

Senate Bill 264

By: Senators Rahman of the 5th, Butler of the 55th, Jones II of the 22nd, Orrock of the 36th,
Lucas of the 26th and others

A BILL TO BE ENTITLED

AN ACT

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

S. B. 264

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

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

25 **SECTION 2.**

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

31 "ARTICLE 5

32 43-34-120.

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

35 43-34-121.

36 The General Assembly finds and declares the following:

37 (1) The federal government, pursuant to the Consolidated Appropriations Act of 2016,
38 P.L. 114-113, determined that none of the funds made available in such act to the
39 Department of Justice may be used, with respect to any of the enumerated states, which
40 include Georgia, the District of Columbia, Guam, or Puerto Rico, to prevent the

41 implementation of state laws that authorize the use, distribution, possession, and
42 cultivation of medical marijuana;

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

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

55 (4) Marijuana currently has many accepted medical uses in the United States and has
56 been recommended by thousands of licensed physicians to at least 260,000 patients in the
57 states with medical marijuana laws. Marijuana's medical utility has been recognized by
58 a wide range of medical and public health organizations, including the American
59 Academy of HIV Medicine, American College of Physicians, American Nurses
60 Association, American Public Health Association, Leukemia & Lymphoma Society, and
61 many others;

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

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

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

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

83 43-34-122.

84 As used in this article, the term:

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

86 (A) With respect to a qualifying patient:

87 (i) Two ounces of usable marijuana; and

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

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

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

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

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

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

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

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

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

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

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

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

- 120 (B) Has agreed to assist with a qualifying patient's medical use of marijuana;
121 (C) Has not been convicted of a felony offense;
122 (D) Assists no more than five qualifying patients at one time with the medical use of
123 marijuana; and
124 (E) May receive reimbursement for actual costs incurred in assisting a registered
125 qualifying patient's medical use of marijuana if the registered designated caregiver is
126 connected to the registered qualifying patient through the department's registration
127 process. The designated caregiver shall not be paid any fee or compensation for his or
128 her service as a caregiver. Payment for costs under this subparagraph shall not
129 constitute an offense under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled
130 Substances Act.'
- 131 (6) 'Dispensary' means a Georgia entity that acquires, possesses, cultivates,
132 manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or
133 related supplies and educational materials to cardholders.
- 134 (7) 'Dispensary agent' means a principal officer, board member, employee, or volunteer
135 of a medical marijuana dispensary who is at least 21 years of age and has not been
136 convicted of a felony offense.
- 137 (8) 'Enclosed, locked facility' means a closet, room, greenhouse, or other enclosed area
138 equipped with locks or other security devices that permit access only by a cardholder.
- 139 (9) 'Medical marijuana' means all parts of the plant of the genus Cannabis, whether
140 growing or not, the seed thereof, the resin extracted from any part of such plant, and
141 every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
142 seed, or resin that has been converted into a liquid or solid substance.
- 143 (10) 'Medical use' means the acquisition, possession, cultivation, manufacture, use,
144 administration, delivery, transfer, or transportation of marijuana or paraphernalia relating
145 to the administration of marijuana to treat or alleviate a registered qualifying patient's

146 debilitating medical condition or symptoms associated with such qualifying patient's
147 debilitating medical condition.

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

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

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

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

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

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

165 (17) 'Verification system' means a secure, password protected, web based system
166 established and maintained by the department and the Department of Revenue that is
167 available to law enforcement personnel and dispensary agents on a 24 hour basis for
168 verification of registry identification cards.

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

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

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

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

183 43-34-123.

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

192 43-34-124.

193 No later than November 1, 2021, the department shall adopt rules and regulations:

194 (1) Governing the manner in which it shall consider petitions from individual members
195 of the public to add a debilitating medical condition or treatment to the list of debilitating

196 medical conditions set forth in paragraph (3) of Code Section 43-34-122, including public
197 notice of, and an opportunity to comment in a public hearing upon, petitions;

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

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

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

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

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

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

211 43-34-125.

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

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

216 (2) The application fee; and

217 (3) An application that includes:

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

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

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

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

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

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

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

238 43-34-126.

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

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

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

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

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

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

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

256 (A) Allow the qualifying patient's medical use of marijuana;
257 (B) Serve as the qualifying patient's designated caregiver; and
258 (C) Control the acquisition of marijuana and the dosage and frequency of the medical
259 use of marijuana by the qualifying patient.

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

266 (d) Any individual who on June 30, 2021, holds a valid low THC oil registration card
267 issued under former Code Section 31-2A-18 shall be deemed to be automatically registered
268 under this Code section as of July 1, 2021, and shall be subject to the provisions of this
269 article. Such provisionally issued registry cards shall be deemed to have been issued under
270 this article on July 1, 2021, and shall be valid for all purposes of this article and applicable
271 laws.

272 43-34-127.

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

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

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

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

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

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

282 (6) A photograph of the cardholder; and

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

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

290 43-34-128.

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

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

294 (2) Does not provide the information required;

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

296 (4) Provides false information.

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

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

300 (2) Does not provide the information required;

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

302 (4) Provides false information.

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

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

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

310 43-34-129.

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

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

319 43-34-130.

320 (a) A registered qualifying patient shall notify the department within 14 days of any
321 change in his or her name, address, designated caregiver, or preference regarding who may

322 cultivate marijuana plants for him or her or if he or she ceases to have a debilitating
323 medical condition.

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

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

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

340 (e) When a registered qualifying patient ceases to be a registered qualifying patient or
341 changes registered designated caregiver, the department shall promptly notify the former
342 designated caregiver that his or her duties and rights under this article as to that qualifying
343 patient shall expire 15 days after notification by the department is sent.

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

347 43-34-131.

348 No later than November 1, 2021, the Department of Revenue shall adopt rules and
349 regulations:

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

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

355 (B) Minimum oversight requirements for dispensaries;

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

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

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

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

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

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

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

370 (D) The total amount of revenue from dispensary application and renewal fees and
371 registry identification card fees for dispensary agents shall be sufficient to implement
372 and administer the dispensary provisions of this article, including the verification

373 system, provided that the fee revenue may be offset or supplemented by private
374 donations; and

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

377 43-34-132.

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

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

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

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

391 (B) An application that includes:

392 (i) The legal name of the dispensary;

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

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

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

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

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

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

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

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

411 43-34-133.

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

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

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

417 (2) A dispensary agent application;

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

421 (4) The application fee.

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

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

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

427 43-34-134.

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

431 43-34-135.

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

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

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

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

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

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

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

441 43-34-136.

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

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

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

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

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

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

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

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

458 43-34-137.

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

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

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

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

473 43-34-138.

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

476 (b) When a cardholder notifies the Department of Revenue of any changes listed in
477 subsection (a) of this Code section but remains eligible under this article, the Department
478 of Revenue shall issue the cardholder a new registry identification card with a new random
479 20 digit alphanumeric identification number within ten days of receiving the updated
480 information and a fee to be determined by the Department of Revenue.

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

483 43-34-139.

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

487 43-34-139.1.

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

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

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

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

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

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

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

505 43-34-139.2.

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

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

511 (c) A registered dispensary shall be prohibited from acquiring, possessing, cultivating,
512 manufacturing, delivering, transferring, transporting, supplying, or dispensing marijuana
513 for any purpose except to assist registered qualifying patients with the medical use of
514 marijuana directly or through the registered qualifying patients' designated caregivers.

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

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

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

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

528 43-34-139.3.

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

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

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

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

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

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

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

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

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

549 43-34-139.4.

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

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

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

557 (1) Dynamic allocation of resources;

558 (2) Data redundancy; and

559 (3) Recovery from natural disaster within hours.

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

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

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

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

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

568 (5) Tracking transportation of product;

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

571 (A) Sold product;

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

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

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

- 575 (E) Postharvest raw product, such as product that is in the drying, trimming, or curing
576 process;
- 577 (7) Reporting and tracking loss, theft, or diversion of product containing cannabis;
578 (8) Reporting and tracking all inventory discrepancies;
- 579 (9) Reporting and tracking adverse qualifying patient responses or dose related efficacy
580 issues;
- 581 (10) Reporting and tracking all sales and refunds;
- 582 (11) Tracking qualifying patient purchase limits and flagging purchases in excess of
583 authorized limits;
- 584 (12) Receiving electronically submitted information required to be reported under this
585 Code section;
- 586 (13) Receiving testing results electronically from a safety compliance facility via a
587 secured application program interface into the tracking system and directly linking the
588 testing results to each applicable source batch and sample;
- 589 (14) Flagging test results that have characteristics indicating that they may have been
590 altered;
- 591 (15) Providing information to cross-check that product sales are made to a qualifying
592 patient or designated caregiver and that the product received the required testing;
- 593 (16) Providing the department, local law enforcement agencies, and state law
594 enforcement agencies with real-time access to information in the database; and
- 595 (17) Providing real-time analytics to the department regarding key performance
596 indicators including:
- 597 (A) Total daily sales;
- 598 (B) Total plants in production;
- 599 (C) Total plants destroyed; and
- 600 (D) Total inventory adjustments.

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

608 43-34-139.5.

609 (a) No later than November 1, 2021, the department and Department of Revenue shall
610 establish a verification system.

611 (b) The verification system shall disclose:

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

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

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

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

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

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

623 43-34-139.6.

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

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

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

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

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

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

633 (6) The number of registered dispensaries; and

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

635 43-34-139.7.

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

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

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

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

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

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

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

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

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

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

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

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

674 43-34-139.8.

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

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

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

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

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

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

696 43-34-139.9.

697 (a) Nothing in this article shall require:

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

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

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

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

711 43-34-139.10.

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

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

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

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

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

730 43-34-139.11.

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

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

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

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

748 (e) Making false statements to a law enforcement official about any fact or circumstance
749 relating to the medical use of marijuana to avoid arrest or prosecution is subject to a civil

750 penalty of not more than \$500.00, which shall be in addition to any other penalties that may
751 apply for making a false statement or for the use of marijuana other than use undertaken
752 pursuant to this article.

753 43-34-139.12.

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

756 43-34-139.13.

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

761 (b) If after November 1, 2021, the department is not accepting applications or has not
762 promulgated rules allowing qualifying patients to submit applications, a notarized
763 statement by a qualifying patient containing the information required in an application
764 pursuant to paragraph (3) of subsection (a) of Code Section 43-34-125, together with a
765 written certification issued by a physician within the 90 days immediately preceding the
766 notarized statement, shall be deemed a valid registry identification card.

767 43-34-139.14.

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

771 (b) The department shall be authorized to obtain conviction data with respect to each
772 person applying as a designated caregiver under this article. The department shall submit
773 to the Georgia Crime Information Center two complete sets of fingerprints of the applicant

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

789 (c) The Department of Revenue shall be authorized to obtain conviction data with respect
790 to each person applying as a dispensary agent under this article. The Department of
791 Revenue shall submit to the Georgia Crime Information Center two complete sets of
792 fingerprints of the applicant for appointment or employment, the required records search
793 fees, and such other information as may be required. Upon receipt of such material, the
794 Georgia Crime Information Center shall promptly forward one set of fingerprints to the
795 Federal Bureau of Investigation for a search of bureau records and the preparation of an
796 appropriate report concerning such records search and shall retain the other set and
797 promptly conduct a search of its own records and all records to which the center has access.
798 The Georgia Crime Information Center shall notify the Department of Revenue in writing
799 of any derogatory finding, including, but not limited to, any conviction data regarding the
800 fingerprint records check or if there is no such finding. All conviction data received by the

801 Department of Revenue shall not be a public record, shall be privileged, and shall not be
802 disclosed to any other person or agency except as provided in this Code section and except
803 to any person or agency that otherwise has a legal right to inspect the employment file. All
804 such records shall be maintained by the Department of Revenue pursuant to the laws
805 regarding such records and the rules and regulations of the Federal Bureau of Investigation
806 and the Georgia Crime Information Center, as applicable.

807 (d) The department and the Department of Revenue shall promulgate rules and regulations
808 as are necessary to implement and effectuate the provisions of this Code section.

809 43-34-139.15.

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

812

SECTION 3.

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