

House Bill 496

By: Representatives Clark of the 108<sup>th</sup>, Miller of the 62<sup>nd</sup>, Ridley of the 22<sup>nd</sup>, Jackson of the 68<sup>th</sup>, and Kendrick of the 95<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to arrest by law enforcement officers generally, so as to provide for limitations on  
3 stops, searches, seizures, or arrests regarding the scent of marijuana, cannabis, or hemp on  
4 its own; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to  
8 arrest by law enforcement officers generally, is amended by adding a new Code section to  
9 read as follows:

10 "17-4-31.

11 (a) The scent of marijuana, cannabis, or hemp on its own, whether burnt or not, shall not  
12 provide a law enforcement officer with reasonable suspicion or probable cause for a stop,  
13 search, seizure, or arrest.

14 (b) A law enforcement officer shall not:

15 (1) Stop a person or motor vehicle based solely on the scent of marijuana, cannabis, or  
16 hemp on its own, whether burnt or not; or

20 **SECTION 2.**  
21 All laws and parts of laws in conflict with this Act are repealed.

## SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.