

Senate Bill 432

By: Senator Thompson of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
2 physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory
3 care, clinical perfusionists, and orthotics and prosthetics practice, so as to repeal provisions
4 relating to use of marijuana for treatment of cancer and glaucoma and provide for medical
5 use of marijuana; to provide for a short title; to provide for legislative findings; to provide
6 for definitions; to provide for additional debilitating conditions; to provide for controlled
7 substances therapeutic relief, limitations, and rule making; to provide for registration of
8 marijuana dispensaries; to provide for registration of qualifying patients and designated
9 caregivers; to provide for the issuance, revocation, suspension, and expiration of registry
10 identification cards; to provide for facility restrictions; to provide for dispensary locations;
11 to provide for dispensing marijuana for medical use; to provide for a verification system; to
12 provide for notices and civil penalties; to provide for annual reporting; to provide for
13 confidentiality; to provide for presumptions; to prohibit discrimination under certain
14 circumstances; to provide for enforcement; to provide for fingerprinting; to amend Chapter
15 15 of Title 48 of the Official Code of Georgia Annotated, relating to excise tax on marijuana
16 and controlled substances, so as to repeal and reserve provisions providing tax excise
17 exemption for medical marijuana; to provide for related matters; to repeal conflicting laws;
18 and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,
22 acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical
23 perfusionists, and orthotics and prosthetics practice, is amended by repealing Article 5,
24 relating to use of marijuana for treatment of cancer and glaucoma, and adding a new
25 Article 5 to read as follows:

26 "ARTICLE 527 43-34-120.28 This article shall be known and may be cited as the 'Controlled Substances Therapeutic
29 Relief Act.'30 43-34-121.31 The General Assembly finds and declares the following:32 (a) Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern
33 medical research has confirmed beneficial uses for marijuana in treating or alleviating the
34 pain, nausea, and other symptoms associated with a variety of debilitating medical
35 conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National
36 Academy of Sciences' Institute of Medicine in March 1999.37 (b) Studies published since the 1999 Institute of Medicine report have continued to show
38 the therapeutic value of marijuana in treating a wide array of debilitating medical
39 conditions. These include relief of neuropathic pain caused by multiple sclerosis,
40 HIV/AIDS, and other illnesses that often fail to respond to conventional treatments and
41 relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and
42 hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.43 (c) Marijuana has many currently accepted medical uses in the United States, having been
44 recommended by thousands of licensed physicians to at least 260,000 patients in the states
45 with medical marijuana laws. Marijuana's medical utility has been recognized by a wide
46 range of medical and public health organizations, including the American Academy of HIV
47 Medicine, American College of Physicians, American Nurses Association, American
48 Public Health Association, Leukemia & Lymphoma Society and many others.49 (d) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the
50 Compendium of Federal Justice Statistics show that approximately 99 out of every 100
51 marijuana arrests in the United States are made under state law, rather than under federal
52 law. Consequently, changing state law will have the practical effect of protecting from
53 arrest the vast majority of seriously ill patients who have a medical need to use marijuana.54 (e) Alaska, Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Maine,
55 Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico,
56 Oregon, Vermont, Rhode Island, and Washington have removed state-level criminal
57 penalties for the medical use and cultivation of marijuana. Georgia joins in this effort for
58 the health and welfare of its citizens.

59 (f) States are not required to enforce federal law or prosecute people for engaging in
 60 activities prohibited by federal law. Therefore, compliance with this Act does not put the
 61 State of Georgia in violation of federal law.

62 (g) State law should make a distinction between the medical and nonmedical uses of
 63 marijuana. Hence, the purpose of this Act is to protect patients with debilitating medical
 64 conditions, as well as their physicians and providers, from arrest and prosecution, criminal
 65 and other penalties, and property forfeiture if such patients engage in the medical use of
 66 marijuana.

67 (h) It is the intent of the General Assembly in enacting this article to permit registered
 68 patients with a debilitating medical condition to use and possess medicinal marijuana and
 69 its derivatives and allow dispensation of medicinal marijuana and its derivatives by
 70 licensed, registered, nonprofit dispensaries within the state.

71 43-34-122.

72 As used in this article, unless the context otherwise requires, the term:

73 (1)(A) 'Allowable amount of marijuana' means:

74 (i) With respect to a qualifying patient:

75 (I) Two ounces of usable marijuana; and

76 (II) If the qualifying patient's registry identification card states that the qualifying
 77 patient is authorized to cultivate marijuana, eight marijuana plants contained in an
 78 enclosed, locked facility except that the plants are not required to be in an enclosed,
 79 locked facility if the plants are being transported because the qualifying patient is
 80 moving; and

81 (ii) With respect to a designated caregiver, for each patient assisted by the designated
 82 caregiver under this article:

83 (I) Two ounces of usable marijuana; and

84 (II) If the designated caregiver's registry identification card provides that the
 85 designated caregiver is authorized to cultivate marijuana, eight marijuana plants
 86 contained in an enclosed, locked facility except that the plants are not required to
 87 be in an enclosed, locked facility if the plants are being transported because the
 88 designated caregiver is moving.

89 (B) Marijuana that is incidental to medical use, but is not usable marijuana as defined
 90 in this article, shall not be counted toward a qualifying patient's or designated
 91 caregiver's allowable amount of marijuana.

92 (2) 'Cardholder' means a qualifying patient, a designated caregiver, or a nonprofit
 93 medical marijuana dispensary agent who has been issued and possesses a valid registry
 94 identification card.

- 95 (3) 'Debilitating medical condition' means one or more of the following:
 96 (A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
 97 immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's
 98 disease, agitation of Alzheimer's disease, or the treatment of these conditions;
 99 (B) A chronic or debilitating disease or medical condition or its treatment that produces
 100 one or more of the following: cachexia or wasting syndrome; severe and chronic pain;
 101 severe nausea; seizures, including those characteristic of epilepsy; or severe and
 102 persistent muscle spasms, including those characteristic of multiple sclerosis; or
 103 (C) Any other medical condition or its treatment added by the department pursuant to
 104 Code Section 43-34-122.1.
- 105 (4) 'Department' means the Department of Public Health or its successor agency.
- 106 (5) 'Designated caregiver' means a person who:
 107 (A) Is at least 21 years of age;
 108 (B) Has agreed to assist with a patient's medical use of marijuana;
 109 (C) Has not been convicted of a felony offense;
 110 (D) Assists no more than five qualifying patients with the medical use of marijuana;
 111 and
 112 (E) May receive reimbursement for actual costs incurred in assisting a registered
 113 qualifying patient's medical use of marijuana if the registered designated caregiver is
 114 connected to the registered qualifying patient through the department's registration
 115 process. The designated caregiver shall not be paid any fee or compensation for his or
 116 her service as a caregiver. Payment for costs under this subdivision shall not constitute
 117 an offense under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances
 118 Act.'
- 119 (6) 'Enclosed, locked facility' means a closet, room, greenhouse, or other enclosed area
 120 equipped with locks or other security devices that permit access only by a cardholder.
- 121 (7) 'Marijuana' means all parts of any plant of the genus cannabis whether growing or
 122 not, and the seeds of such plant.
- 123 (8) 'Medical use' means the acquisition, possession, cultivation, manufacture, use,
 124 administration, delivery, transfer, or transportation of marijuana or paraphernalia relating
 125 to the administration of marijuana to treat or alleviate a registered qualifying patient's
 126 debilitating medical condition or symptoms associated with the patient's debilitating
 127 medical condition.
- 128 (9) 'Nonprofit medical marijuana dispensary' means a not-for-profit entity that acquires,
 129 possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or
 130 dispenses marijuana or related supplies and educational materials to cardholders. A

131 nonprofit medical marijuana dispensary may receive payment for all expenses incurred
132 in its operation.

133 (10) 'Nonprofit medical marijuana dispensary agent' means a principal officer, board
134 member, employee, or volunteer of a nonprofit medical marijuana dispensary who is at
135 least 21 years of age and has not been convicted of a felony offense.

136 (11) 'Physician' means a doctor of medicine who holds a valid and existing license to
137 practice medicine pursuant to Article 2 of this chapter, a doctor of osteopathic medicine
138 who holds a valid and existing license to practice osteopathic medicine pursuant to this
139 chapter, a naturopathic physician, or a homeopathic physician.

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

142 (13) 'Registry identification card' means a document issued by the department that
143 identifies a person as a registered qualifying patient, registered designated caregiver, or
144 a registered nonprofit medical marijuana dispensary agent.

145 (14) 'Usable marijuana' means the dried flowers of the marijuana plant, and any mixture
146 or preparation thereof, but shall not include the seeds, stalks, and roots of the plant and
147 shall not include the weight of any nonmarijuana ingredients combined with marijuana
148 and prepared for consumption as food or drink.

149 (15) 'Verification system' means a secure, password-protected, web-based system
150 established and maintained by the department that is available to law enforcement
151 personnel and nonprofit medical marijuana dispensary agents on a 24 hour basis for
152 verification of registry identification cards.

153 (16) 'Visiting qualifying patient' means a person:

154 (A) Who is not a resident of Georgia or who has been a resident of Georgia for fewer
155 than 30 days; and

156 (B) Who has been diagnosed with a debilitating medical condition by a person who is
157 licensed with authority to prescribe drugs to humans in the state of the person's
158 residence or, in the case of a person who has been a resident of Georgia for fewer than
159 30 days, the state of the person's former residence.

160 (17) 'Written certification' means a document dated and signed by a physician, stating
161 that in the physician's professional opinion the patient is likely to receive therapeutic or
162 palliative benefit from the medical use of marijuana to treat or alleviate the patient's
163 debilitating medical condition or symptoms associated with the debilitating medical
164 condition. The physician shall:

165 (A) Specify the qualifying patient's debilitating medical condition in the written
166 certification; and

167 (B) Sign and date the written certification only in the course of a physician-patient
 168 relationship after the physician has completed a full assessment of the qualifying
 169 patient's medical history.

170 43-34-122.1.

171 The public may petition the department to add debilitating medical conditions or treatments
 172 to the list of debilitating medical conditions set forth in paragraph (3) of Code Section
 173 43-34-122. The department shall consider petitions in the manner required by department
 174 rule, including public notice and hearing. The department shall approve or deny a petition
 175 within 180 days of its submission. The approval or denial of a petition is a final decision
 176 of the department subject to judicial review pursuant to Chapter 13 of Title 50, the
 177 'Georgia Administrative Procedure Act.' Jurisdiction and venue are vested in the superior
 178 court.

179 43-34-123.

180 This article shall not authorize any person to engage in, and shall not prevent the
 181 imposition of any civil, criminal, or other penalties for engaging in, the following conduct:

182 (1) Undertaking any task under the influence of marijuana that would constitute
 183 negligence or professional malpractice;

184 (2) Possessing or engaging in the medical use of marijuana:

185 (A) On a school bus;

186 (B) On the grounds of any preschool or primary or secondary school; or

187 (C) In any correctional facility;

188 (3) Smoking marijuana:

189 (A) On any form of public transportation; or

190 (B) In any public place;

191 (4) Operating, navigating, or being in actual physical control of any motor vehicle,
 192 aircraft, or motorboat while under the influence of marijuana, except that a registered
 193 qualifying patient shall not be considered to be under the influence of marijuana solely
 194 because of the presence of metabolites or components of marijuana that appear in
 195 insufficient concentration to cause impairment; or

196 (5) Using marijuana except as authorized under this article.

197 43-34-124.

198 (a) Not later than 120 days after the effective date of this article, the department shall
 199 adopt rules:

- 200 (1) Governing the manner in which the department shall consider petitions from the
201 public to add debilitating medical conditions or treatments to the list of debilitating
202 medical conditions set forth in paragraph (3) of Code Section 43-34-122, including
203 public notice of, and an opportunity to comment in a public hearing upon, petitions;
204 (2) Establishing the form and content of registration and renewal applications submitted
205 under this article;
206 (3) Governing the manner in which it shall consider applications for and renewals of
207 registry identification cards;
208 (4) Governing nonprofit medical marijuana dispensaries, for the purpose of protecting
209 against diversion and theft without imposing an undue burden on nonprofit medical
210 marijuana dispensaries or compromising the confidentiality of cardholders, including:
211 (A) The manner in which the department shall consider applications for and renewals
212 of registration certificates;
213 (B) Minimum oversight requirements for nonprofit medical marijuana dispensaries;
214 (C) Minimum record keeping requirements for nonprofit medical marijuana
215 dispensaries;
216 (D) Minimum security requirements for nonprofit medical marijuana dispensaries,
217 including requirements for protection of each registered nonprofit medical marijuana
218 dispensary location by a fully operational security alarm system; and
219 (E) Procedures for suspending or revoking the registration certificate of nonprofit
220 medical marijuana dispensaries that violate the provisions of this article or the rules
221 adopted pursuant to this Code section; and
222 (5) Establishing application and renewal fees for registry identification cards and
223 nonprofit medical marijuana dispensary registration certificates, according to the
224 following:
225 (A) The total amount of all fees shall generate revenues sufficient to implement and
226 administer this article except that fee revenue may be offset or supplemented by private
227 donations;
228 (B) Nonprofit medical marijuana dispensary application fees shall not exceed
229 \$5,000.00;
230 (C) Nonprofit medical marijuana dispensary renewal fees shall not exceed \$1,000.00;
231 (D) The total amount of revenue from nonprofit medical marijuana dispensary
232 application and renewal fees and registry identification card fees for nonprofit medical
233 marijuana dispensary agents shall be sufficient to implement and administer the
234 nonprofit medical marijuana dispensary provisions of this article, including the
235 verification system, except that the fee revenue may be offset or supplemented by
236 private donations;

237 (E) The department may establish a sliding scale of patient application and renewal
 238 fees based upon a qualifying patient's household income; and

239 (F) The department may consider private donations under Code Section 43-34-137 to
 240 reduce application and renewal fees.

241 (b) The department is authorized to adopt the rules set forth in subsection (a) of this Code
 242 section and shall adopt those rules pursuant to Article 6 of Title 41.

243 43-34-125.

244 (a) Nonprofit medical marijuana dispensaries shall register with the department.

245 (b) Not later than 90 days after receiving an application for a nonprofit medical marijuana
 246 dispensary, the department shall register the nonprofit medical marijuana dispensary and
 247 issue a registration certificate and a random 20 digit alphanumeric identification number
 248 if:

249 (1) The prospective nonprofit medical marijuana dispensary has submitted the following:

250 (A) The application fee, to be set by the department;

251 (B) An application, including:

252 (i) The legal name of the nonprofit medical marijuana dispensary;

253 (ii) The physical address of the nonprofit medical marijuana dispensary and the
 254 physical address of one additional location, if any, where marijuana will be cultivated,
 255 neither of which shall be within 500 feet of a public or private school existing before
 256 the date of the nonprofit medical marijuana dispensary application;

257 (iii) The name, address, and date of birth of each principal officer and board member
 258 of the nonprofit medical marijuana dispensary; and

259 (iv) The name, address, and date of birth of each nonprofit medical marijuana
 260 dispensary agent;

261 (C) Operating procedures consistent with department rules for oversight of the
 262 nonprofit medical marijuana dispensary, including procedures to ensure accurate record
 263 keeping and adequate security measures; and

264 (D) If the city, town, or county in which the nonprofit medical marijuana dispensary
 265 would be located has enacted zoning restrictions, a sworn statement certifying that the
 266 registered nonprofit medical marijuana dispensary is in compliance with the
 267 restrictions;

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

270 (3) None of the principal officers or board members has served as a principal officer or
 271 board member for a registered nonprofit medical marijuana dispensary that has had its
 272 registration certificate revoked; and

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

274 (c) The department shall not issue more than one nonprofit medical marijuana dispensary
275 registration certificate for every ten pharmacies that have registered under Code Section
276 16-13-72, have obtained a pharmacy permit from the State Board of Pharmacy, and operate
277 within the state, except that the department may issue nonprofit medical marijuana
278 dispensary registration certificates in excess of this limit if necessary to ensure that the
279 department issues at least one nonprofit medical marijuana dispensary registration
280 certificate in each county in which an application has been approved.

281 (d) The department may conduct a criminal records check in order to carry out this Code
282 section.

283 43-34-125.1.

284 (a) A nonprofit medical marijuana dispensary agent shall be registered with the department
285 before volunteering or working at a medical marijuana dispensary.

286 (b) A nonprofit medical marijuana dispensary may apply to the department for a registry
287 identification card for a nonprofit medical marijuana dispensary agent by submitting:

288 (1) The name, address, and date of birth of the nonprofit medical marijuana dispensary
289 agent;

290 (2) A nonprofit medical marijuana dispensary agent application;

291 (3) A statement signed by the prospective nonprofit medical marijuana dispensary agent
292 pledging not to divert marijuana to anyone who is not allowed to possess marijuana
293 pursuant to this article; and

294 (4) The application fee.

295 (c) A registered nonprofit medical marijuana dispensary shall notify the department within
296 ten days after a nonprofit medical marijuana dispensary agent ceases to be employed by or
297 volunteer at the registered nonprofit medical marijuana dispensary.

298 (d) No person who has been convicted of a felony offense shall be a nonprofit medical
299 marijuana dispensary agent.

300 (e) The department may conduct a criminal records check in order to carry out this Code
301 section.

302 43-34-125.2.

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

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

307 (2) The application fee; and

- 308 (3) An application, including:
- 309 (A) Name, mailing address, residence address, and date of birth of the qualifying
- 310 patient, except that if the applicant is homeless no address is required;
- 311 (B) Name, address, and telephone number of the qualifying patient's physician;
- 312 (C) Name, address, and date of birth of the qualifying patient's designated caregiver,
- 313 if any;
- 314 (D) A statement signed by the qualifying patient pledging not to divert marijuana to
- 315 anyone who is not allowed to possess marijuana pursuant to this article;
- 316 (E) A signed statement from the designated caregiver, if any, agreeing to be the
- 317 patient's designated caregiver and pledging not to divert marijuana to anyone who is not
- 318 allowed to possess marijuana pursuant to this article; and
- 319 (F) A designation as to who shall be allowed to cultivate marijuana plants for the
- 320 qualifying patient's medical use if a registered nonprofit medical marijuana dispensary
- 321 is not operating within 35 miles of the qualifying patient's home.
- 322 (b) The application for a qualifying patient's registry identification card shall ask whether
- 323 the patient would like the department to notify him or her of any clinical studies needing
- 324 human subjects for research on the medical use of marijuana. The department shall notify
- 325 interested patients if it is notified of studies that will be conducted in the United States.
- 326 43-34-125.3.
- 327 (a) Except as provided in subsection (b) of this Code section and Code Section
- 328 43-34-125.5, the department shall:
- 329 (1) Verify the information contained in an application or renewal submitted pursuant to
- 330 this article and approve or deny an application or renewal within ten days of receiving a
- 331 completed application or renewal;
- 332 (2) Issue a registry identification card to a qualifying patient and his or her designated
- 333 caregiver, if any, within five days of approving the application or renewal. A designated
- 334 caregiver shall have a registry identification card for each of his or her qualifying
- 335 patients; and
- 336 (3) Issue each nonprofit medical marijuana dispensary agent a registry identification card
- 337 and log-in information for the verification system within five days of approving the
- 338 application or renewal.
- 339 (b) The department shall not issue a registry identification card to a qualifying patient who
- 340 is under the age of 18 unless:
- 341 (1) The qualifying patient's physician has explained the potential risks and benefits of
- 342 the medical use of marijuana to the custodial parent or legal guardian responsible for
- 343 health care decisions for the qualifying patient;

344 (2) A custodial parent or legal guardian responsible for health care decisions for the
 345 qualifying patient submits a written certification from two physicians; and
 346 (3) The custodial parent or legal guardian with responsibility for health care decisions
 347 for the qualifying patient consents in writing to:
 348 (A) Allow the qualifying patient's medical use of marijuana;
 349 (B) Serve as the qualifying patient's designated caregiver; and
 350 (C) Control the acquisition of the marijuana and the dosage and the frequency of the
 351 medical use of marijuana by the qualifying patient.
 352 (c) A registry identification card, or its equivalent, that is issued under the laws of another
 353 state, district, territory, commonwealth, or insular possession of the United States that
 354 allows a visiting qualifying patient to possess or use marijuana for medical purposes in the
 355 jurisdiction of issuance shall have the same force and effect when held by a visiting
 356 qualifying patient as a registry identification card issued by the department, except that a
 357 visiting qualifying patient shall not be authorized to obtain marijuana from a nonprofit
 358 medical marijuana dispensary.

359 43-34-125.4.

360 (a) Registry identification cards for qualifying patients and designated caregivers shall
 361 contain all of the following:
 362 (1) Name, address, and date of birth of the cardholder;
 363 (2) A statement of whether the cardholder is a qualifying patient or a designated
 364 caregiver;
 365 (3) The date of issuance and expiration date of the registry identification card;
 366 (4) A random 20 digit alphanumeric identification number, containing at least four
 367 numbers and at least four letters, that is unique to the cardholder;
 368 (5) If the cardholder is a designated caregiver, the random identification number of the
 369 registered qualifying patient the designated caregiver is assisting;
 370 (6) A photograph of the cardholder; and
 371 (7) A clear indication of whether the cardholder has been authorized by this article to
 372 cultivate marijuana plants for the qualifying patient's medical use.
 373 (b) Registry identification cards for nonprofit medical marijuana dispensary agents shall
 374 contain the following:
 375 (1) The name, address, and date of birth of the nonprofit medical marijuana dispensary
 376 agent;
 377 (2) A statement that the cardholder is a nonprofit medical marijuana dispensary agent;
 378 (3) The legal name of the registered nonprofit medical marijuana dispensary with which
 379 the nonprofit medical marijuana dispensary agent is affiliated;

- 380 (4) A random 20 digit alphanumeric identification number that is unique to the
381 cardholder;
- 382 (5) The date of issuance and expiration date of the registry identification card; and
383 (6) A photograph, if the department decides to require one.
- 384 (c) If the registry identification card of either a qualifying patient or the patient's
385 designated caregiver does not state that the cardholder is authorized to cultivate marijuana
386 plants, then the department shall give written notice to the registered qualifying patient,
387 when the qualifying patient's registry identification card is issued, of the name and address
388 of all registered nonprofit medical marijuana dispensaries.
- 389 43-34-125.5.
- 390 (a) The department may deny an application or renewal of a qualifying patient's registry
391 identification card only if the applicant:
- 392 (1) Does not meet the requirements of paragraph (13) of Code Section 43-34-122;
393 (2) Does not provide the information required;
394 (3) Previously had a registry identification card revoked for violating this article; or
395 (4) Provides false information.
- 396 (b) The department may deny an application or renewal of a designated caregiver's registry
397 identification card if the applicant:
- 398 (1) Does not meet the requirements of paragraph (5) of Code Section 43-34-122;
399 (2) Does not provide the information required;
400 (3) Previously had a registry identification card revoked for violating this article; or
401 (4) Provides false information.
- 402 (c) The department may deny a registry identification card to a nonprofit medical
403 marijuana dispensary agent if:
- 404 (1) The agent applicant does not meet the requirements of paragraph (11) of Code
405 Section 43-34-122;
406 (2) The applicant or dispensary did not provide the required information;
407 (3) The agent applicant previously had a registry identification card revoked for violating
408 this article; or
409 (4) The applicant or dispensary provides false information.
- 410 (d) The department may conduct a criminal records check of each designated caregiver or
411 nonprofit medical marijuana dispensary agent applicant to carry out this Code section.
- 412 (e) The department shall give written notice to the registered nonprofit medical marijuana
413 dispensary of the reason for denying a registry identification card to a nonprofit medical
414 marijuana dispensary agent.

415 (f) The department shall give written notice to the qualifying patient of the reason for
 416 denying a registry identification card to the qualifying patient's designated caregiver.

417 (g) Denial of an application or renewal is considered a final decision of the department
 418 subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
 419 Procedure Act.' Jurisdiction and venue for judicial review are vested in the superior court.

420 43-34-125.6.

421 (a) All registry identification cards and registration certificates expire one year after date
 422 of issue.

423 (b) A registry identification card of a nonprofit medical marijuana dispensary agent shall
 424 be canceled and his or her access to the verification system shall be deactivated upon
 425 notification to the department by a registered nonprofit medical marijuana dispensary that
 426 the nonprofit medical marijuana dispensary agent is no longer employed by or no longer
 427 volunteers at the registered nonprofit medical marijuana dispensary.

428 (c) A renewal nonprofit medical marijuana dispensary registration certificate shall be
 429 issued within ten days of receipt of the prescribed renewal application and renewal fee
 430 from a registered nonprofit medical marijuana dispensary if its registration certificate is not
 431 under suspension and has not been revoked.

432 (d) If a cardholder loses his or her registry identification card, he or she shall promptly
 433 notify the department. Within five days of the notification, and upon payment of a \$10.00
 434 fee, the department shall issue a new registry identification card with a new random
 435 identification number to the cardholder and, if the cardholder is a registered qualifying
 436 patient, to the registered qualifying patient's registered designated caregiver, if any.

437 43-34-126.

438 (a) Any nursing care institution, hospice, assisted living center, assisted living facility,
 439 assisted living home, residential care institution, adult day health care facility, or other
 440 adult care facility licensed under Chapter 7 of Title 31 may adopt reasonable restrictions
 441 on the use of marijuana by their residents or persons receiving inpatient services, including:

- 442 (1) That the facility will not store or maintain the patient's supply of marijuana;
 443 (2) That the facility, caregivers, or hospice agencies serving the facility's residents are
 444 not responsible for providing the marijuana for qualifying patients;
 445 (3) That marijuana be consumed by a method other than smoking; and
 446 (4) That marijuana be consumed only in a place specified by the facility.

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

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

453 43-34-127.

454 (a) A registered nonprofit medical marijuana dispensary shall be operated on a
455 not-for-profit basis. The bylaws of a registered nonprofit medical marijuana dispensary
456 shall contain such provisions relative to the disposition of revenues and receipts to establish
457 and maintain its nonprofit character. A registered nonprofit medical marijuana dispensary
458 need not be recognized as tax-exempt by the Internal Revenue Service and shall not be
459 required to incorporate pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit
460 Corporation Code.'

461 (b) The operating documents of a registered nonprofit medical marijuana dispensary shall
462 include procedures for the oversight of the registered nonprofit medical marijuana
463 dispensary and procedures to ensure accurate record keeping.

464 (c) A registered nonprofit medical marijuana dispensary shall have a single secure entrance
465 and shall implement appropriate security measures to deter and prevent the theft of
466 marijuana and unauthorized entrance into areas containing marijuana.

467 (d) A registered nonprofit medical marijuana dispensary shall be prohibited from
468 acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting,
469 supplying, or dispensing marijuana for any purpose except to assist registered qualifying
470 patients with the medical use of marijuana directly or through the registered qualifying
471 patients' designated caregivers.

472 (e) All cultivation of marijuana shall take place in an enclosed, locked facility at a physical
473 address provided to the department during the registration process, which may be accessed
474 only by registered nonprofit medical marijuana dispensary agents associated in the registry
475 with the nonprofit medical marijuana dispensary.

476 (f) A registered nonprofit medical marijuana dispensary may acquire usable marijuana or
477 marijuana plants from a registered qualifying patient or a registered designated caregiver
478 only if the registered qualifying patient or registered designated caregiver receives no
479 compensation for the marijuana.

480 (g) A nonprofit medical marijuana dispensary shall not permit any person to consume
481 marijuana on the property of a nonprofit medical marijuana dispensary.

482 (h) Registered nonprofit medical marijuana dispensaries are subject to reasonable
483 inspection by the department. The department shall give reasonable notice of an inspection
484 under this subsection.

485 43-34-127.1.

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

489 43-34-127.2.

490 (a) Before marijuana may be dispensed to a registered designated caregiver or a registered
 491 qualifying patient, a nonprofit medical marijuana dispensary agent shall access the
 492 verification system and determine for the registered qualifying patient for whom the
 493 marijuana is intended and any registered designated caregiver transporting the marijuana
 494 to the patient, that:

495 (1) The registry identification card presented to the registered nonprofit medical
 496 marijuana dispensary is valid;

497 (2) Each person presenting a registry identification card is the person identified on the
 498 registry identification card presented to the nonprofit medical marijuana dispensary agent;
 499 and

500 (3) The amount to be dispensed would not cause the registered qualifying patient to
 501 exceed the limit on obtaining no more than two ounces of marijuana during any 14 day
 502 period.

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

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

508 (2) Whether it was dispensed directly to the registered qualifying patient or to the
 509 registered qualifying patient's registered designated caregiver;

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

511 (4) The registry identification card number of the nonprofit medical marijuana
 512 dispensary and of the nonprofit medical marijuana dispensary agent who dispensed the
 513 marijuana.

514 43-34-128.

515 (a) Within 120 days of the effective date of this article, the department shall establish a
 516 secure, password-protected, web-based verification system for use on a 24 hour basis by
 517 law enforcement personnel and nonprofit medical marijuana dispensary agents to verify
 518 registry identification cards.

519 (b) The verification system shall allow law enforcement personnel and nonprofit medical
520 marijuana dispensary agents to enter a registry identification number and verify whether
521 the number corresponds with a current, valid identification card.

522 (c) The system shall disclose:

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

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

526 (d) The verification system shall include the following data security features:

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

529 (2) A user's log-in information shall be deactivated after five incorrect log-in attempts
530 until the authorized user contacts the department and verifies his or her identity; and

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

532 43-34-129.

533 (a) A registered qualifying patient shall notify the department within 14 days of any
534 change in the registered qualifying patient's name, address, designated caregiver, or
535 preference regarding who may cultivate marijuana for the registered qualifying patient or
536 if the registered qualifying patient ceases to have his or her debilitating medical condition.

537 (b) A registered designated caregiver or nonprofit medical marijuana dispensary agent
538 shall notify the department within 14 days of any change in his or her name or address.

539 (c) When a cardholder notifies the department of any changes listed in subsection (a) of
540 this Code section but remains eligible under this article, the department shall issue the
541 cardholder a new registry identification card with new random 20 digit alphanumeric
542 identification numbers within ten days of receiving the updated information and a \$20.00
543 fee. If the person notifying the department is a registered qualifying patient, the
544 department shall also issue his or her registered designated caregiver, if any, a new registry
545 identification card within ten days of receiving the updated information.

546 (d) If the registered qualifying patient's certifying physician notifies the department in
547 writing that either the registered qualifying patient has ceased to suffer from a debilitating
548 medical condition or that the physician no longer believes the patient would receive
549 therapeutic or palliative benefit from the medical use of marijuana, the card is void upon
550 notification by the department to the qualifying patient.

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

555 (f) A registered qualifying patient, designated caregiver, or nonprofit medical marijuana
 556 dispensary agent who fails to comply with subsection (a) or (b) of this Code section is
 557 subject to a civil penalty of not more than \$150.00.

558 43-34-130.

559 The department shall submit to the General Assembly an annual report that shall not
 560 disclose any identifying information about cardholders, nonprofit medical marijuana
 561 dispensaries, or physicians but shall contain at least all of the following information:

- 562 (1) The number of registry identification card applications and renewals;
 563 (2) The number of qualifying patients and designated caregivers approved in each
 564 county;
 565 (3) The nature of the debilitating medical conditions of the qualifying patients;
 566 (4) The number of registry identification cards revoked;
 567 (5) The number of physicians providing written certifications for qualifying patients;
 568 (6) The number of registered nonprofit medical marijuana dispensaries; and
 569 (7) The number of nonprofit medical marijuana dispensary agents in each county.

570 43-34-131.

571 (a) The following information received and records kept by the department for purposes
 572 of administering this article shall be confidential, in accordance with this Code section
 573 except as necessary for authorized employees of the department to perform official duties
 574 of the department pursuant to this article.

- 575 (1) Applications or renewals, their contents, and supporting information submitted by
 576 qualifying patients and designated caregivers, including information regarding their
 577 designated caregivers and physicians;
 578 (2) Applications or renewals, their contents, and supporting information submitted by or
 579 on behalf of nonprofit medical marijuana dispensaries in compliance with this article,
 580 including the physical addresses of nonprofit medical marijuana dispensaries; and
 581 (3) The individual names and other information identifying persons to whom the
 582 department has issued registry identification cards.

583 (b) Any dispensing information required to be kept under Code Section 43-34-127.2 or
 584 department regulation shall identify cardholders by their registry identification numbers
 585 and not contain names or other personally identifying information.

586 (c) Any department hard drives or other data recording media that are no longer in use and
 587 that contain cardholder information shall be destroyed. The department shall retain a
 588 signed statement from a department employee confirming the destruction.

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

592 (e) Nothing in this Code section precludes the following notifications:

593 (1) Department employees may notify law enforcement about falsified or fraudulent
 594 information submitted to the department if the employee who suspects that falsified or
 595 fraudulent information has been submitted has conferred with his or her supervisor and
 596 both agree that the circumstances warrant reporting;

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

600 (3) Nonprofit medical marijuana dispensary agents may notify the department of a
 601 suspected violation or attempted violation of this article or department rules.

602 (f) Nothing in this Code section precludes submission of the report to the legislature under
 603 Code Section 43-34-130. The annual report submitted to the legislature is subject to
 604 Article 4 of Chapter 18 of Title 50, relating to open records.

605 43-34-132.

606 (a)(1) There shall be a presumption that a qualifying patient or designated caregiver is
 607 engaged in the medical use of marijuana pursuant to this article.

608 (2) The presumption exists if the qualifying patient or designated caregiver:

609 (A) Is in possession of a registry identification card; and

610 (B) Is in possession of an amount of marijuana that does not exceed the allowable
 611 amount of marijuana.

612 (3) The presumption may be rebutted by evidence that conduct related to marijuana was
 613 not for the purpose of treating or alleviating the qualifying patient's debilitating medical
 614 condition or symptoms associated with the qualifying patient's debilitating medical
 615 condition pursuant to this article.

616 (b) A registered qualifying patient or registered designated caregiver shall not be subject
 617 to arrest, prosecution or penalty in any manner, or denial of any right or privilege,
 618 including any civil penalty or disciplinary action by a court or occupational or professional
 619 licensing board or bureau:

620 (1) For the registered qualifying patient's medical use of marijuana pursuant to this
 621 article, if the registered qualifying patient does not possess more than the allowable
 622 amount of marijuana;

623 (2) For the registered designated caregiver assisting a registered qualifying patient to
 624 whom he or she is connected through the department's registration process with the

625 registered qualifying patient's medical use of marijuana pursuant to this article if the
626 registered designated caregiver does not possess more than the allowable amount of
627 marijuana; or

628 (3) For offering or providing marijuana to a registered qualifying patient or a registered
629 designated caregiver for the registered qualifying patient's medical use or to a registered
630 nonprofit medical marijuana dispensary if nothing of value is transferred in return and the
631 person giving the marijuana does not knowingly cause the recipient to possess more than
632 the allowable amount of marijuana.

633 (c) A physician shall not be subject to arrest, prosecution, or penalty in any manner or
634 denied any right or privilege, including but not limited to civil penalty or disciplinary
635 action by the Georgia Composite Medical Board or by any other business, occupational,
636 or professional licensing board or bureau, based solely on providing written certifications
637 or for otherwise stating that, in the physician's professional opinion, a patient is likely to
638 receive therapeutic or palliative benefit from the medical use of marijuana to treat or
639 alleviate the patient's debilitating medical condition or symptoms associated with the
640 debilitating medical condition, but nothing in this article shall prevent a professional
641 licensing board from sanctioning a physician for failing to properly evaluate a patient's
642 medical condition or otherwise violating the standard of care for evaluating medical
643 conditions.

644 (d) No person shall be subject to arrest, prosecution, or penalty in any manner, or denied
645 any right or privilege, including any civil penalty or disciplinary action by a court or
646 occupational or professional licensing board or bureau, for:

647 (1) Providing a registered qualifying patient, a registered designated caregiver, or a
648 registered nonprofit medical marijuana dispensary with marijuana paraphernalia for
649 purposes of a qualifying patient's medical use of marijuana;

650 (2) Being in the presence or vicinity of the medical use of marijuana authorized under
651 this article; or

652 (3) Assisting a registered qualifying patient with administering marijuana as authorized
653 by this article.

654 (e) A registered nonprofit medical marijuana dispensary shall not be subject to
655 prosecution, search, or inspection, except by the department pursuant to subsection (h) of
656 Code Section 43-34-127, seizure, or penalty in any manner and shall not be denied any
657 right or privilege, including civil penalty or disciplinary action by a court or business
658 licensing board or entity, for acting pursuant to this article and department regulations to
659 acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, sell, or
660 dispense marijuana or related supplies and educational materials to registered qualifying

661 patients, to registered designated caregivers on behalf of registered qualifying patients, or
662 to other registered nonprofit medical marijuana dispensaries.

663 (f) A registered nonprofit medical marijuana dispensary agent shall not be subject to arrest,
664 prosecution, search, seizure, or penalty in any manner and shall not be denied any right or
665 privilege, including civil penalty or disciplinary action by a court or occupational or
666 professional licensing board or entity, for working or volunteering for a registered
667 nonprofit medical marijuana dispensary pursuant to this article and department regulations
668 to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, sell, or
669 dispense marijuana or related supplies and educational materials to registered qualifying
670 patients, to registered designated caregivers on behalf of registered qualifying patients, or
671 to other registered nonprofit medical marijuana dispensaries.

672 (g) Property, including all interests in the property, otherwise subject to forfeiture under
673 Code Section 16-13-49 that is possessed, owned, or used in connection with the medical
674 use of marijuana authorized under this article or acts incidental to the medical use of
675 marijuana authorized under this article shall not be subject to seizure or forfeiture. This
676 subsection shall not prevent civil forfeiture if the basis for the forfeiture is unrelated to the
677 medical use of marijuana.

678 (h) Mere possession of, or application for, a registry identification card shall not constitute
679 probable cause or reasonable suspicion, nor shall it be used to support the search of the
680 person or property of the person possessing or applying for the registry identification card.
681 The possession of, or application for, a registry identification card shall not preclude the
682 existence of probable cause if probable cause exists on other grounds.

683 (i) No school, landlord, or employer shall be penalized or denied any benefit under state
684 law for enrolling, leasing to, or employing a registered qualifying patient or a registered
685 designated caregiver.

686 43-34-133.

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

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

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

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

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

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

707 43-34-134.

708 (a) Nothing in this article shall require:

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

711 (2) Any person or establishment in lawful possession of property to allow a guest, client,
 712 customer or other visitor to use marijuana on or in that property; or

713 (3) An employer to allow the ingestion of marijuana in any workplace or any employee
 714 to work while under the influence of marijuana, except that a registered qualifying patient
 715 shall not be considered to be under the influence of marijuana solely because of the
 716 presence of metabolites or components of marijuana that appear in insufficient
 717 concentration to cause impairment.

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

720 43-34-135.

721 (a) The department shall immediately revoke the registry identification card of a nonprofit
 722 medical marijuana dispensary agent who violates subsection (d) of Code Section
 723 43-34-125.1 or subsection (b) of Code Section 43-34-136. The department shall suspend
 724 or revoke the registry identification card of a nonprofit medical marijuana dispensary agent
 725 for other violations of this article.

726 (b) The department shall immediately revoke the registration certificate of a registered
 727 nonprofit medical marijuana dispensary that violates subsection (b) or (c) of Code Section
 728 43-34-136, and its board members and principal officers shall not serve as the board
 729 members or principal officers for any other registered nonprofit medical marijuana
 730 dispensary.

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

735 (d) The department may revoke the registry identification card of any cardholder who
736 knowingly violates this article, and the cardholder shall be subject to other penalties for the
737 applicable offense.

738 (e) Revocation is a final decision of the department subject to judicial review pursuant to
739 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Jurisdiction and venue
740 shall be vested in the superior court.

741 43-34-136.

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

745 (b) A registered nonprofit medical marijuana dispensary or agent shall not dispense,
746 deliver, or otherwise transfer marijuana to a person other than another registered nonprofit
747 medical marijuana dispensary, a registered qualifying patient, or a registered qualifying
748 patient's registered designated caregiver.

749 (c) A registered nonprofit medical marijuana dispensary shall not acquire usable marijuana
750 or mature marijuana plants from any person other than another registered nonprofit medical
751 marijuana dispensary, a registered qualifying patient, or a registered designated caregiver.
752 A knowing violation of this subsection shall be a Class II felony.

753 (d) It shall be a Class I misdemeanor for any person, including an employee or official of
754 the department or another state agency or local government, to breach the confidentiality
755 of information obtained pursuant to this article.

756 (e) Making false statements to a law enforcement official about any fact or circumstance
757 relating to the medical use of marijuana to avoid arrest or prosecution is subject to a civil
758 penalty of not more than \$500.00, which shall be in addition to any other penalties that may
759 apply for making a false statement or for the use of marijuana other than use undertaken
760 pursuant to this article.

761 43-34-137.

762 (a) All fees received and civil penalties imposed under this article shall be deposited in the
763 state treasury in accordance with Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget
764 Act.' The General Assembly declares its intent to appropriate for the purposes of funding
765 this article each fiscal year an amount equal to that generated by the prior year's fees and

766 civil penalties as provided for in this article. In accordance with subparagraph (c) of
 767 Paragraph IV of Section IX of Article III of the Constitution of Georgia, all unexpended
 768 funds shall lapse to the general fund of the state treasury.

769 (b) The department may accept private grants, gifts, donations, contributions, and devises
 770 to assist in carrying out the provisions of this article.

771 43-34-138.

772 (a) If the department fails to adopt regulations to implement this article within 120 days
 773 of the effective date of this article, any citizen may commence a mandamus action in
 774 superior court to compel the department to perform the actions mandated under this article.

775 (b) If the department fails to issue a registry identification card within 45 days of the
 776 submission of a valid application or renewal, the registry identification card shall be
 777 deemed issued, and a copy of the registry identification card application or renewal shall
 778 be deemed a valid registry identification card.

779 (c) If at any time after the 140 days following the effective date of this article the
 780 department is not accepting applications or has not promulgated rules allowing qualifying
 781 patients to submit applications, a notarized statement by a qualifying patient containing the
 782 information required in an application pursuant to paragraph (3) of subsection (a) of Code
 783 Section 43-34-125.2, together with a written certification issued by a physician within the
 784 90 days immediately preceding the notarized statement, shall be deemed a valid registry
 785 identification card.

786 43-34-139.

787 Each person applying as a designated caregiver, a principal officer, agent or employee of
 788 a nonprofit medical marijuana dispensary, or a medical marijuana dispensary agent shall
 789 submit a full set of fingerprints to the department for the purpose of obtaining a state and
 790 federal criminal records check. The Department of Public Safety may exchange this
 791 fingerprint data with the Federal Bureau of Investigation without disclosing that the records
 792 check is related to the provisions of this article and acts permitted by it. The department
 793 shall destroy each set of fingerprints after the criminal records check is completed."

794 **SECTION 2.**

795 Chapter 15 of Title 48 of the Official Code of Georgia Annotated, relating to excise tax on
 796 marijuana and controlled substances, is amended by repealing and reserving Code Section
 797 48-15-4, relating to tax exemption for medical marijuana, as follows:

798 "48-15-4.
799 ~~Nothing in this chapter shall require persons who are lawfully in possession of marijuana~~
800 ~~or a controlled substance under a valid medical prescription or a licensed pharmacist or~~
801 ~~medical practitioner licensed to dispense marijuana or any controlled substance to pay the~~
802 ~~tax required under this chapter when such person, pharmacist, or practitioner is lawfully~~
803 ~~using, possessing, consuming, storing, or transferring such marijuana or controlled~~
804 ~~substance~~ Reserved."

805 **SECTION 3.**

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