

Senate Resolution 165

By: Senators Rahman of the 5th, Jackson of the 41st, Butler of the 55th, Jones II of the 22nd, Orrock of the 36th and others

## A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to authorize the  
2 General Assembly to provide by law for the legalization and regulation of marijuana; to  
3 permit persons 21 years of age or older to purchase marijuana for personal use; to provide  
4 that fees and tax proceeds from the sale of such marijuana be dedicated equally between  
5 education and transportation infrastructure purposes; to provide for tax exemption of  
6 marijuana used for medical purposes; to provide that such funds shall not lapse; to provide  
7 a procedure to vacate previous misdemeanor marijuana convictions; to provide for  
8 submission of this amendment for ratification or rejection; and for other purposes.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 10 SECTION 1.

11 Article III, Section VI of the Constitution is amended by adding a new Paragraph to read as  
12 follows:

13 "Paragraph VIII. *Regulation of marijuana.* (a) The General Assembly shall provide by  
14 law for the legalization and regulation of the production, sale, and personal use by  
15 individuals 21 years of age or older of marijuana and for any matters relating to the  
16 purposes or provisions of this subparagraph.

17 (b) Proceeds derived from fees and taxation of the production and sale of marijuana shall  
18 be used to pay for the operating expenses of the state's regulation and administration of  
19 such production and sale of marijuana. Net proceeds after payment of such operating  
20 expenses shall be separately accounted for and shall be specifically identified by the  
21 Governor in the annual budget presented to the General Assembly as a separate budget  
22 category entitled 'Marijuana Proceeds,' and the Governor shall make specific  
23 recommendations as to the educational programs and purposes and capital outlay projects  
24 for transportation infrastructure purposes to which such net proceeds shall be equally  
25 appropriated. In the General Appropriations Act adopted by the General Assembly, the  
26 General Assembly shall appropriate all net proceeds of the marijuana fees and taxes by  
27 such separate budget category to support improvements and enhancements for educational  
28 programs and purposes and capital outlay projects for transportation infrastructure  
29 purposes. Such net proceeds shall be used equally to support improvements and  
30 enhancements for educational programs and purposes and to support improvements for  
31 capital outlay projects for transportation infrastructure purposes; and such net proceeds  
32 shall be used to supplement, not supplant, nonmarijuana resources for educational  
33 programs and purposes and for capital outlay projects for transportation infrastructure  
34 purposes. Marijuana used in the production of medical marijuana and any product which  
35 is sold utilizing such marijuana that qualifies for medical use shall be exempt from taxation  
36 by this state or by any county, municipality, authority, or political subdivision of this state.  
37 Such appropriated amount shall not lapse as required by Article III, Section IX,  
38 Paragraph IV(c).

39 (c) The General Assembly shall establish procedures so that any person who has been  
40 convicted of possession, manufacturing, delivering, distributing, dispensing, administering,  
41 purchasing, selling, or possessing with intent to distribute marijuana which would not have  
42 been a crime if committed on or after December 31, 2022, may file with the court in which  
43 he or she was convicted an application to have such conviction vacated."

44

**SECTION 2.**

45 The above proposed amendment to the Constitution shall be published and submitted as  
46 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
47 above proposed amendment shall have written or printed thereon the following:

48 " YES Shall the Constitution of Georgia be amended so as to authorize the General  
49 Assembly to provide by general law for the legalization and regulation of the  
50  NO production, sale, and personal use by individuals 21 years of age or older of  
51 marijuana, provide for taxes from such production and sale for educational  
52 programs and purposes and capital outlay projects for transportation  
53 infrastructure purposes within this state, to exempt from taxation marijuana  
54 used for medical purposes, and to provide a procedure to vacate previous  
55 misdemeanor marijuana convictions?"

56 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
57 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
58 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
59 become a part of the Constitution of this state.