

# Georgia Cannabis Freedom Act

Tagline: *Whole Plant, Full Plant*

Effective Date: July 1, 2025

**Purpose:** To repeal all existing cannabis-related laws in Georgia and replace them with a comprehensive, consumer-driven framework legalizing full-plant cannabis for adult use, ensuring citizen rights, promoting economic opportunity, prioritizing restorative justice, and recognizing cannabis as a renewable resource.

## Section 1: Repeal of Existing Laws

- All prior Georgia statutes related to cannabis (e.g., Georgia Controlled Substances Act provisions on marijuana, Haleigh's Hope Act, SB 494 hemp regulations) are repealed as of the effective date.
- This Act supersedes all municipal ordinances conflicting with its provisions.

## Section 2: Definitions

- **Cannabis:** Refers to all parts of the cannabis plant, including flowers, leaves, seeds, and derivatives, regardless of THC content.
- **Adult:** Any Georgia resident aged 21 or older.
- **Consumer-Driven:** Policies shaped by citizen rights to access, cultivate, and use cannabis, with minimal government restriction beyond public safety.
- **Full-Plant Legalization:** Legalizes cannabis in all forms (flower, edibles, oils, etc.), not limited to low- THC products.
- **Renewable Resource:** Cannabis as a sustainable crop that can be cultivated annually, with applications in agriculture, industry fiber, and medicine.

## Section 3: Legalization of Cannabis for Adult Use

- **Possession:** Adults may possess up to 2 ounces of cannabis flower or 28 grams of cannabis concentrates in public, with no limit on private possession at home.
- **Cultivation:** Adults may grow up to 6 cannabis plants per person (max 12 per household) for personal use, provided they are in a secure, non-public location (see Section 4 for details).
- **Consumption:** Adults may consume cannabis on private property or in licensed establishments. Public use is permitted except where tobacco smoking is prohibited.

- **Forms:** Cannabis is legal in all forms—flower, edibles, tinctures, topicals, etc.—with no THC potency caps.

#### Section 4: Citizen Rights

- **Right to Access:** Every adult has the right to purchase cannabis from licensed retailers without undue barriers (e.g., no medical card required).
- **Right to Cultivate:** Every adult has the right to cultivate cannabis for personal use only, subject to the following:
  - **Maximum Number of Plants:** Adults may grow up to 6 cannabis plants per person, with a household cap of 12 plants, in a secure, non-public location (e.g., indoors or enclosed backyard).
  - **Prohibition on Sale or Barter:** Cannabis grown under this right may not be sold, bartered, or transferred to any other individual or entity, including gifts or trades. It is strictly for personal consumption by the cultivator or their immediate household.
  - **Rationale:** Ensures individuals can meet personal cannabis needs legally, reducing reliance on the illicit market, while preventing unregulated commercial activity.
  - **Enforcement:** Violations (e.g., selling home-grown cannabis) are treated as misdemeanors under Section 9, with intent to distribute triggering felony charges.
- **Right to Choose:** Consumers may select cannabis products based on preference (e.g., strain, potency, form) without state-imposed restrictions like THC limits.
- **Non-Discrimination:** No person may be denied employment, housing, or custody rights solely for lawful cannabis use or possession, except in safety-sensitive federal jobs.

#### Section 5: Commercial Framework

- **Licensing:** The Georgia Cannabis Authority (GCA), a new independent agency, will issue licenses for cultivation, processing, retail, Manufacturing, Medical/Caregiver and distribution within 180 days of enactment.
  - Priority given to Georgia residents, small businesses, and communities disproportionately harmed by prior cannabis laws.
  - No cap on licenses to encourage competition and consumer choice.
- **Prohibition on Lawsuit Participants:** Individuals, entities, or their affiliates currently involved in active lawsuits against the State of Georgia, its agencies, or officials—whether as plaintiffs, attorneys, or financial backers—are ineligible to apply for or hold any cannabis-related license under this Act until such lawsuits are resolved or withdrawn. This includes:

- Cannabis licensing disputes (e.g., Georgia Atlas v. GAMCC, 2022)
  - Regulatory challenges (e.g., SB 494 hemp law disputes).
  - Constitutional claims against state cannabis policy.
  - **Rationale:** Ensures alignment with state goals.
  - **Enforcement:** Applicants must submit litigation affidavits; GCA may audit records and revoke licenses for violations.
- **Cannabis as a Renewable Resource:**
    - **Policy:** Cannabis is recognized as a renewable resource, with cultivation encouraged for sustainable economic and environmental benefits (textiles, biofuels, soil regeneration).
    - **Incentives:** Licensed cultivators using eco-friendly practices (e.g., organic methods, crop rotation) qualify for a 2% reduction in excise tax on their products for the first five years.
    - **Education:** GCA will partner with Georgia's agricultural extension services to train farmers in cannabis cultivation as a renewable crop, prioritizing rural counties.
    - **Rationale:** Leverages cannabis's fast growth cycle (90-120 days) and versatility to boost Georgia's agricultural sector while reducing environmental impact.
  - **Retail:** Cannabis may be sold at standalone dispensaries, co-located with existing businesses (e.g., pharmacies, liquor stores), or online with delivery.
  - **Taxation:** A tiered excise tax on retail sales of cannabis products, modeled after the taxation structure for alcoholic beverages:
    - **5% on cannabis flower** (comparable to beer, taxed at \$1.01 per gallon in Georgia).
    - **7% on infused products** (e.g., edibles, tinctures) (comparable to wine, taxed at \$1.51 per gallon).
    - **10% on concentrates** (e.g., oils, waxes) (comparable to spirits, taxed at \$3.79 per gallon).
    - **Sustainable Cultivator Incentive:** Cultivators using eco-friendly practices qualify for a 2% reduction in excise tax (resulting in 3% for flower, 5% for infused products, 8% for concentrates) for the first five years.
    - **Sales Tax:** Standard state and local sales taxes apply to all cannabis products, consistent with the taxation of alcoholic beverages.
    - **Annual Review:** The GCA shall annually review the excise tax rates for cannabis products to ensure they remain proportional to the excise tax rates on beer, wine, and distilled spirits, respectively. The GCA may recommend adjustments to the

Georgia General Assembly based on this review.

- **Revenue Allocation:** Excise tax revenue is allocated as follows:
  - **38% to education** (e.g., schools, teacher training, educational programs).
  - **29% to restorative justice programs** (see Section 7) (e.g., expungement processing, equity grants).
  - **19% to public health and addiction services** (e.g., mental health, substance abuse support).
    - **9% to rural economic development** (e.g., infrastructure, small business loans in rural areas).
  - **5% to industry sustainability** (e.g., funding research into eco-friendly cultivation techniques, industrial applications, and carbon-neutral processing facilities).
- **Testing:** All commercial products must be tested for safety by approved Labs having Certificates of Accreditation for completing full panel product testing.

## Section 6: Public Safety Regulations

- **Age Restriction:** Sales and transfers to those under 21 are prohibited, with penalties mirroring alcohol laws.
- **Driving:** Operating a vehicle under the influence of cannabis is illegal, with impairment determined by behavior and field sobriety tests ARIDE (Advanced Roadside Driving Enforcement) SFST (Standards For Standardized field sobriety Test) and DEC (Drug Evaluation and Classification Training).
- **Packaging:** Products must be in child-resistant packaging and not mimic children's candies or brands.
- **Advertising:** Restrictions limited to preventing marketing to minors; no blanket bans on billboards or media.

## Section 7: Restorative Justice

- **Expungement:** Automatic expungement of all prior non-violent cannabis convictions (possession, cultivation, small-scale sale) within 12 months. Courts must prioritize release of incarcerated individuals.
- **Equity Program:** 50% of initial commercial licenses reserved for applicants from communities over- policed for cannabis (based on arrest data), with grants for startup costs.
- **Reinvestment:** Tax revenue funds job training, legal aid, and reentry support for those impacted by prior laws.

## Section 8: Medical Cannabis Expansion

- **Access:** Patients of any age (with parental consent for minors) may use cannabis for any condition, certified by a healthcare provider, without a registry.
- **Insurance:** Private insurers may cover cannabis if prescribed; Medicaid encouraged but not mandated to follow.
- **Research:** State universities may conduct cannabis studies, with GCA funding available.

## Section 9: Enforcement and Penalties

- **Violations:** Selling to minors, operating unlicensed large-scale grows, or selling/bartering home-grown cannabis are misdemeanors (up to 1 year jail, \$1,000 fine). Trafficking across state lines or intent to distribute beyond personal use remains a felony.
- **No Arrests for Legal Use:** Law enforcement may not arrest or fine adults for possession or use within this Act's limits.

## Section 10: Interstate and Federal Considerations

- **Transport:** Adults may transport cannabis within Georgia but are advised of federal risks crossing state lines.
- **Federal Alignment:** If federal law legalizes cannabis, the GCA will adjust regulations to enable interstate commerce.