 (J) Solvents used in the extraction process;
188 (K) Amount of THC per serving and the number of servings per package for marijuana
189 products;
190 (L) A list of ingredients and possible allergens for marijuana products;
191 (M) A recommended use by or expiration date for marijuana products;
192 (N) A nutritional fact panel; and

- 193 (O) A universal symbol indicating the package contains retail marijuana or a retail
194 marijuana product;
- 195 (7) Health and safety regulations and standards for the manufacture of retail marijuana
196 products and the cultivation of retail marijuana;
- 197 (8) Limitations on advertising and display of retail marijuana and retail marijuana
198 products;
- 199 (9) Compliance with, enforcement of, or violation of any provision of this chapter, or any
200 rule issued pursuant to this chapter, including procedures and grounds for denying,
201 suspending, fining, restricting, or revoking a license issued pursuant to this chapter;
- 202 (10) Creation of a range of civil penalties for violations of this chapter for use by the
203 state licensing authority;
- 204 (11) Signage, marketing, and advertising requirements, including but not limited to:
- 205 (A) Mass market campaigns that have a high likelihood of reaching minors;
- 206 (B) Allowing packaging and accessory branding;
- 207 (C) A prohibition on health or physical benefit claims in advertising, merchandising,
208 and packaging;
- 209 (D) A prohibition on unsolicited pop-up advertising on the internet;
- 210 (E) A prohibition on banner ads on mass market websites;
- 211 (F) A prohibition on opt-in marketing that does not permit an easy and permanent
212 opt-out feature; and
- 213 (G) A prohibition on marketing directed toward location based devices, including but
214 not limited to cellular phones;
- 215 (12) Prohibition on the sale of retail marijuana and retail marijuana products unless:
- 216 (A) The product is packaged by the retail marijuana store or the retail marijuana
217 products manufacturer in packaging meeting requirements established by the state
218 licensing authority similar to the federal 'Poison Prevention Packaging Act of 1970,' 15
219 U.S.C. Section 1471, et seq.; or

- 220 (B) The product is placed in an exit package or container meeting requirements
221 established by the state licensing authority at the point of sale prior to exiting the store;
222 (13) Requirements for the safe and lawful transport of retail marijuana and retail
223 marijuana products between the licensed business and testing labs;
224 (14) Requirement that a serving size for edible retail marijuana products does not contain
225 more than ten milligrams of active THC, labeling requirements regarding servings for
226 edible retail marijuana products, and limitations on the total amount of active THC in a
227 package that is no more than 100 milligrams of active THC;
228 (15) Labeling guidelines concerning the total content of THC per unit of weight;
229 (16) Prohibition or regulation of additives to any marijuana product, including but not
230 limited to those that are toxic, designed to make the product more addictive, designed to
231 make the product more appealing to children, or misleading to consumers; and
232 (17) Permission for a local fire department to conduct an annual fire inspection of a retail
233 marijuana cultivation facility.
- 234 (c) Rules promulgated pursuant to subsection (a) of this Code section may also include:
235 (1) Specifications of duties of officers and employees of the state licensing authority;
236 (2) Instructions for local licensing authorities and law enforcement officers;
237 (3) Requirements for inspections, investigations, searches, seizures, forfeitures, and such
238 additional activities as may become necessary from time to time;
239 (4) Prohibition of misrepresentation and unfair practices;
240 (5) Development of individual identification cards for owners, officers, managers,
241 contractors, employees, and other support staff of entities licensed pursuant to this
242 chapter, including a fingerprint based criminal history record check as may be required
243 by the state licensing authority prior to issuing a card;
244 (6) Identification of licensees and their owners, officers, managers, and employees;
245 (7) Regulation of the storage of, warehouses for, and transportation of retail marijuana;

- 246 (8) Sanitary requirements for retail marijuana stores, including but not limited to sanitary
247 requirements for the preparation of retail marijuana products;
- 248 (9) The specification of acceptable forms of picture identification that a retail marijuana
249 store may accept when verifying a sale, including but not limited to government issued
250 identification cards;
- 251 (10) Records to be kept by licensees and the required availability of the records;
- 252 (11) State licensing procedures, including procedures for renewals, reinstatements, initial
253 licenses, and the payment of licensing fees;
- 254 (12) The reporting and transmittal of monthly sales tax payments by retail marijuana
255 stores;
- 256 (13) Authorization for the Department of Revenue to have access to licensing
257 information to ensure sales, excise, and income tax payment and the effective
258 administration of this chapter;
- 259 (14) Authorization for the Department of Revenue to issue administrative citations and
260 procedures for issuing, appealing, and creating a citation violation list and schedule of
261 penalties; and
- 262 (15) Such other matters as are necessary for the fair, impartial, stringent, and
263 comprehensive administration of this chapter.
- 264 (d) Nothing in this chapter shall be construed as delegating to the state licensing authority
265 the power to fix prices for retail marijuana.
- 266 (e) Nothing in this chapter shall be construed to limit a law enforcement agency's ability
267 to investigate unlawful activity in relation to a retail marijuana establishment. A law
268 enforcement agency shall have the authority to run a Georgia Crime Information Center
269 criminal history record check of a licensee, or employee of a licensee, during an
270 investigation of unlawful activity related to retail marijuana.
- 271 (f) The state licensing authority shall create a state-wide licensure class system for retail
272 marijuana cultivation facilities. The classifications may be based upon square footage of

273 the facility; lights, lumens, or wattage; lit canopy; the number of cultivating plants; a
274 combination of the foregoing; or other reasonable metrics. The state licensing authority
275 shall create a fee structure for the license class system.

276 43-52-8.

277 (a) Upon receipt of an application for original licensing or renewal of an existing license
278 for any marijuana establishment, the state licensing authority shall provide a copy of the
279 application to the local jurisdiction in which the business is to be located. The local
280 jurisdiction shall determine whether the application complies with local restrictions on
281 time, place, manner, and the number of retail marijuana businesses. The local jurisdiction
282 shall inform the state licensing authority whether the application complies with local
283 restrictions on time, place, manner, and the number of marijuana businesses.

284 (b) A local jurisdiction may impose a separate local licensing requirement as a part of its
285 restrictions on time, place, manner, and the number of marijuana businesses. A local
286 jurisdiction may decline to impose any local licensing requirements and shall notify the
287 state licensing authority that it will not be acting on any applications it receives.

288 43-52-9.

289 (a) If a local jurisdiction issues local licenses for a retail marijuana establishment, a local
290 jurisdiction may schedule a public hearing on the application. If the local jurisdiction
291 schedules a hearing, it shall post and publish public notice thereof not less than ten days
292 prior to the hearing. The local jurisdiction shall give public notice by posting a sign in a
293 conspicuous place on the license applicant's premises for which a local license application
294 has been made and by publication in a newspaper of general circulation in the county in
295 which the applicant's premises are located or on the website of the local jurisdiction.

296 (b) If a local jurisdiction does not issue local licenses, the local jurisdiction may give
297 public notice of the state application by posting a sign in a conspicuous place on the state

298 license applicant's premises for which license application has been made and by publication
299 in a newspaper of general circulation in the county in which the applicant's premises are
300 located or on the website of the local jurisdiction.

301 43-52-10.

302 (a) Before the state licensing authority issues a license to an applicant, the applicant shall
303 procure and file with the state licensing authority evidence of a good and sufficient bond
304 in the amount of \$5,000.00 with corporate surety thereon duly licensed to do business with
305 the state, approved as to form by the Attorney General, and conditioned that the applicant
306 shall report and pay all sales and use taxes due to the state, or for which the state is the
307 collector or collecting agent, in a timely manner, as provided in law.

308 (b) A corporate surety shall not be required to make payments to the state claiming under
309 such bond until a final determination of failure to pay taxes due to the state is made by the
310 state licensing authority or a court of competent jurisdiction.

311 (c) All bonds required pursuant to this Code section must be renewed at such time as the
312 bondholder's license is renewed. The renewal may be accomplished through a continuation
313 certificate issued by the surety.

314 43-52-11.

315 (a) Applications for a license under the provisions of this chapter shall be made to the state
316 licensing authority on forms prepared and furnished by the state licensing authority and
317 must set forth such information as the state licensing authority may require to enable the
318 state licensing authority to determine whether a license should be granted. The information
319 shall include the name and address of the applicant and the names and addresses of the
320 officers, directors, or managers. Each application must be verified by the oath or
321 affirmation of such person or persons as the state licensing authority may prescribe. The
322 state licensing authority may issue a license to an applicant pursuant to this subsection

323 upon completion of the applicable criminal history background check associated with the
324 application, and the license is conditioned upon local jurisdiction approval. A license
325 applicant is prohibited from operating a retail marijuana establishment without state and,
326 if required, local jurisdiction approval. If the applicant does not receive local jurisdiction
327 approval within one year from the date of state licensing authority approval, the license
328 shall expire and may not be renewed. The denial of an application by the local licensing
329 authority may be considered as a basis for the state licensing authority to revoke the
330 license.

331 (b) Nothing in this chapter preempts or otherwise impairs the power of a local jurisdiction
332 to enact ordinances or resolutions concerning matters authorized to local jurisdictions.

333 43-52-12.

334 (a) The state licensing authority shall deny a license if the premises on which the applicant
335 proposes to conduct its business does not meet the requirements of this chapter, and the
336 state licensing authority may deny a license for good cause.

337 (b) If the state licensing authority denies a license pursuant to subsection (a) of this Code
338 section, the applicant shall be entitled to a hearing pursuant to this chapter and to judicial
339 review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
340 Jurisdiction and venue for judicial review are vested in the Superior Court of Fulton
341 County. The state licensing authority shall provide written notice of the grounds for denial
342 of the license to the applicant and to the local jurisdiction at least 15 days prior to the
343 hearing.

344 43-52-13.

345 (a) A license provided by this chapter shall not be issued to or held by:

346 (1) A person until the annual fee therefor has been paid;

- 347 (2) A person whose criminal history indicates that he or she is not of good moral
348 character;
- 349 (3) A corporation, if the criminal history of any of its officers, directors, or stockholders
350 indicates that the officer, director, or stockholder is not of good moral character;
- 351 (4) A person assisted by or financed in whole or in part by any other person whose
352 criminal history indicates he or she is not of good character and reputation satisfactory
353 to the respective licensing authority;
- 354 (5) A person under 21 years of age;
- 355 (6) A person licensed pursuant to this chapter who, during a period of licensure, or who,
356 at the time of application, has failed to:
- 357 (A) Provide a surety bond or file any tax return with a taxing agency related to a retail
358 marijuana establishment; or
- 359 (B) Pay any taxes, interest, or penalties due relating to a retail marijuana establishment;
- 360 (7) A person who has discharged a sentence in the five years immediately preceding the
361 application date for a conviction of a felony or a person who has discharged a sentence
362 in the ten years immediately preceding for a conviction of a felony pursuant to any state
363 or federal law regarding the possession, distribution, manufacturing, cultivation, or use
364 of a controlled substance; except that the licensing authority may grant a license to an
365 employee if the employee has a state felony conviction based on possession or use of a
366 controlled substance that would not be a felony if the person were convicted of the
367 offense on the date he or she applied for licensure;
- 368 (8) A person who employs another person at a retail marijuana facility who has not
369 submitted fingerprints for a criminal history record check or whose criminal history
370 record check reveals that the person is ineligible;
- 371 (9) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or
372 employee of the state licensing authority or a local licensing authority;

373 (10) A person for a license for a location that is currently licensed as a retail food
374 establishment or wholesale food registrant; or

375 (11) An owner, as defined by rule of the state licensing authority, who has not been a
376 resident of Georgia for at least two years prior to the date of the owner's application.

377 (b)(1) In investigating the qualifications of an applicant or a licensee, the state and local
378 licensing authorities may have access to criminal history record information furnished by
379 a criminal justice agency subject to any restrictions imposed by such authority. In the
380 event the state or local licensing authority considers the applicant's criminal history
381 record, the state or local licensing authority shall also consider any information provided
382 by the applicant regarding such criminal history record, including but not limited to
383 evidence of rehabilitation, character references, and educational achievements, especially
384 those items pertaining to the time between the applicant's last criminal conviction and the
385 consideration of the application for a license.

386 (2) As used in this subsection, the term 'criminal justice agency' means any federal, state,
387 or municipal court or any governmental agency or subunit of such agency that
388 administers criminal justice pursuant to a statute or executive order and that allocates a
389 substantial part of its annual budget to the administration of criminal justice.

390 (c) At the time of filing an application for issuance of a license, an applicant shall submit
391 a set of his or her fingerprints and file personal history information concerning the
392 applicant's qualifications for a license on forms prepared by the state licensing authority.
393 The state or local licensing authority shall submit the fingerprints to the Georgia Bureau
394 of Investigation for the purpose of conducting fingerprint based criminal history record
395 checks. The Georgia Bureau of Investigation shall forward the fingerprints to the Federal
396 Bureau of Investigation for the purpose of conducting fingerprint based criminal history
397 record checks. The state or local licensing authority may acquire a name based criminal
398 history record check for an applicant or a license holder who has twice submitted to a
399 fingerprint based criminal history record check and whose fingerprints are unclassifiable.

400 An applicant who has previously submitted fingerprints for licensing purposes may request
401 that the fingerprints on file be used. The state or local licensing authority shall use the
402 information resulting from the fingerprint based criminal history record check to
403 investigate and determine whether an applicant is qualified to hold a license pursuant to
404 this chapter. The state or local licensing authority may verify any of the information an
405 applicant is required to submit.

406 43-52-14.

407 (a) The state licensing authority shall not approve an application for the issuance of a
408 license pursuant to this chapter;

409 (1) If the application for the license concerns a particular location that is the same as or
410 within 1,000 feet of a location for which, within the two years immediately preceding the
411 date of the application, the state licensing authority denied an application for the same
412 class of license due to the nature of the use or other concern related to the location;

413 (2) Until it is established that the applicant is, or will be, entitled to possession of the
414 premises for which application is made under a lease, rental agreement, or other
415 arrangement for possession of the premises or by virtue of ownership of the premises;

416 (3) For a location in an area where the cultivation, manufacture, and sale of retail
417 marijuana as contemplated are not permitted under the applicable zoning laws of the
418 municipality, city and county, or county; or

419 (4) If the building in which retail marijuana is to be sold is located within 1,000 feet of
420 a school; an alcohol or drug treatment facility; the principal campus of a college,
421 university, or seminary; or a residential child care facility.

422 (b) The provisions of this Code section shall not affect the renewal or reissuance of a
423 license once granted or apply to licensed premises located or to be located on land owned
424 by a municipality, nor shall the provisions of this Code section apply to an existing licensed
425 premises on land owned by the state, or apply to a license in effect and actively doing

426 business before such principal campus was constructed. The local licensing authority of
427 a city and county, by rule or regulation, the governing body of a municipality, by
428 ordinance, and the governing body of a county, by resolution, may vary the distance
429 restrictions imposed by this Code section for a license or may eliminate one or more types
430 of schools, campuses, or facilities from the application of a distance restriction established
431 by or pursuant to this Code section.

432 (c) The distances referred to in this Code section are to be computed by direct
433 measurement from the nearest property line of the land used for a school, facility, or
434 campus to the nearest portion of the building in which retail marijuana is to be sold, using
435 a route of direct pedestrian access.

436 (d) The local licensing authority shall consider the evidence and make a specific finding
437 of fact as to whether the building in which the retail marijuana is to be sold is located
438 within any distance restrictions established by or pursuant to this Code section.

439 43-52-15.

440 (a) A license granted under the provisions of this chapter is not transferable except as
441 provided in this Code section, but this Code section shall not prevent a change of location
442 as provided in Code Section 43-52-16.

443 (b) For a transfer of ownership, a license holder shall apply to the state licensing authority
444 on forms prepared and furnished by the state licensing authority. Upon receipt of an
445 application for transfer of ownership, the state licensing authority shall immediately submit
446 a copy of the application to the local jurisdiction to determine whether the transfer
447 complies with local restriction on transfer of ownership. In determining whether to permit
448 a transfer of ownership, the state licensing authority shall consider only the requirements
449 of this chapter, any rules promulgated by the state licensing authority, and any other local
450 restrictions. The local jurisdiction may hold a hearing on the application for transfer of
451 ownership. The local jurisdiction shall not hold a hearing pursuant to this subsection until

452 the local jurisdiction has posted a notice of hearing in the manner described in Code
453 Section 43-52-9 on the licensed premises for a period of ten days and has provided notice
454 of the hearing to the applicant at least ten days prior to the hearing. Any transfer of
455 ownership hearing by the state licensing authority shall be held in compliance with the
456 requirements specified in Code Section 43-52-12.

457 43-52-16.

458 (a) Local jurisdictions are authorized to adopt and enforce regulations for retail marijuana
459 establishments that are at least as restrictive as the provisions of this chapter and any rule
460 promulgated pursuant to this chapter.

461 (b) A retail marijuana establishment may not operate until it is licensed by the state
462 licensing authority pursuant to this chapter. If the state licensing authority issues the
463 applicant a license and the local jurisdiction subsequently denies the approval, the state
464 licensing authority shall consider the local jurisdiction denial as a basis for the revocation
465 of the state issued license. In connection with a license, the applicant shall provide a
466 complete and accurate application as required by the state licensing authority.

467 (c) A retail marijuana establishment shall notify the state licensing authority in writing
468 within ten days after an owner, officer, or employee ceases to work at, manage, own, or
469 otherwise be associated with the operation. The owner, officer, or employee shall
470 surrender his or her identification card to the state licensing authority on or before the date
471 of the notification.

472 (d) A retail marijuana establishment shall notify the state licensing authority in writing of
473 the name, address, and date of birth of an owner, officer, manager, or employee before the
474 new owner or officer begins working at, managing, owning, or being associated with the
475 operation. The owner, officer, manager, or employee must pass a fingerprint based
476 criminal history record check as required by the state licensing authority and obtain the

477 required identification prior to being associated with, managing, owning, or working at the
478 operation.

479 (e) A retail marijuana establishment shall not acquire, possess, cultivate, deliver, transfer,
480 transport, supply, or dispense retail marijuana for any purpose except as authorized by this
481 chapter.

482 (f) All officers, managers, and employees of a retail marijuana establishment shall be
483 residents of Georgia upon the date of their license application. An owner shall meet the
484 residency requirements in Code Section 43-52-13. All licenses granted pursuant to this
485 chapter are valid for a period not to exceed two years after the date of issuance unless
486 revoked or suspended pursuant to this chapter or the rules promulgated pursuant to this
487 chapter.

488 (g) Before granting a license, the state licensing authority may consider, except when this
489 chapter specifically provides otherwise, the requirements of this chapter and any rules
490 promulgated pursuant to this chapter, and all other reasonable restrictions that are or may
491 be placed upon the licensee by the licensing authority. With respect to a second or
492 additional license for the same licensee or the same owner of another licensed business
493 pursuant to this chapter, each licensing authority shall consider the effect on competition
494 of granting or denying the additional licenses to such licensee.

495 (h) Each license issued under this chapter is separate and distinct. It is unlawful for a
496 person to exercise any of the privileges granted under a license other than the license that
497 the person holds or for a licensee to allow any other person to exercise the privileges
498 granted under the licensee's license. A separate license shall be required for each specific
499 business or business entity and each geographical location.

500 (i) A licensee shall possess and maintain, at all times, possession of the premises for which
501 the license is issued by ownership, lease, rental, or other arrangement for possession of the
502 premises.

503 (j) The licenses issued pursuant to this chapter must specify the date of issuance, the period
504 of licensure, the name of the licensee, and the premises licensed. The licensee shall
505 conspicuously place the license at all times on the licensed premises.

506 (k) In computing any time prescribed by this chapter, the day of the act, event, or default
507 from which the designated time begins to run is not included. Saturdays, Sundays, and
508 legal holidays are counted as any other day.

509 (l) A licensee shall report each transfer or change of financial interest in the license to the
510 state and local licensing authorities 30 days prior to any transfer or change pursuant to
511 Code Section 43-52-15. A report is required for transfers of capital stock of any
512 corporation regardless of size.

513 (m) Each licensee shall manage the licensed premises himself or herself or employ a
514 separate and distinct manager on the premises and shall report the name of the manager to
515 the state and local licensing authorities. The licensee shall report any change in manager
516 to the state and local licensing authorities within two business days after the change.

517 (n) A licensee may move his or her permanent location to any other place in Georgia once
518 permission to do so is granted by the local jurisdiction provided for in this chapter.

519 (o) Upon receipt of an application for change of location, the state licensing authority shall
520 immediately submit a copy of the application to the local jurisdiction to determine whether
521 the transfer complies with all local restrictions on change of location.

522 (p) In permitting a change of location, the state licensing authority shall consider all
523 reasonable restrictions that are or may be placed upon the new location by the governing
524 board of the municipality, city and county, or county, and any such change in location shall
525 be in accordance with all requirements of this chapter and rules promulgated pursuant to
526 this chapter.

527 43-52-17.

528 (a) Ninety days prior to the expiration date of an existing license, the state licensing
529 authority shall notify the licensee of the expiration date by first class mail at the licensee's
530 address of record with the state licensing authority. A licensee may apply for the renewal
531 of an existing license to the state licensing authority not less than 30 days prior to the date
532 of expiration. Upon receipt of an application for renewal of an existing license, the state
533 licensing authority shall immediately submit a copy of the application to the local
534 jurisdiction to determine whether the application complies with all local restrictions on
535 renewal of licenses. The state licensing authority shall not accept an application for
536 renewal of a license after the date of expiration, except as provided in this Code section.
537 The state licensing authority may extend the expiration date of the license and accept a late
538 application for renewal of a license provided that the applicant has filed a timely renewal
539 application with the local licensing authority. The state or the local licensing authority, in
540 its discretion, subject to the requirements of this subsection and based upon reasonable
541 grounds, may waive the 30 day time requirements set forth in this subsection.

542 (b) Notwithstanding the provisions of subsection (a) of this Code section, a licensee whose
543 license has been expired for not more than 90 days may file a late renewal application upon
544 the payment of a nonrefundable late application fee of \$500.00 to the state licensing
545 authority. A licensee who files a late renewal application and pays the requisite fees may
546 continue to operate until the state licensing authority takes final action to approve or deny
547 the licensee's late renewal application unless the state licensing authority summarily
548 suspends the license pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
549 Procedure Act', this chapter, and rules promulgated pursuant to this chapter.

550 (c) The state licensing authority shall not accept a late renewal application more than 90
551 days after the expiration of a licensee's permanent annual license. A licensee whose
552 permanent annual license has been expired for more than 90 days shall not cultivate,

553 manufacture, distribute, sell, or test any retail marijuana until all required licenses are
554 obtained.

555 43-52-18.

556 The state licensing authority, in its discretion, may revoke or elect not to renew any license
557 if it determines that the licensed premises have been inactive, without good cause, for at
558 least one year.

559 43-52-19.

560 (a) The state licensing authority shall require a complete disclosure of all persons having
561 a direct or indirect financial interest, and the extent of such interest, in each license issued
562 under this chapter.

563 (b) This Code section is intended to prohibit and prevent the control of the outlets for the
564 sale of retail marijuana by a person or party other than the persons licensed pursuant to the
565 provisions of this chapter.

566 43-52-20.

567 (a) For the purpose of regulating the cultivation, manufacture, distribution, sale, and
568 testing of retail marijuana, the state licensing authority in its discretion, upon receipt of an
569 application in the prescribed form, may issue and grant to the applicant a license from any
570 of the following classes, subject to the provisions and restrictions provided by this chapter:

571 (1) Retail marijuana store license;

572 (2) Retail marijuana cultivation facility license;

573 (3) Retail marijuana products manufacturing license;

574 (4) Retail marijuana testing facility license; and

575 (5) Occupational licenses and registrations for owners, managers, operators, employees,
576 contractors, and other support staff employed by, working in, or having access to

577 restricted areas of the licensed premises, as determined by the state licensing authority.
578 The state licensing authority may take any action with respect to a registration pursuant
579 to this chapter as it may with respect to a license pursuant to this chapter, in accordance
580 with the procedures established pursuant to this chapter.

581 (b) All persons licensed pursuant to this chapter shall collect sales tax on all retail sales
582 made at a retail marijuana store.

583 (c) A state chartered bank or a credit union may loan money to any person licensed
584 pursuant to this chapter for the operation of a licensed business.

585 43-52-21.

586 (a) A retail marijuana store license shall be issued only to a person selling retail marijuana
587 pursuant to the terms and conditions of this chapter.

588 (b) A retail marijuana store may cultivate its own retail marijuana if it obtains a retail
589 marijuana cultivation facility license or it may purchase retail marijuana from a licensed
590 retail marijuana cultivation facility. A retail marijuana store shall track all of its retail
591 marijuana from the point it is either transferred from its retail marijuana cultivation facility
592 or the point when it is delivered to the retail marijuana store from another licensed retail
593 marijuana cultivation facility to the point of sale.

594 (c) A retail marijuana store shall not accept any retail marijuana purchased from a retail
595 marijuana cultivation facility unless the retail marijuana is affixed with evidence that the
596 excise tax was paid.

597 (d) Notwithstanding the provisions of this Code section, a retail marijuana store licensee
598 may also sell retail marijuana products that are prepackaged and labeled as required by
599 rules of the state licensing authority pursuant to Code Section 43-52-7.

600 (e) A retail marijuana store licensee may contract with a retail marijuana products
601 manufacturing licensee for the purchase of retail marijuana products upon a retail
602 marijuana products manufacturing licensee's licensed premises. A retail marijuana store

603 shall not accept any retail marijuana products purchased from a retail marijuana products
604 manufacturing licensee unless the retail marijuana products are affixed with evidence that
605 the excise tax was paid.

606 (f) A retail marijuana store may not sell more than a quarter of an ounce of retail marijuana
607 and no more than a quarter of an ounce equivalent of a retail marijuana product during a
608 single transaction to a nonresident of the State of Georgia.

609 (g) Prior to initiating a sale, the employee of the retail marijuana store making the sale
610 shall verify that the purchaser has a valid identification card showing the purchaser is 21
611 years of age or older.

612 (h) A retail marijuana store may provide a sample of its products to a facility that has a
613 retail marijuana testing facility license from the state licensing authority for testing and
614 research purposes. A retail marijuana store shall maintain a record of what was provided
615 to the testing facility and the identity of the testing facility.

616 (i) All retail marijuana sold at a retail marijuana store shall be packaged and labeled as
617 required by rules of the state licensing authority pursuant to Code Section 43-52-7.

618 (j) A retail marijuana store may only sell retail marijuana, retail marijuana products, and
619 marijuana accessories. A retail marijuana store may not sell any other items.

620 (k) A retail marijuana store may not sell any retail marijuana products that contain nicotine
621 or alcohol.

622 (l) A retail marijuana store may only sell retail marijuana and retail marijuana products in
623 packaging that conforms to the regulations adopted by the state licensing authority.

624 (m) The premises of a retail marijuana store is the only place where an automatic
625 dispensing machine that contains retail marijuana may be located. If a retail marijuana
626 store uses an automatic dispensing machine that contains retail marijuana, it must comply
627 with the rules promulgated by the state licensing authority for its use.

628 43-52-22.

629 (a) A retail marijuana cultivation facility license may be issued only to a person who
630 grows and cultivates retail marijuana for sale and distribution to retail marijuana stores or
631 retail marijuana products manufacturing licensees.

632 (b) A retail marijuana cultivation facility shall remit the excise tax due based on the
633 average wholesale price set by the state licensing authority.

634 (c) A retail marijuana cultivation facility shall track the retail marijuana it cultivates from
635 seed to wholesale purchase. Prior to delivery of any sold retail marijuana, the retail
636 marijuana cultivation facility shall affix evidence that it paid the excise tax on the retail
637 marijuana.

638 43-52-23.

639 (a) A retail marijuana products manufacturing license may be issued to a person who
640 manufactures retail marijuana products, pursuant to the terms and conditions of this
641 chapter.

642 (b) A retail marijuana products manufacturer may cultivate its own retail marijuana if it
643 obtains a retail marijuana cultivation facility license, or it may purchase retail marijuana
644 from a retail marijuana cultivation facility. A retail marijuana products manufacturer shall
645 track all of its retail marijuana from the point it is either transferred from its retail
646 marijuana cultivation facility or the point when it is delivered to the retail marijuana
647 products manufacturer from a retail marijuana cultivation facility to the point of sale.

648 (c) A retail marijuana products manufacturer shall not accept any retail marijuana
649 purchased from a retail marijuana cultivation facility unless the retail marijuana is affixed
650 with evidence that the excise tax was paid.

651 (d) Retail marijuana products shall be prepared on a licensed premises that is used
652 exclusively for the manufacture and preparation of retail marijuana products and using

653 equipment that is used exclusively for the manufacture and preparation of retail marijuana
654 products.

655 (e) All licensed premises on which retail marijuana products are manufactured shall meet
656 the sanitary standards for retail marijuana product preparation promulgated pursuant to
657 Code Section 43-52-7.

658 (f) The retail marijuana product shall be sealed and conspicuously labeled in compliance
659 with this chapter and any rules promulgated pursuant to this chapter.

660 (g) Retail marijuana products may not be consumed on a premises licensed pursuant to this
661 chapter.

662 (h) Notwithstanding any other provision of state law, sales of retail marijuana products
663 shall not be exempt from state or local sales tax.

664 (i) A retail marijuana products manufacturer may provide a sample of its products to a
665 facility that has a retail marijuana testing facility license from the state licensing authority
666 for testing and research purposes. A retail marijuana products manufacturer shall maintain
667 a record of what was provided to the testing facility and the identity of the testing facility.

668 (j) An edible retail marijuana product may list its ingredients and comparability with
669 dietary practices.

670 (k) A retail marijuana products manufacturer shall package and label each product
671 manufactured as required by rules of the state licensing authority pursuant to Code Section
672 43-52-7.

673 (l) All retail marijuana products that require refrigeration to prevent spoilage must be
674 stored and transported in a refrigerated environment.

675 43-52-24.

676 (a) A retail marijuana testing facility license may be issued to a person who performs
677 testing and research on retail marijuana. The facility may develop and test retail marijuana
678 products.

679 (b) The state licensing authority shall promulgate rules pursuant to its authority in Code
680 Section 43-52-7 related to acceptable testing and research practices, including but not
681 limited to testing, standards, quality control analysis, equipment certification and
682 calibration, and chemical identification and other substances used in bona fide research
683 methods.

684 (c) A facility that has a retail marijuana testing facility license from the state licensing
685 authority for testing purposes shall not have any interest in a licensed retail marijuana store,
686 a licensed retail marijuana cultivation facility, or a licensed retail marijuana products
687 manufacturer. A person that has an interest in a licensed retail marijuana store, a licensed
688 retail marijuana cultivation facility, or a licensed retail marijuana products manufacturer
689 shall not have an interest in a facility that has a retail marijuana testing facility license.

690 43-52-25.

691 (a) The state licensing authority may charge and collect fees under this chapter.

692 (b) The application fee for a person applying for a license pursuant to Code Section
693 43-52-11 shall be \$5,000.00.

694 (c) On or before September 30, 2023, and on or before each September 30 thereafter, the
695 state licensing authority shall provide a written report to the General Assembly detailing
696 the amount of revenue generated by retail marijuana, including excise taxes, sales taxes,
697 application and license fees, and any other fees. The report must also include a report on
698 the progress of the regulatory environment for retail marijuana in Georgia.

699 (d) A local jurisdiction in which a license under this chapter may be permitted may adopt
700 and impose operating fees in an amount determined by the local jurisdiction on marijuana
701 establishments located within the local jurisdiction.

702 43-52-26.

703 (a) In addition to any other sanctions prescribed by this chapter or rules promulgated
704 pursuant to this chapter, the state licensing authority has the power, on its own motion or
705 on complaint, after investigation and opportunity for a public hearing at which the licensee
706 must be afforded an opportunity to be heard, to suspend or revoke a license issued by the
707 authority for a violation by the licensee or by any of the agents or employees of the licensee
708 of the provisions of this chapter, or any of the rules promulgated pursuant to this chapter,
709 or of any of the terms, conditions, or provisions of the license issued by the state licensing
710 authority. The state licensing authority has the power to administer oaths and issue
711 subpoenas to require the presence of persons and the production of papers, books, and
712 records necessary to the determination of a hearing that the state licensing authority is
713 authorized to conduct.

714 (b) The state licensing authority shall provide notice of suspension, revocation, fine, or
715 other sanction, as well as the required notice of the hearing pursuant to this Code section,
716 by mailing the same in writing to the licensee at the address contained in the license.
717 Except in the case of a summary suspension, a suspension shall not be for a period longer
718 than six months. If a license is suspended or revoked, a part of the fees paid therefor shall
719 not be returned to the licensee. Any license or permit may be summarily suspended by the
720 state licensing authority without notice pending any prosecution, investigation, or public
721 hearing pursuant to the terms of Code Section 43-52-18. Nothing in this Code section shall
722 prevent the summary suspension of a license pursuant to Code Section 43-52-18.

723 (c) Whenever a decision of the state licensing authority suspending a license for 14 days
724 or less becomes final, the licensee may, before the operative date of the suspension, petition
725 for permission to pay a fine in lieu of having the license suspended for all or part of the
726 suspension period. Upon the receipt of the petition, the state licensing authority may, in
727 its sole discretion, stay the proposed suspension and cause any investigation to be made

728 which it deems desirable and may, in its sole discretion, grant the petition if the state
729 licensing authority is satisfied that:

730 (1) The public welfare would not be impaired by permitting the licensee to operate
731 during the period set for suspension and that the payment of the fine will achieve the
732 desired disciplinary purposes;

733 (2) The books and records of the licensee are kept in such a manner that the loss of sales
734 that the licensee would have suffered had the suspension gone into effect can be
735 determined with reasonable accuracy; and

736 (3) The licensee has not had his or her license suspended or revoked, nor had any
737 suspension stayed by payment of a fine, during the two years immediately preceding the
738 date of the motion or complaint that resulted in a final decision to suspend the license or
739 permit.

740 (d) The fine accepted shall be not less than \$500.00 nor more than \$100,000.00.

741 (e) Payment of a fine pursuant to the provisions of subsection (d) of this Code section shall
742 be in the form of cash or in the form of a certified check or cashier's check made payable
743 to the state or local licensing authority, whichever is appropriate.

744 (f) Upon payment of the fine pursuant to subsection (d) of this Code section, the state
745 licensing authority shall enter its further order permanently staying the imposition of the
746 suspension. Fines paid to the state licensing authority pursuant to subsection (d) of this
747 Code section shall be transmitted to the state treasurer.

748 (g) In connection with a petition pursuant to subsection (c) of this Code section, the
749 authority of the state licensing authority is limited to the granting of such stays as are
750 necessary for the authority to complete its investigation and make its findings and, if the
751 authority makes such findings, to the granting of an order permanently staying the
752 imposition of the entire suspension or that portion of the suspension not otherwise
753 conditionally stayed.

754 (h) If the state licensing authority does not make the findings required in subsection (c)
755 of this Code section and does not order the suspension permanently stayed, the suspension
756 shall go into effect on the operative date finally set by the state licensing authority.

757 (i) No later than January 15 of each year, the state licensing authority shall compile a
758 report of the preceding year's actions in which fines, suspensions, or revocations were
759 imposed by the state licensing authority. The state licensing authority shall file one copy
760 of the report with the Clerk of the House of Representatives and one copy with the
761 Secretary of the Senate.

762 43-52-27.

763 (a) The provisions of this Code section shall apply in addition to any criminal, civil, or
764 administrative penalties and in addition to any other penalties prescribed by this chapter
765 or any rules promulgated pursuant to this chapter.

766 (b) Every licensee under this chapter shall be deemed, by virtue of applying for, holding,
767 or renewing such person's license, to have expressly consented to the procedures set forth
768 in this Code section.

769 (c) A state or local agency shall not be required to cultivate or care for any retail marijuana
770 or retail marijuana product belonging to or seized from a licensee. A state or local agency
771 shall not be authorized to sell marijuana, retail or otherwise.

772 (d) If the state licensing authority issues a final agency order imposing a disciplinary
773 action against a licensee pursuant to Code Section 43-52-26, then, in addition to any other
774 remedies, the licensing authority's final agency order may specify that some or all of the
775 licensee's marijuana or marijuana product is not retail marijuana or a retail marijuana
776 product and is an illegal controlled substance. The order may further specify that the
777 licensee shall lose any interest in any of the marijuana or marijuana product even if the
778 marijuana or marijuana product previously qualified as retail marijuana or a retail
779 marijuana product. The final agency order may direct the destruction of any such

780 marijuana and marijuana products, except as provided in subsections (e) and (f) of this
781 Code section. The authorized destruction may include the incidental destruction of any
782 containers, equipment, supplies, and other property associated with the marijuana or
783 marijuana product.

784 (e) Following the issuance of a final agency order by the state licensing authority against
785 a licensee and ordering destruction authorized by subsection (d) of this Code section, a
786 licensee shall have 15 days within which to file a petition for stay of agency action with the
787 superior court. The action shall be filed in Fulton County, which shall be deemed to be the
788 residence of the state licensing authority for purposes of this Code section. The licensee
789 shall serve the petition in accordance with the rules of civil procedure. The superior court
790 shall promptly rule upon the petition and determine whether the licensee has a substantial
791 likelihood of success on judicial review so as to warrant delay of the destruction authorized
792 by subsection (d) of this Code section or whether other circumstances, including but not
793 limited to the need for preservation of evidence, warrant delay of such destruction. If
794 destruction is so delayed pursuant to judicial order, the court shall issue an order setting
795 forth terms and conditions pursuant to which the licensee may maintain the retail marijuana
796 and retail marijuana product pending judicial review, and prohibiting the licensee from
797 using or distributing the retail marijuana or retail marijuana product pending the review.
798 The licensing authority shall not carry out the destruction authorized by subsection (d) of
799 this Code section until 15 days have passed without the filing of a petition for stay of
800 agency action, or until the court has issued an order denying stay of agency action pursuant
801 to this subsection.

802 (f) The state licensing authority shall not carry out the destruction authorized by
803 subsection (d) of this Code section until it has notified the district attorney for the judicial
804 district in which the marijuana is located to determine whether the marijuana or marijuana
805 product constitutes evidence in a criminal proceeding such that it should not be destroyed,
806 and until 15 days have passed from the date of the issuance of such notice.

807 (g) On or before January 1, 2024, the state licensing authority shall promulgate rules
808 governing the implementation of this Code section.

809 43-52-28.

810 (a) Each licensee shall keep a complete set of all records necessary to show fully the
811 business transactions of the licensee, all of which shall be open at all times during business
812 hours for the inspection and examination by the state licensing authority or its duly
813 authorized representatives. The state licensing authority may require any licensee to
814 furnish such information as it considers necessary for the proper administration of this
815 chapter and may require an audit to be made of the books of account and records on such
816 occasions as it may consider necessary by an auditor to be selected by the state licensing
817 authority who shall likewise have access to all books and records of the licensee, and the
818 expense thereof shall be paid by the licensee.

819 (b) The licensed premises, including any places of storage where retail marijuana is grown,
820 stored, cultivated, sold, dispensed, or tested, shall be subject to inspection by the state or
821 local licensing authorities and their investigators, during all business hours and other times
822 of apparent activity, for the purpose of inspection or investigation. Access shall be
823 required during business hours for examination of any inventory or books and records
824 required to be kept by the licensees. When any part of the licensed premises consists of a
825 locked area, upon demand to the licensee, such area shall be made available for inspection
826 without delay, and, upon request by authorized representatives of the state or local
827 licensing authority, the licensee shall open the area for inspection.

828 (c) Each licensee shall retain all books and records necessary to show fully the business
829 transactions of the licensee for a period of the current tax year and the three immediately
830 prior tax years.

831 43-52-29.

832 Decisions by the state licensing authority are subject to judicial review pursuant to Code
833 Section 43-52-12.

834 43-52-30.

835 (a) Except as otherwise provided in this chapter, it is unlawful for a person to consume
836 retail marijuana in a licensed retail marijuana establishment, and it is unlawful for a retail
837 marijuana establishment licensee to allow retail marijuana to be consumed upon its
838 licensed premises.

839 (b) It is unlawful for a person:

840 (1) To buy, sell, transfer, give away, or acquire retail marijuana except as allowed
841 pursuant to this chapter; or

842 (2) To have an unreported financial interest or a direct interest in a license pursuant to
843 this chapter; except that this paragraph shall not apply to banks, savings and loan
844 associations, or industrial banks supervised and regulated by an agency of the state or
845 federal government, or to FHA-approved mortgagees, or to stockholders, directors, or
846 officers thereof.

847 (c) It is unlawful for a person licensed pursuant to this chapter:

848 (1) To be within a limited access area as described in Code Section 43-52-5 unless the
849 person's license badge is displayed as required by this chapter, except as provided in
850 Code Section 43-52-28;

851 (2) To fail to designate areas of ingress and egress for limited access areas and post signs
852 in conspicuous locations as required by this chapter;

853 (3) To fail to report a transfer required by Code Section 43-52-15;

854 (4) To fail to report the name of or a change in managers as required by Code Section
855 43-52-16; or

856 (5) To fail to pay the lawful excise tax.

- 857 (d) It is unlawful for any person licensed to sell retail marijuana pursuant to this chapter:
858 (1) To display any signs that are inconsistent with local laws or regulations;
859 (2) To use advertising material that is misleading, deceptive, or false, or that is designed
860 to appeal to minors;
861 (3) To provide public premises, or any portion thereof, for the purpose of consumption
862 of retail marijuana in any form;
863 (4) To offer for sale or solicit an order for retail marijuana in person except within the
864 licensed premises;
865 (5) To have in possession or upon the licensed premises any retail marijuana, the sale of
866 which is not permitted by the license;
867 (6) To buy retail marijuana from a person not licensed to sell as provided by this chapter;
868 (7) To sell retail marijuana, except in the permanent location specifically designated in
869 the license for sale;
870 (8) To sell retail marijuana to a person under 21 years of age;
871 (9) To sell more than a quarter of an ounce of retail marijuana and no more than a quarter
872 of an ounce equivalent of a retail marijuana product during a single transaction to a
873 nonresident of the state;
874 (10) To have on the licensed premises any retail marijuana or marijuana paraphernalia
875 that shows evidence of the retail marijuana having been consumed or partially consumed;
876 (11) To burn or otherwise destroy marijuana or any substance containing marijuana for
877 the purpose of evading an investigation or preventing seizure; or
878 (12) To abandon a licensed premises or otherwise cease operation without notifying the
879 state and local licensing authorities at least 48 hours in advance and without accounting
880 for and forfeiting to the state licensing authority for destruction all retail marijuana or
881 products containing retail marijuana.
882 (e) A person who commits any acts that are unlawful pursuant to this chapter or the rules
883 authorized and adopted pursuant to this chapter shall be punished as a misdemeanor, except

884 for violations that would also constitute a violation of Chapter 13 of Title 16, which
885 violation shall be charged and prosecuted pursuant to Chapter 13 of Title 16."

886

SECTION 2.

887 This Act shall become effective on January 1, 2023, only if there is ratified at the November,
888 2022, general election a constitutional amendment authorizing the General Assembly to
889 provide for the legalization and regulation of the production and sale of marijuana and
890 provide that the taxes from such production and sale be appropriated to education and
891 transportation infrastructure purposes. If such an amendment to the Constitution of Georgia
892 is not so ratified, then this Act shall not become effective and shall stand repealed by
893 operation of law.

894

SECTION 3.

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