

Senate Bill 198

By: Senator Thompson of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to provide for the regulation of the retail sale of marijuana; to provide for
3 a short title; to provide for legislative findings; to provide for definitions; to provide for the
4 regulatory authority of the Department of Revenue; to provide for licensing requirements and
5 restrictions; to provide for regulation of cultivation, production, and retail sale of marijuana;
6 to prohibit certain acts; to provide for penalties; to provide for related matters; to provide for
7 a contingent effective date; to provide for automatic repeal under certain conditions; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
12 is amended by adding a new chapter to read as follows:

13 "CHAPTER 52

14 43-52-1.

15 This chapter shall be known and may be cited as the 'Georgia Retail Marijuana Code.'

16 43-52-2.

17 The General Assembly finds and declares that:

18 (1) This chapter shall be deemed an exercise of the police powers of the state for the
19 protection of the economic and social welfare and the health, peace, and morals of the
20 people of this state; and

21 (2) The General Assembly further declares that it is unlawful under state law to cultivate,
22 manufacture, distribute, or sell retail marijuana, except in compliance with the terms,
23 conditions, limitations, and restrictions in this chapter.

24 43-52-3.

25 As used in this chapter, the term:

26 (1) 'Commissioner' means the state revenue commissioner.

27 (2) 'Department' means the Department of Revenue.

28 (3) 'Deputy commissioner' means the deputy revenue commissioner.

29 (4) 'Good cause,' for purposes of refusing or denying a license renewal, reinstatement,
30 or initial license issuance, means:

31 (A) The licensee or applicant violated, does not meet, or has failed to comply with any
32 of the terms, conditions, or provisions of this chapter, any rules promulgated pursuant
33 to this chapter, or any supplemental local law, rules, or regulations;

34 (B) The licensee or applicant has failed to comply with any special terms or conditions
35 that were placed on its license pursuant to an order of the state or local licensing
36 authority; or

37 (C) The licensed premises have been operated in a manner that adversely affects the
38 public health or the safety of the immediate neighborhood in which the establishment
39 is located.

40 (5) 'License' means to grant a license or registration pursuant to this chapter.

41 (6) 'Licensed premises' means the premises specified in an application for a license under
42 this chapter, which are owned or in possession of the licensee and within which the
43 licensee is authorized to cultivate, manufacture, distribute, sell, or test retail marijuana
44 in accordance with this chapter.

45 (7) 'Licensee' means a person licensed or registered pursuant to this chapter.

46 (8) 'Local jurisdiction' means any county or municipality in this state and any duly
47 authorized agency or instrumentality of a county or municipality.

48 (9) 'Local licensing authority' means, for any local jurisdiction that has chosen to adopt
49 a local licensing requirement in addition to the state licencing requirements of this
50 chapter, an authority designated by municipal, county, or city and county charter,
51 ordinance, or resolution, or the governing body of a municipality or city and county, or
52 the board of county commissioners of a county if no such authority is designated.

53 (10) 'Location' means a particular parcel of land that may be identified by an address or
54 other descriptive means.

55 (11) 'Marijuana accessories' means any equipment, products, or materials of any kind
56 which are used, intended for use, or designed for use in planting, propagating, cultivating,
57 growing, harvesting, composting, manufacturing, compounding, converting, producing,
58 processing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing
59 marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human
60 body.

61 (12) 'Operating fees' means fees that may be charged by a local government for costs,
62 including but not limited to inspection, administration, and enforcement of businesses
63 authorized pursuant to this chapter.

64 (13) 'Person' means a natural person, partnership, association, company, corporation,
65 limited liability company, or organization.

66 (14) 'Premises' means a distinct and definite location, which may include a building, a
67 part of a building, a room, or any other definite contiguous area.

68 (15) 'Retail marijuana' means all parts of the plant of the genus cannabis whether
69 growing or not, the seeds thereof, the resin extracted from any part of the plant, and every
70 compound, manufacture, sal, derivative, mixture, or preparation of the plant, its seeds,
71 or its resin, including marijuana concentrate. The term does not include industrial hemp,
72 nor does it include fiber produced from the stalks, oil, or cake made from the seed of the
73 plant, sterilized seed of the plant which is incapable of germination, or the weight of any
74 other ingredient combined with marijuana to prepare topical or oral administrations, food,
75 drink, or other product.

76 (16) 'Retail marijuana cultivation facility' means an entity licensed to cultivate, prepare,
77 and package marijuana and sell marijuana to retail marijuana stores, to marijuana product
78 manufacturing facilities, and to other marijuana cultivation facilities, but not to
79 consumers.

80 (17) 'Retail marijuana establishment' means a retail marijuana store, a retail marijuana
81 cultivation facility, a retail marijuana products manufacturer, or a retail marijuana testing
82 facility.

83 (18) 'Retail marijuana products manufacturer' means an entity licensed to purchase
84 marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and
85 marijuana products to other marijuana product manufacturing facilities and to retail
86 marijuana stores, but not to consumers.

87 (19) 'Retail marijuana store' means an entity licensed to purchase marijuana from
88 marijuana cultivation facilities and marijuana and marijuana products from marijuana
89 product manufacturing facilities and to sell marijuana and marijuana products to
90 consumers.

91 (20) 'Retail marijuana testing facility' means an entity licensed to analyze and certify the
92 safety and potency of marijuana.

93 (21) 'School' means a public or private preschool or a public or private elementary,
94 middle, junior high, or high school.

95 (22) 'State licensing authority' means the authority created for the purpose of regulating
96 and controlling the licensing of the cultivation, manufacture, distribution, and sale of
97 retail marijuana in this state, pursuant to Code Section 43-52-4.

98 43-52-4.

99 (a) Any local jurisdiction may enact ordinances or regulations governing the time, place,
 100 manner, and number of retail marijuana establishments, which may include a local
 101 licensing requirement, or may prohibit the operation of retail marijuana establishments
 102 through the enactment of an ordinance or through a referred or initiated measure.

103 (b) This chapter sets forth the exclusive means by which the manufacture, sale,
 104 distribution, dispensing, and testing of retail marijuana may occur in the State of Georgia.

105 (c) Nothing in this chapter is intended to require an employer to permit or accommodate
 106 the use, consumption, possession, transfer, display, transportation, sale, growing, or testing
 107 of marijuana in the workplace or to affect the ability of employers to have policies
 108 restricting the use of marijuana by employees.

109 (d) Nothing in this chapter prohibits a person, employer, school, hospital, detention
 110 facility, corporation, or any other entity who occupies, owns, or controls a property from
 111 prohibiting or otherwise regulating the possession, consumption, use, display, transfer,
 112 distribution, sale, transportation, growing, or testing of marijuana on or in that property.

113 43-52-5.

114 A limited access area shall be a building, room, or other contiguous area upon the licensed
 115 premises where retail marijuana is grown, cultivated, stored, weighed, packaged, or tested,
 116 under control of the licensee, with limited access to only those persons licensed by the state
 117 licensing authority. All areas of ingress or egress to limited access areas shall be clearly
 118 identified as such by a sign as designated by the state licensing authority.

119 43-52-6.

120 (a) For the purpose of regulating and controlling the licensing of the cultivation,
 121 manufacture, distribution, and sale of retail marijuana in this state, there is created the state
 122 licensing authority which shall be the commissioner or the deputy commissioner if the
 123 commissioner so designates. The state licensing authority shall adopt regulations regarding
 124 retail marijuana by January 1, 2017.

125 (b) The commissioner shall be the chief administrative officer of the state licensing
 126 authority and may employ such employees as may be determined to be necessary, who
 127 shall be a part of the department.

128 43-52-7.

129 (a) The state licensing authority has the authority to:

130 (1) Grant or refuse state licenses for the cultivation, manufacture, distribution, sale, and
 131 testing of retail marijuana as provided by law; suspend, fine, restrict, or revoke such

132 licenses upon a violation of this chapter, or any rule promulgated pursuant to this chapter;
133 and impose any penalty authorized by this chapter or any rule promulgated pursuant to
134 this chapter. The state licensing authority may take any action with respect to a
135 registration pursuant to this chapter as it may with respect to a license pursuant to this
136 chapter, in accordance with the procedures established pursuant to this chapter;
137 (2) Promulgate such rules and such special rulings and findings as necessary for the
138 proper regulation and control of the cultivation, manufacture, distribution, sale, and
139 testing of retail marijuana and for the enforcement of this chapter;
140 (3) Hear and determine at a public hearing any contested state license denial and any
141 complaints against a licensee and administer oaths and issue subpoenas to require the
142 presence of persons and the production of papers, books, and records necessary to the
143 determination of any hearing so held, all in accordance with Chapter 13 of Title 50, the
144 'Georgia Administrative Procedure Act';
145 (4) Maintain the confidentiality of reports or other information obtained from a licensee.
146 Such reports or other information may be used only for a purpose authorized by this
147 chapter or for any other state or local law enforcement purpose;
148 (5) Develop such forms, licenses, identification cards, and applications as are necessary
149 or convenient in the discretion of the state licensing authority for the administration of
150 this chapter or any of the rules promulgated under this chapter; and
151 (6) Prepare and transmit annually a report accounting to the Governor for the efficient
152 discharge of all responsibilities assigned by law or directive to the state licensing
153 authority.
154 (b) Rules promulgated pursuant to paragraph (2) of subsection (a) of this Code section
155 shall include, but need not be limited to, the following:
156 (1) Procedures consistent with this chapter for the issuance, renewal, suspension, and
157 revocation of licenses to operate retail marijuana establishments;
158 (2) A schedule of application, licensing, and renewal fees for retail marijuana
159 establishments;
160 (3) Qualifications for licensure under this chapter, including but not limited to the
161 requirement for a fingerprint based criminal history record check for all owners, officers,
162 managers, contractors, employees, and other support staff of entities licensed pursuant
163 to this chapter;
164 (4) Security requirements for any premises licensed pursuant to this chapter, including,
165 at a minimum, lighting, physical security, video, and alarm requirements, and other
166 minimum procedures for internal control as deemed necessary by the state licensing
167 authority to properly administer and enforce the provisions of this chapter, including
168 reporting requirements for changes, alterations, or modifications to the premises;

- 169 (5) Requirements to prevent the sale or diversion of retail marijuana and retail marijuana
170 products to persons under 21 years of age;
- 171 (6) Labeling requirements for retail marijuana and retail marijuana products sold by a
172 retail marijuana establishment that are at least as stringent as imposed by Article 2 of
173 Chapter 2 of Title 26, the 'Georgia Food Act', and include but are not limited to:
- 174 (A) The license number of the retail marijuana cultivation license;
175 (B) The license number of the retail marijuana store;
176 (C) An identity statement and standardized graphic symbol;
177 (D) The batch number;
178 (E) A net weight statement;
179 (F) THC potency and the potency of such other cannabinoids or other chemicals,
180 including but not limited to CBD, as determined relevant by the state licensing
181 authority;
182 (G) A list of the nonorganic pesticides, fungicides, herbicides, and solvents used during
183 cultivation or production;
184 (H) A statement to the effect of 'This product contains marijuana and was cultivated
185 or produced without regulatory oversight for health, safety, or efficacy, and there may
186 be health risks associated with the consumption of the product.';
187 (I) Warning labels;
188 (J) Solvents used in the extraction process;
189 (K) Amount of THC per serving and the number of servings per package for marijuana
190 products;
191 (L) A list of ingredients and possible allergens for marijuana products;
192 (M) A recommended use by or expiration date for marijuana products;
193 (N) A nutritional fact panel; and
194 (O) A universal symbol indicating the package contains marijuana or a marijuana
195 product;
- 196 (7) Health and safety regulations and standards for the manufacture of retail marijuana
197 products and the cultivation of retail marijuana;
- 198 (8) Limitations on advertising and display of retail marijuana and retail marijuana
199 products;
- 200 (9) Compliance with, enforcement of, or violation of any provision of this chapter, or any
201 rule issued pursuant to this chapter, including procedures and grounds for denying,
202 suspending, fining, restricting, or revoking a state license issued pursuant to this chapter;
203 and
- 204 (10) Creation of a range of civil penalties for use by the state licensing authority.

205 (c) Rules promulgated pursuant to paragraph (2) of subsection (a) of this Code section may
206 also include:

- 207 (1) Specifications of duties of officers and employees of the state licensing authority;
208 (2) Instructions for local licensing authorities and law enforcement officers;
209 (3) Requirements for inspections, investigations, searches, seizures, forfeitures, and such
210 additional activities as may become necessary from time to time;
211 (4) Prohibition of misrepresentation and unfair practices;
212 (5) Development of individual identification cards for owners, officers, managers,
213 contractors, employees, and other support staff of entities licensed pursuant to this
214 chapter, including a fingerprint based criminal history record check as may be required
215 by the state licensing authority prior to issuing a card;
216 (6) Identification of state licensees and their owners, officers, managers, and employees;
217 (7) Regulation of the storage of, warehouses for, and transportation of retail marijuana;
218 (8) Sanitary requirements for retail marijuana stores, including but not limited to sanitary
219 requirements for the preparation of retail marijuana products;
220 (9) The specification of acceptable forms of picture identification that a retail marijuana
221 store may accept when verifying a sale, including but not limited to government issued
222 identification cards;
223 (10) Records to be kept by licensees and the required availability of the records;
224 (11) State licensing procedures, including procedures for renewals, reinstatements, initial
225 licenses, and the payment of licensing fees;
226 (12) The reporting and transmittal of monthly sales tax payments by retail marijuana
227 stores;
228 (13) Authorization for the Department of Revenue to have access to licensing
229 information to ensure sales, excise, and income tax payment and the effective
230 administration of this chapter;
231 (14) Authorization for the Department of Revenue to issue administrative citations and
232 procedures for issuing, appealing, and creating a citation violation list and schedule of
233 penalties; and
234 (15) Such other matters as are necessary for the fair, impartial, stringent, and
235 comprehensive administration of this chapter.

236 (d) Rules promulgated pursuant to paragraph (2) of subsection (a) of this Code section
237 shall also include the following:

- 238 (1) Signage, marketing, and advertising, including but not limited to:
239 (A) Mass market campaigns that have a high likelihood of reaching minors;
240 (B) Allowing packaging and accessory branding;

- 241 (C) A prohibition on health or physical benefit claims in advertising, merchandising,
 242 and packaging;
- 243 (D) A prohibition on unsolicited pop-up advertising on the Internet;
- 244 (E) A prohibition on banner ads on mass market websites;
- 245 (F) A prohibition on opt-in marketing that does not permit an easy and permanent
 246 opt-out feature; and
- 247 (G) A prohibition on marketing directed toward location based devices, including but
 248 not limited to cellular phones;
- 249 (2) Prohibiting the sale of retail marijuana and retail marijuana products unless:
- 250 (A) The product is packaged by the retail marijuana store or the retail marijuana
 251 products manufacturer in packaging meeting requirements established by the state
 252 licensing authority similar to the federal 'Poison Prevention Packaging Act of 1970,' 15
 253 U.S.C. Section 1471, et seq.; or
- 254 (B) The product is placed in an exit package or container meeting requirements
 255 established by the state licensing authority at the point of sale prior to exiting the store;
- 256 (3) The safe and lawful transport of retail marijuana and retail marijuana products
 257 between the licensed business and testing labs;
- 258 (4) A serving size for edible retail marijuana products that does not contain more than
 259 ten milligrams of active THC, labeling requirements regarding servings for edible retail
 260 marijuana products, and limitations on the total amount of active THC in a package that
 261 is no more than 100 milligrams of active THC;
- 262 (5) Labeling guidelines concerning the total content of THC per unit of weight;
- 263 (6) Prohibition or regulation of additives to any marijuana product, including but not
 264 limited to those that are toxic, designed to make the product more addictive, designed to
 265 make the product more appealing to children, or misleading to consumers; and
- 266 (7) Permission for a local fire department to conduct an annual fire inspection of a retail
 267 marijuana cultivation facility.
- 268 (e) Nothing in this chapter shall be construed as delegating to the state licensing authority
 269 the power to fix prices for retail marijuana.
- 270 (f) Nothing in this chapter shall be construed to limit a law enforcement agency's ability
 271 to investigate unlawful activity in relation to a retail marijuana establishment. A law
 272 enforcement agency shall have the authority to run a Georgia Crime Information Center
 273 criminal history record check of a licensee, or employee of a licensee, during an
 274 investigation of unlawful activity related to retail marijuana.
- 275 (g)(1) The state licensing authority shall create a state-wide licensure class system for
 276 retail marijuana cultivation facilities. The classifications may be based upon square
 277 footage of the facility; lights, lumens, or wattage; lit canopy; the number of cultivating

278 plants; a combination of the foregoing; or other reasonable metrics. The state licensing
279 authority shall create a fee structure for the license class system.

280 (2) The state licensing authority may limit or increase the limit on the number of licenses
281 that it issues and may place or modify a limit on the amount of production permitted by
282 a retail marijuana cultivation license. Notwithstanding anything contained in this chapter
283 to the contrary, in considering any such limitations, the state licensing authority, in
284 addition to any other relevant considerations, shall:

285 (A) Consider the total current and anticipated demand for retail marijuana in Georgia;
286 and

287 (B) Attempt to minimize the market for unlawful marijuana in Georgia.

288 43-52-8.

289 (a) Upon receipt of an application for original licensing or renewal of an existing license
290 for any marijuana establishment, the state licensing authority shall provide a copy of the
291 application to the local jurisdiction in which the business is to be located. The local
292 jurisdiction shall determine whether the application complies with local restrictions on
293 time, place, manner, and the number of marijuana businesses. The local jurisdiction shall
294 inform the state licensing authority whether the application complies with local restrictions
295 on time, place, manner, and the number of marijuana businesses.

296 (b) A local jurisdiction may impose a separate local licensing requirement as a part of its
297 restrictions on time, place, manner, and the number of marijuana businesses. A local
298 jurisdiction may decline to impose any local licensing requirements and shall notify the
299 state licensing authority that it will not be acting on any applications it receives.

300 43-52-9.

301 (a) If a local jurisdiction issues local licenses for a retail marijuana establishment, a local
302 jurisdiction may schedule a public hearing on the application. If the local jurisdiction
303 schedules a hearing, it shall post and publish public notice thereof not less than ten days
304 prior to the hearing. The local jurisdiction shall give public notice by posting a sign in a
305 conspicuous place on the license applicant's premises for which a local license application
306 has been made and by publication in a newspaper of general circulation in the county in
307 which the applicant's premises are located or on the website of the local jurisdiction.

308 (b) If a local jurisdiction does not issue local licenses, the local jurisdiction may give
309 public notice of the state application by posting a sign in a conspicuous place on the state
310 license applicant's premises for which license application has been made and by publication
311 in a newspaper of general circulation in the county in which the applicant's premises are
312 located or on the website of the local jurisdiction.

313 43-52-10.

314 (a) Before the state licensing authority issues a state license to an applicant, the applicant
315 shall procure and file with the state licensing authority evidence of a good and sufficient
316 bond in the amount of \$5,000.00 with corporate surety thereon duly licensed to do business
317 with the state, approved as to form by the Attorney General, and conditioned that the
318 applicant shall report and pay all sales and use taxes due to the state, or for which the state
319 is the collector or collecting agent, in a timely manner, as provided in law.

320 (b) A corporate surety shall not be required to make payments to the state claiming under
321 such bond until a final determination of failure to pay taxes due to the state is made by the
322 state licensing authority or a court of competent jurisdiction.

323 (c) All bonds required pursuant to this Code section must be renewed at such time as the
324 bondholder's license is renewed. The renewal may be accomplished through a continuation
325 certificate issued by the surety.

326 43-52-11.

327 (a) Applications for a state license under the provisions of this chapter shall be made to the
328 state licensing authority on forms prepared and furnished by the state licensing authority
329 and must set forth such information as the state licensing authority may require to enable
330 the state licensing authority to determine whether a state license should be granted. The
331 information shall include the name and address of the applicant and the names and
332 addresses of the officers, directors, or managers. Each application must be verified by the
333 oath or affirmation of such person or persons as the state licensing authority may prescribe.
334 The state licensing authority may issue a state license to an applicant pursuant to this
335 subsection upon completion of the applicable criminal history background check associated
336 with the application, and the state license is conditioned upon local jurisdiction approval.
337 A license applicant is prohibited from operating a licensed retail marijuana business
338 without state and, if required, local jurisdiction approval. If the applicant does not receive
339 local jurisdiction approval within one year from the date of state licensing authority
340 approval, the state license shall expire and may not be renewed. The denial of an
341 application by the local licensing authority may be considered as a basis for the state
342 licensing authority to revoke the state issued license.

343 (b) Nothing in this chapter preempts or otherwise impairs the power of a local government
344 to enact ordinances or resolutions concerning matters authorized to local governments.

345 43-52-12.

346 (a) The state licensing authority shall deny a state license if the premises on which the
 347 applicant proposes to conduct its business does not meet the requirements of this chapter,
 348 and the state licensing authority may deny a license for good cause.

349 (b) If the state licensing authority denies a state license pursuant to subsection (a) of this
 350 Code section, the applicant shall be entitled to a hearing pursuant to this chapter and to
 351 judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 352 Act.' Jurisdiction and venue for judicial review are vested in the Superior Court of Fulton
 353 County. The state licensing authority shall provide written notice of the grounds for denial
 354 of the state license to the applicant and to the local licensing authority at least 15 days prior
 355 to the hearing.

356 43-52-13.

357 (a) A license provided by this chapter shall not be issued to or held by:

358 (1) A person until the annual fee therefor has been paid;

359 (2) A person whose criminal history indicates that he or she is not of good moral
 360 character;

361 (3) A corporation, if the criminal history of any of its officers, directors, or stockholders
 362 indicates that the officer, director, or stockholder is not of good moral character;

363 (4) A person assisted by or financed in whole or in part by any other person whose
 364 criminal history indicates he or she is not of good character and reputation satisfactory
 365 to the respective licensing authority;

366 (5) A person under 21 years of age;

367 (6) A person licensed pursuant to this chapter who, during a period of licensure, or who,
 368 at the time of application, has failed to:

369 (A) Provide a surety bond or file any tax return with a taxing agency related to a retail
 370 marijuana establishment; or

371 (B) Pay any taxes, interest, or penalties due relating to a retail marijuana establishment;

372 (7) A person who has discharged a sentence in the five years immediately preceding the
 373 application date for a conviction of a felony or a person who has discharged a sentence
 374 in the ten years immediately preceding for a conviction of a felony pursuant to any state
 375 or federal law regarding the possession, distribution, manufacturing, cultivation, or use
 376 of a controlled substance; except that the licensing authority may grant a license to an
 377 employee if the employee has a state felony conviction based on possession or use of a
 378 controlled substance that would not be a felony if the person were convicted of the
 379 offense on the date he or she applied for licensure;

380 (8) A person who employs another person at a retail marijuana facility who has not
381 submitted fingerprints for a criminal history record check or whose criminal history
382 record check reveals that the person is ineligible;

383 (9) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or
384 employee of the state licensing authority or a local licensing authority;

385 (10) A person for a license for a location that is currently licensed as a retail food
386 establishment or wholesale food registrant; or

387 (11) An owner, as defined by rule of the state licensing authority, who has not been a
388 resident of Georgia for at least two years prior to the date of the owner's application.

389 (b)(1) In investigating the qualifications of an applicant or a licensee, the state and local
390 licensing authorities may have access to criminal history record information furnished by
391 a criminal justice agency subject to any restrictions imposed by such agency. In the event
392 the state or local licensing authority considers the applicant's criminal history record, the
393 state or local licensing authority shall also consider any information provided by the
394 applicant regarding such criminal history record, including but not limited to evidence
395 of rehabilitation, character references, and educational achievements, especially those
396 items pertaining to the time between the applicant's last criminal conviction and the
397 consideration of the application for a state license.

398 (2) As used in this subsection, the term 'criminal justice agency' means any federal, state,
399 or municipal court or any governmental agency or subunit of such agency that
400 administers criminal justice pursuant to a statute or executive order and that allocates a
401 substantial part of its annual budget to the administration of criminal justice.

402 (c) At the time of filing an application for issuance of a state retail marijuana establishment
403 license, an applicant shall submit a set of his or her fingerprints and file personal history
404 information concerning the applicant's qualifications for a state license on forms prepared
405 by the state licensing authority. The state or local licensing authority shall submit the
406 fingerprints to the Georgia Bureau of Investigation for the purpose of conducting
407 fingerprint based criminal history record checks. The Georgia Bureau of Investigation
408 shall forward the fingerprints to the Federal Bureau of Investigation for the purpose of
409 conducting fingerprint based criminal history record checks. The state or local licensing
410 authority may acquire a name based criminal history record check for an applicant or a
411 license holder who has twice submitted to a fingerprint based criminal history record check
412 and whose fingerprints are unclassifiable. An applicant who has previously submitted
413 fingerprints for state licensing purposes may request that the fingerprints on file be used.
414 The state or local licensing authority shall use the information resulting from the fingerprint
415 based criminal history record check to investigate and determine whether an applicant is

416 qualified to hold a state license pursuant to this chapter. The state or local licensing
417 authority may verify any of the information an applicant is required to submit.

418 43-52-14.

419 (a) The state licensing authority shall not approve an application for the issuance of a state
420 license pursuant to this chapter;

421 (1) If the application for the license concerns a particular location that is the same as or
422 within 1,000 feet of a location for which, within the two years immediately preceding the
423 date of the application, the state licensing authority denied an application for the same
424 class of license due to the nature of the use or other concern related to the location;

425 (2) Until it is established that the applicant is, or will be, entitled to possession of the
426 premises for which application is made under a lease, rental agreement, or other
427 arrangement for possession of the premises or by virtue of ownership of the premises;

428 (3) For a location in an area where the cultivation, manufacture, and sale of retail
429 marijuana as contemplated are not permitted under the applicable zoning laws of the
430 municipality, city and county, or county; or

431 (4) If the building in which retail marijuana is to be sold is located within 1,000 feet of
432 a school, an alcohol or drug treatment facility, the principal campus of a college,
433 university, or seminary, or a residential child care facility.

434 (b) The provisions of this Code section shall not affect the renewal or reissuance of a
435 license once granted or apply to licensed premises located or to be located on land owned
436 by a municipality, nor shall the provisions of this Code section apply to an existing licensed
437 premises on land owned by the state, or apply to a license in effect and actively doing
438 business before such principal campus was constructed. The local licensing authority of
439 a city and county, by rule or regulation, the governing body of a municipality, by
440 ordinance, and the governing body of a county, by resolution, may vary the distance
441 restrictions imposed by this Code section for a license or may eliminate one or more types
442 of schools, campuses, or facilities from the application of a distance restriction established
443 by or pursuant to this Code section.

444 (c) The distances referred to in this Code section are to be computed by direct
445 measurement from the nearest property line of the land used for a school or campus to the
446 nearest portion of the building in which retail marijuana is to be sold, using a route of direct
447 pedestrian access.

448 (d) The local licensing authority shall consider the evidence and make a specific finding
449 of fact as to whether the building in which the retail marijuana is to be sold is located
450 within any distance restrictions established by or pursuant to this Code section.

451 43-52-15.

452 (a) A state license granted under the provisions of this chapter is not transferable except
453 as provided in this Code section, but this Code section shall not prevent a change of
454 location as provided in Code Section 43-52-16.

455 (b) For a transfer of ownership, a license holder shall apply to the state licensing authority
456 on forms prepared and furnished by the state licensing authority. Upon receipt of an
457 application for transfer of ownership, the state licensing authority shall immediately submit
458 a copy of the application to the local jurisdiction to determine whether the transfer
459 complies with local restriction on transfer of ownership. In determining whether to permit
460 a transfer of ownership, the state licensing authority shall consider only the requirements
461 of this chapter, any rules promulgated by the state licensing authority, and any other local
462 restrictions. The local jurisdiction may hold a hearing on the application for transfer of
463 ownership. The local jurisdiction shall not hold a hearing pursuant to this subsection until
464 the local jurisdiction has posted a notice of hearing in the manner described in Code
465 Section 43-52-9 on the licensed premises for a period of ten days and has provided notice
466 of the hearing to the applicant at least ten days prior to the hearing. Any transfer of
467 ownership hearing by the state licensing authority shall be held in compliance with the
468 requirements specified in Code Section 43-52-12.

469 43-52-16.

470 (a) Local jurisdictions are authorized to adopt and enforce regulations for retail marijuana
471 establishments that are at least as restrictive as the provisions of this chapter and any rule
472 promulgated pursuant to this chapter.

473 (b) A retail marijuana establishment may not operate until it is licensed by the state
474 licensing authority pursuant to this chapter. If the state licensing authority issues the
475 applicant a state license and the local jurisdiction subsequently denies the approval, the
476 state licensing authority shall consider the local jurisdiction denial as a basis for the
477 revocation of the state issued license. In connection with a license, the applicant shall
478 provide a complete and accurate application as required by the state licensing authority.

479 (c) A retail marijuana establishment shall notify the state licensing authority in writing
480 within ten days after an owner, officer, or employee ceases to work at, manage, own, or
481 otherwise be associated with the operation. The owner, officer, or employee shall
482 surrender his or her identification card to the state licensing authority on or before the date
483 of the notification.

484 (d) A retail marijuana establishment shall notify the state licensing authority in writing of
485 the name, address, and date of birth of an owner, officer, manager, or employee before the
486 new owner or officer begins working at, managing, owning, or being associated with the

487 operation. The owner, officer, manager, or employee must pass a fingerprint based
488 criminal history record check as required by the state licensing authority and obtain the
489 required identification prior to being associated with, managing, owning, or working at the
490 operation.

491 (e) A retail marijuana establishment shall not acquire, possess, cultivate, deliver, transfer,
492 transport, supply, or dispense marijuana for any purpose except as authorized by this
493 chapter.

494 (f) All officers, managers, and employees of a retail marijuana establishment shall be
495 residents of Georgia upon the date of their license application. An owner shall meet the
496 residency requirements in Code Section 43-52-13. All licenses granted pursuant to this
497 chapter are valid for a period not to exceed two years after the date of issuance unless
498 revoked or suspended pursuant to this chapter or the rules promulgated pursuant to this
499 chapter.

500 (g) Before granting a state license, the state licensing authority may consider, except when
501 this chapter specifically provides otherwise, the requirements of this chapter and any rules
502 promulgated pursuant to this chapter, and all other reasonable restrictions that are or may
503 be placed upon the licensee by the licensing authority. With respect to a second or
504 additional license for the same licensee or the same owner of another licensed business
505 pursuant to this chapter, each licensing authority shall consider the effect on competition
506 of granting or denying the additional licenses to such licensee.

507 (h) Each license issued under this chapter is separate and distinct. It is unlawful for a
508 person to exercise any of the privileges granted under a license other than the license that
509 the person holds or for a licensee to allow any other person to exercise the privileges
510 granted under the licensee's license. A separate license shall be required for each specific
511 business or business entity and each geographical location.

512 (i) A licensee shall possess and maintain, at all times, possession of the premises for which
513 the license is issued by ownership, lease, rental, or other arrangement for possession of the
514 premises.

515 (j) The licenses issued pursuant to this chapter must specify the date of issuance, the period
516 of licensure, the name of the licensee, and the premises licensed. The licensee shall
517 conspicuously place the license at all times on the licensed premises.

518 (k) In computing any time prescribed by this chapter, the day of the act, event, or default
519 from which the designated time begins to run is not included. Saturdays, Sundays, and
520 legal holidays are counted as any other day.

521 (l) A licensee shall report each transfer or change of financial interest in the license to the
522 state and local licensing authorities 30 days prior to any transfer or change pursuant to

523 Code Section 43-52-15. A report is required for transfers of capital stock of any
524 corporation regardless of size.

525 (m) Each licensee shall manage the licensed premises himself or herself or employ a
526 separate and distinct manager on the premises and shall report the name of the manager to
527 the state and local licensing authorities. The licensee shall report any change in manager
528 to the state and local licensing authorities within two business days after the change.

529 (n) A licensee may move his or her permanent location to any other place in Georgia once
530 permission to do so is granted by the local jurisdiction provided for in this chapter.

531 (o) Upon receipt of an application for change of location, the state licensing authority
532 shall immediately submit a copy of the application to the local jurisdiction to determine
533 whether the transfer complies with all local restrictions on change of location.

534 (p) In permitting a change of location, the state licensing authority shall consider all
535 reasonable restrictions that are or may be placed upon the new location by the governing
536 board of the municipality, city and county, or county, and any such change in location shall
537 be in accordance with all requirements of this chapter and rules promulgated pursuant to
538 this chapter.

539 43-52-17.

540 (a) Ninety days prior to the expiration date of an existing license, the state licensing
541 authority shall notify the licensee of the expiration date by first class mail at the licensee's
542 address of record with the state licensing authority. A licensee may apply for the renewal
543 of an existing license to the state licensing authority not less than 30 days prior to the date
544 of expiration. Upon receipt of an application for renewal of an existing license, the state
545 licensing authority shall immediately submit a copy of the application to the local
546 jurisdiction to determine whether the application complies with all local restrictions on
547 renewal of licenses. The state licensing authority shall not accept an application for
548 renewal of a license after the date of expiration, except as provided in this Code section.
549 The state licensing authority may extend the expiration date of the license and accept a late
550 application for renewal of a license provided that the applicant has filed a timely renewal
551 application with the local licensing authority. The state or the local licensing authority, in
552 its discretion, subject to the requirements of this subsection and based upon reasonable
553 grounds, may waive the 30 day time requirements set forth in this subsection.

554 (b) Notwithstanding the provisions of subsection (a) of this Code section, a licensee whose
555 license has been expired for not more than 90 days may file a late renewal application upon
556 the payment of a nonrefundable late application fee of \$500.00 to the state licensing
557 authority. A licensee who files a late renewal application and pays the requisite fees may
558 continue to operate until the state licensing authority takes final action to approve or deny

559 the licensee's late renewal application unless the state licensing authority summarily
 560 suspends the license pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
 561 Procedure Act', this chapter, and rules promulgated pursuant to this chapter.

562 (c) The state licensing authority shall not accept a late renewal application more than 90
 563 days after the expiration of a licensee's permanent annual license. A licensee whose
 564 permanent annual license has been expired for more than 90 days shall not cultivate,
 565 manufacture, distribute, sell, or test any retail marijuana until all required licenses are
 566 obtained.

567 43-52-18.

568 The state licensing authority, in its discretion, may revoke or elect not to renew any license
 569 if it determines that the licensed premises have been inactive, without good cause, for at
 570 least one year.

571 43-52-19.

572 (a) The state licensing authority shall require a complete disclosure of all persons having
 573 a direct or indirect financial interest, and the extent of such interest, in each license issued
 574 under this chapter.

575 (b) This Code section is intended to prohibit and prevent the control of the outlets for the
 576 sale of retail marijuana by a person or party other than the persons licensed pursuant to the
 577 provisions of this chapter.

578 43-52-20.

579 (a) For the purpose of regulating the cultivation, manufacture, distribution, sale, and
 580 testing of retail marijuana, the state licensing authority in its discretion, upon receipt of an
 581 application in the prescribed form, may issue and grant to the applicant a license from any
 582 of the following classes, subject to the provisions and restrictions provided by this chapter:

583 (1) Retail marijuana store license;

584 (2) Retail marijuana cultivation facility license;

585 (3) Retail marijuana products manufacturing license;

586 (4) Retail marijuana testing facility license; and

587 (5) Occupational licenses and registrations for owners, managers, operators, employees,
 588 contractors, and other support staff employed by, working in, or having access to
 589 restricted areas of the licensed premises, as determined by the state licensing authority.

590 The state licensing authority may take any action with respect to a registration pursuant
 591 to this chapter as it may with respect to a license pursuant to this chapter, in accordance
 592 with the procedures established pursuant to this chapter.

593 (b) All persons licensed pursuant to this chapter shall collect sales tax on all retail sales
594 made at a retail marijuana store.

595 (c) A state chartered bank or a credit union may loan money to any person licensed
596 pursuant to this chapter for the operation of a licensed business.

597 43-52-21.

598 (a) A retail marijuana store license shall be issued only to a person selling retail marijuana
599 pursuant to the terms and conditions of this chapter.

600 (b) A retail marijuana store may cultivate its own retail marijuana if it obtains a retail
601 marijuana cultivation facility license or it may purchase retail marijuana from a licensed
602 retail marijuana cultivation facility. A retail marijuana store shall track all of its retail
603 marijuana from the point it is either transferred from its retail marijuana cultivation facility
604 or the point when it is delivered to the retail marijuana store from another licensed retail
605 marijuana cultivation facility to the point of sale.

606 (c) A retail marijuana store shall not accept any retail marijuana purchased from a retail
607 marijuana cultivation facility unless the retail marijuana is affixed with evidence that the
608 excise tax was paid.

609 (d) Notwithstanding the provisions of this Code section, a retail marijuana store licensee
610 may also sell retail marijuana products that are prepackaged and labeled as required by
611 rules of the state licensing authority pursuant to Code Section 43-52-7.

612 (e) A retail marijuana store licensee may contract with a retail marijuana products
613 manufacturing licensee for the purchase of retail marijuana products upon a retail
614 marijuana products manufacturing licensee's licensed premises. A retail marijuana store
615 shall not accept any retail marijuana products purchased from a retail marijuana products
616 manufacturing licensee unless the retail marijuana products are affixed with evidence that
617 the excise tax was paid.

618 (f) A retail marijuana store may not sell more than a quarter of an ounce of retail marijuana
619 and no more than a quarter of an ounce equivalent of a retail marijuana product during a
620 single transaction to a nonresident of the State of Georgia.

621 (g) Prior to initiating a sale, the employee of the retail marijuana store making the sale
622 shall verify that the purchaser has a valid identification card showing the purchaser is 21
623 years of age or older.

624 (h) A retail marijuana store may provide a sample of its products to a facility that has a
625 marijuana testing facility license from the state licensing authority for testing and research
626 purposes. A retail marijuana store shall maintain a record of what was provided to the
627 testing facility and the identity of the testing facility.

628 (i) All retail marijuana sold at a licensed retail marijuana store shall be packaged and
629 labeled as required by rules of the state licensing authority pursuant to Code
630 Section 43-52-7.

631 (j) A licensed retail marijuana store may only sell retail marijuana, retail marijuana
632 products, and marijuana accessories. A licensed retail marijuana store may not sell any
633 other items.

634 (k) A licensed retail marijuana store may not sell any retail marijuana products that contain
635 nicotine or alcohol.

636 (l) A licensed retail marijuana store may only sell retail marijuana and retail marijuana
637 products in packaging that conforms to the regulations adopted by the state licensing
638 authority.

639 (m) The premises of a licensed retail marijuana store is the only place where an automatic
640 dispensing machine that contains retail marijuana may be located. If a licensed retail
641 marijuana store uses an automatic dispensing machine that contains retail marijuana, it
642 must comply with the regulations promulgated by the state licensing authority for its use.

643 43-52-22.

644 (a) A retail marijuana cultivation facility license may be issued only to a person who
645 grows and cultivates retail marijuana for sale and distribution to licensed retail marijuana
646 stores or retail marijuana products manufacturing licensees.

647 (b) A retail marijuana cultivation facility shall remit the excise tax due based on the
648 average wholesale price set by the state licensing authority.

649 (c) A retail marijuana cultivation facility shall track the marijuana it cultivates from seed
650 to wholesale purchase. Prior to delivery of any sold retail marijuana, the retail marijuana
651 cultivation facility shall affix evidence that it paid the excise tax on the retail marijuana.

652 43-52-23.

653 (a) A retail marijuana products manufacturing license may be issued to a person who
654 manufactures retail marijuana products, pursuant to the terms and conditions of this
655 chapter.

656 (b) A retail marijuana products manufacturer may cultivate its own retail marijuana if it
657 obtains a retail marijuana cultivation facility license, or it may purchase retail marijuana
658 from a licensed retail marijuana cultivation facility. A retail marijuana products
659 manufacturer shall track all of its retail marijuana from the point it is either transferred
660 from its retail marijuana cultivation facility or the point when it is delivered to the retail
661 marijuana products manufacturer from a licensed retail marijuana cultivation facility to the
662 point of sale.

663 (c) A retail marijuana products manufacturer shall not accept any retail marijuana
664 purchased from a retail marijuana cultivation facility unless the retail marijuana is affixed
665 with evidence that the excise tax was paid.

666 (d) Retail marijuana products shall be prepared on a licensed premises that is used
667 exclusively for the manufacture and preparation of retail marijuana products and using
668 equipment that is used exclusively for the manufacture and preparation of retail marijuana
669 products.

670 (e) All licensed premises on which retail marijuana products are manufactured shall meet
671 the sanitary standards for retail marijuana product preparation promulgated pursuant to
672 Code Section 43-52-7.

673 (f) The retail marijuana product shall be sealed and conspicuously labeled in compliance
674 with this chapter and any rules promulgated pursuant to this chapter.

675 (g) Retail marijuana products may not be consumed on a premises licensed pursuant to this
676 chapter.

677 (h) Notwithstanding any other provision of state law, sales of retail marijuana products
678 shall not be exempt from state or local sales tax.

679 (i) A retail marijuana products manufacturer may provide a sample of its products to a
680 facility that has a retail marijuana testing facility license from the state licensing authority
681 for testing and research purposes. A retail marijuana products manufacturer shall maintain
682 a record of what was provided to the testing facility and the identity of the testing facility.

683 (j) An edible retail marijuana product may list its ingredients and comparability with
684 dietary practices.

685 (k) A licensed retail marijuana products manufacturer shall package and label each product
686 manufactured as required by rules of the state licensing authority pursuant to Code Section
687 43-52-7.

688 (l) All retail marijuana products that require refrigeration to prevent spoilage must be
689 stored and transported in a refrigerated environment.

690 43-52-24.

691 (a) A retail marijuana testing facility license may be issued to a person who performs
692 testing and research on retail marijuana. The facility may develop and test retail marijuana
693 products.

694 (b) The state licensing authority shall promulgate rules pursuant to its authority in Code
695 Section 43-52-7 related to acceptable testing and research practices, including but not
696 limited to testing, standards, quality control analysis, equipment certification and
697 calibration, and chemical identification and other substances used in bona fide research
698 methods.

699 (c) A facility that has a retail marijuana testing facility license from the state licensing
700 authority for testing purposes shall not have any interest in a licensed retail marijuana store,
701 a licensed retail marijuana cultivation facility, or a licensed retail marijuana products
702 manufacturer. A person that has an interest in a licensed retail marijuana store, a licensed
703 retail marijuana cultivation facility, or a licensed retail marijuana products manufacturer
704 shall not have an interest in a facility that has a retail marijuana testing facility license.

705 43-52-25.

706 (a) The state licensing authority may charge and collect fees under this chapter.

707 (b) The application fee for a person applying pursuant to Code section 43-52-11 shall be
708 \$5,000.00.

709 (c) On or before September 30, 2017, and on or before each September 30 thereafter, the
710 state licensing authority shall provide a written report to the General Assembly detailing
711 the amount of revenue generated by retail marijuana, including excise taxes, sales taxes,
712 application and license fees, and any other fees. The report must also include a report on
713 the progress of the regulatory environment for marijuana in Georgia.

714 (d) A local jurisdiction in which a license under this chapter may be permitted may adopt
715 and impose operating fees in an amount determined by the local jurisdiction on marijuana
716 establishments located within the local jurisdiction.

717 43-52-26.

718 (a) In addition to any other sanctions prescribed by this chapter or rules promulgated
719 pursuant to this chapter, the state licensing authority has the power, on its own motion or
720 on complaint, after investigation and opportunity for a public hearing at which the licensee
721 must be afforded an opportunity to be heard, to suspend or revoke a license issued by the
722 authority for a violation by the licensee or by any of the agents or employees of the licensee
723 of the provisions of this chapter, or any of the rules promulgated pursuant to this chapter,
724 or of any of the terms, conditions, or provisions of the license issued by the state licensing
725 authority. The state licensing authority has the power to administer oaths and issue
726 subpoenas to require the presence of persons and the production of papers, books, and
727 records necessary to the determination of a hearing that the state authority is authorized to
728 conduct.

729 (b) The state licensing authority shall provide notice of suspension, revocation, fine, or
730 other sanction, as well as the required notice of the hearing pursuant to this Code section,
731 by mailing the same in writing to the licensee at the address contained in the license.
732 Except in the case of a summary suspension, a suspension shall not be for a period longer
733 than six months. If a license is suspended or revoked, a part of the fees paid therefor shall

734 not be returned to the licensee. Any license or permit may be summarily suspended by the
735 state licensing authority without notice pending any prosecution, investigation, or public
736 hearing pursuant to the terms of Code Section 43-52-18. Nothing in this Code section shall
737 prevent the summary suspension of a license pursuant to Code Section 43-52-18.

738 (c) Whenever a decision of the state licensing authority suspending a license for 14 days
739 or less becomes final, the licensee may, before the operative date of the suspension, petition
740 for permission to pay a fine in lieu of having the license suspended for all or part of the
741 suspension period. Upon the receipt of the petition, the state authority may, in its sole
742 discretion, stay the proposed suspension and cause any investigation to be made which it
743 deems desirable and may, in its sole discretion, grant the petition if the state licensing
744 authority is satisfied that:

745 (1) The public welfare would not be impaired by permitting the licensee to operate
746 during the period set for suspension and that the payment of the fine will achieve the
747 desired disciplinary purposes;

748 (2) The books and records of the licensee are kept in such a manner that the loss of sales
749 that the licensee would have suffered had the suspension gone into effect can be
750 determined with reasonable accuracy; and

751 (3) The licensee has not had his or her license suspended or revoked, nor had any
752 suspension stayed by payment of a fine, during the two years immediately preceding the
753 date of the motion or complaint that resulted in a final decision to suspend the license or
754 permit.

755 (d) The fine accepted shall be not less than \$500.00 nor more than \$100,000.00.

756 (e) Payment of a fine pursuant to the provisions of subsection (d) of this Code section shall
757 be in the form of cash or in the form of a certified check or cashier's check made payable
758 to the state or local licensing authority, whichever is appropriate.

759 (f) Upon payment of the fine pursuant to subsection (d) of this Code section, the state
760 licensing authority shall enter its further order permanently staying the imposition of the
761 suspension. Fines paid to the state licensing authority pursuant to subsection (d) of this
762 Code section shall be transmitted to the state treasurer.

763 (g) In connection with a petition pursuant to subsection (c) of this Code section, the
764 authority of the state licensing authority is limited to the granting of such stays as are
765 necessary for the authority to complete its investigation and make its findings and, if the
766 authority makes such findings, to the granting of an order permanently staying the
767 imposition of the entire suspension or that portion of the suspension not otherwise
768 conditionally stayed.

769 (h) If the state licensing authority does not make the findings required in subsection (c)
770 of this Code section and does not order the suspension permanently stayed, the suspension
771 shall go into effect on the operative date finally set by the state licensing authority.

772 (i) No later than January 15 of each year, the state licensing authority shall compile a
773 report of the preceding year's actions in which fines, suspensions, or revocations were
774 imposed by the state licensing authority. The state licensing authority shall file one copy
775 of the report with the Clerk of the House of Representatives and one copy with the
776 Secretary of the Senate.

777 43-52-27.

778 (a) The provisions of this Code section shall apply in addition to any criminal, civil, or
779 administrative penalties and in addition to any other penalties prescribed by this chapter
780 or any rules promulgated pursuant to this chapter.

781 (b) Every licensee licensed under this chapter shall be deemed, by virtue of applying for,
782 holding, or renewing such person's license, to have expressly consented to the procedures
783 set forth in this Code section.

784 (c) A state or local agency shall not be required to cultivate or care for any retail marijuana
785 or retail marijuana product belonging to or seized from a licensee. A state or local agency
786 shall not be authorized to sell marijuana, retail or otherwise.

787 (d) If the state licensing authority issues a final agency order imposing a disciplinary
788 action against a licensee pursuant to Code Section 43-52-26, then, in addition to any other
789 remedies, the licensing authority's final agency order may specify that some or all of the
790 licensee's marijuana or marijuana product is not retail marijuana or a retail marijuana
791 product and is an illegal controlled substance. The order may further specify that the
792 licensee shall lose any interest in any of the marijuana or marijuana product even if the
793 marijuana or marijuana product previously qualified as retail marijuana or a retail
794 marijuana product. The final agency order may direct the destruction of any such
795 marijuana and marijuana products, except as provided in subsections (e) and (f) of this
796 Code section. The authorized destruction may include the incidental destruction of any
797 containers, equipment, supplies, and other property associated with the marijuana or
798 marijuana product.

799 (e) Following the issuance of a final agency order by the state licensing authority against
800 a licensee and ordering destruction authorized by subsection (d) of this Code section, a
801 licensee shall have 15 days within which to file a petition for stay of agency action with the
802 superior court. The action shall be filed in Fulton County, which shall be deemed to be the
803 residence of the state licensing authority for purposes of this Code section. The licensee
804 shall serve the petition in accordance with the rules of civil procedure. The superior court

805 shall promptly rule upon the petition and determine whether the licensee has a substantial
806 likelihood of success on judicial review so as to warrant delay of the destruction authorized
807 by subsection (d) of this Code section or whether other circumstances, including but not
808 limited to the need for preservation of evidence, warrant delay of such destruction. If
809 destruction is so delayed pursuant to judicial order, the court shall issue an order setting
810 forth terms and conditions pursuant to which the licensee may maintain the retail marijuana
811 and retail marijuana product pending judicial review, and prohibiting the licensee from
812 using or distributing the retail marijuana or retail marijuana product pending the review.
813 The licensing authority shall not carry out the destruction authorized by subsection (d) of
814 this section until 15 days have passed without the filing of a petition for stay of agency
815 action, or until the court has issued an order denying stay of agency action pursuant to this
816 subsection.

817 (f) The state licensing authority shall not carry out the destruction authorized by
818 subsection (d) of this Code section until it has notified the district attorney for the judicial
819 district in which the marijuana is located to determine whether the marijuana or marijuana
820 product constitutes evidence in a criminal proceeding such that it should not be destroyed,
821 and until 15 days have passed from the date of the issuance of such notice.

822 (g) On or before January 1, 2017, the state licensing authority shall promulgate rules
823 governing the implementation of this Code section.

824 43-52-28.

825 (a) Each licensee shall keep a complete set of all records necessary to show fully the
826 business transactions of the licensee, all of which shall be open at all times during business
827 hours for the inspection and examination by the state licensing authority or its duly
828 authorized representatives. The state licensing authority may require any licensee to
829 furnish such information as it considers necessary for the proper administration of this
830 chapter and may require an audit to be made of the books of account and records on such
831 occasions as it may consider necessary by an auditor to be selected by the state licensing
832 authority who shall likewise have access to all books and records of the licensee, and the
833 expense thereof shall be paid by the licensee.

834 (b) The licensed premises, including any places of storage where retail marijuana is grown,
835 stored, cultivated, sold, dispensed, or tested, shall be subject to inspection by the state or
836 local licensing authorities and their investigators, during all business hours and other times
837 of apparent activity, for the purpose of inspection or investigation. Access shall be
838 required during business hours for examination of any inventory or books and records
839 required to be kept by the licensees. When any part of the licensed premises consists of a
840 locked area, upon demand to the licensee, such area shall be made available for inspection

841 without delay, and, upon request by authorized representatives of the state or local
 842 licensing authority, the licensee shall open the area for inspection.

843 (c) Each licensee shall retain all books and records necessary to show fully the business
 844 transactions of the licensee for a period of the current tax year and the three immediately
 845 prior tax years.

846 43-52-29.

847 Decisions by the state licensing authority are subject to judicial review pursuant to Code
 848 Section 43-52-12.

849 43-52-30.

850 (a) Except as otherwise provided in this chapter, it is unlawful for a person to consume
 851 retail marijuana in a licensed retail marijuana establishment, and it is unlawful for a retail
 852 marijuana licensee to allow retail marijuana to be consumed upon its licensed premises.

853 (b) It is unlawful for a person:

854 (1) To buy, sell, transfer, give away, or acquire retail marijuana except as allowed
 855 pursuant to this chapter; or

856 (2) To have an unreported financial interest or a direct interest in a license pursuant to
 857 this chapter; except that this paragraph shall not apply to banks, savings and loan
 858 associations, or industrial banks supervised and regulated by an agency of the state or
 859 federal government, or to FHA-approved mortgagees, or to stockholders, directors, or
 860 officers thereof.

861 (c) It is unlawful for a person licensed pursuant to this chapter:

862 (1) To be within a limited access area unless the person's license badge is displayed as
 863 required by this chapter, except as provided in Code Section 43-52-28;

864 (2) To fail to designate areas of ingress and egress for limited access areas and post signs
 865 in conspicuous locations as required by this chapter;

866 (3) To fail to report a transfer required by Code Section 43-52-15;

867 (4) To fail to report the name of or a change in managers as required by Code Section
 868 43-52-16; or

869 (5) To fail to pay the lawful excise tax.

870 (d) It is unlawful for any person licensed to sell retail marijuana pursuant to this chapter:

871 (1) To display any signs that are inconsistent with local laws or regulations;

872 (2) To use advertising material that is misleading, deceptive, or false, or that is designed
 873 to appeal to minors;

874 (3) To provide public premises, or any portion thereof, for the purpose of consumption
 875 of retail marijuana in any form;

- 876 (4) To offer for sale or solicit an order for retail marijuana in person except within the
 877 licensed premises;
- 878 (5) To have in possession or upon the licensed premises any retail marijuana, the sale of
 879 which is not permitted by the license;
- 880 (6) To buy retail marijuana from a person not licensed to sell as provided by this chapter;
- 881 (7) To sell retail marijuana, except in the permanent location specifically designated in
 882 the license for sale;
- 883 (8) To sell retail marijuana to a person under 21 years of age;
- 884 (9) To sell more than a quarter of an ounce of retail marijuana and no more than a quarter
 885 of an ounce equivalent of a retail marijuana product during a single transaction to a
 886 nonresident of the state;
- 887 (10) To have on the licensed premises any retail marijuana or marijuana paraphernalia
 888 that shows evidence of the retail marijuana having been consumed or partially consumed;
- 889 (11) To burn or otherwise destroy marijuana or any substance containing marijuana for
 890 the purpose of evading an investigation or preventing seizure; or
- 891 (12) To abandon a licensed premises or otherwise cease operation without notifying the
 892 state and local licensing authorities at least 48 hours in advance and without accounting
 893 for and forfeiting to the state licensing authority for destruction all marijuana or products
 894 containing marijuana.
- 895 (e) A person who commits any acts that are unlawful pursuant to this chapter or the rules
 896 authorized and adopted pursuant to this chapter shall be punished as a misdemeanor, except
 897 for violations that would also constitute a violation of Chapter 13 of Title 16, which
 898 violation shall be charged and prosecuted pursuant to Chapter 13 of Title 16."

899 **SECTION 2.**

900 This Act shall become effective on January 1, 2017, only if there is ratified at the November,
 901 2016, general election a constitutional amendment authorizing the General Assembly to
 902 provide for the legalization and regulation of the production and sale of marijuana and
 903 provide that the taxes from such production and sale be appropriated to education and
 904 transportation infrastructure purposes. If such an amendment to the Constitution of Georgia
 905 is not so ratified, then this Act shall not become effective and shall stand repealed by
 906 operation of law.

907 **SECTION 3.**

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