Senate Bill 296
By: Senator Thompson of the 5th

A BILL TO BE ENTITLED
AN ACT

To amend Title 31 of the Official Code of Georgia Annotated, so as to repeal the Low THC Oil Patient Registry; to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to repeal provisions relating to use of marijuana for treatment of cancer and glaucoma and provide for medical use of marijuana; to provide for a short title; to provide for legislative findings; to provide for definitions; to provide for additional debilitating conditions; to provide for controlled substances therapeutic relief, limitations, and rule making; to provide for registration of marijuana dispensaries; to provide for a tracking system; to provide for registration of qualifying patients and designated caregivers; to provide for the issuance, revocation, suspension, and expiration of registry identification cards; to provide for the automatic registration of individuals registered under former Code Section 31-2A-18; to provide for facility restrictions; to provide for dispensary locations; to provide for dispensing marijuana for medical use; to provide for a verification system; to provide for notices and civil penalties; to provide for annual reporting; to provide for confidentiality; to prohibit discrimination under certain circumstances; to provide for funding; to provide for enforcement; to provide for fingerprinting; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by repealing Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, and designating said Code section as reserved.
SECTION 2.
Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, is amended by repealing Article 5, relating to use of marijuana for treatment of cancer and glaucoma, and adding a new Article 5 to read as follows:

"ARTICLE 5

43-34-120.
This article shall be known and may be cited as the 'Controlled Substances Therapeutic Relief Act.'

43-34-121.
The General Assembly finds and declares the following:
(1) The federal government, pursuant to the Consolidated Appropriations Act of 2016, Public Law 114-113, determined that none of the funds made available in such act to the Department of Justice may be used, with respect to any of the enumerated states, the District of Columbia, Guam, or Puerto Rico, which includes Georgia, to prevent the implementation of state laws that authorize the use, distribution, possession, and cultivation of medical marijuana;
(2) Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern medical research has confirmed beneficial uses for marijuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March, 1999;
(3) Studies published since the 1999 Institute of Medicine report have continued to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. Such therapeutic value includes relief of neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on lifesaving treatment regimens;
(4) Marijuana currently has many accepted medical uses in the United States and has been recommended by thousands of licensed physicians to at least 260,000 patients in the states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American
Academy of HIV Medicine, American College of Physicians, American Nurses Association, American Public Health Association, Leukemia & Lymphoma Society, and many others;

(5) Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the United States are made under state law rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana;

(6) Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington have removed state-level criminal penalties for the medical use and cultivation of marijuana. Georgia joins in this effort for the health and welfare of its citizens;

(7) State law should make a distinction between the medical and nonmedical uses of marijuana. Hence, the purpose of this Act is to protect qualifying patients, as well as their physicians and designated caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such qualifying patients engage in the medical use of marijuana; and

(8) It is the intent of the General Assembly in enacting this article to permit registered qualifying patients to use and possess medical marijuana and its derivatives and to allow dispensation of medical marijuana and its derivatives by licensed, registered medical marijuana dispensaries within this state.

43-34-122.

As used in this article, the term:

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

(i) With respect to a qualifying patient:
   (I) Two ounces of usable marijuana; and
   (II) If the qualifying patient's registry identification card provides that the qualifying patient is authorized to cultivate marijuana plants, eight marijuana plants contained in an enclosed, locked facility, provided that such plants are not required to be in an enclosed, locked facility if such plants are being transported because the qualifying patient is moving; and

(ii) With respect to a designated caregiver, for each qualifying patient assisted by the designated caregiver under this article:
(I) Two ounces of usable marijuana; and

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

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

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

(3) 'Debilitating medical condition' means one or more of the following:

(A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's
disease, agitation of Alzheimer's disease, post traumatic stress disorder, or the
treatment of such conditions;

(B) A chronic or debilitating disease or medical condition or its treatment that produces
one or more of the following: cachexia or wasting syndrome; severe and chronic pain;
severe nausea; seizures, including those characteristic of epilepsy; or severe and
persistent muscle spasms, including those characteristic of multiple sclerosis; or

(C) Any other medical condition or its treatment added by the department pursuant to
Code Section 43-34-123.

(4) 'Department' means the Department of Public Health or its successor agency.

(5) 'Designated caregiver' means a person who:

(A) Is at least 21 years of age;

(B) Has agreed to assist with a qualifying patient's medical use of marijuana;

(C) Has not been convicted of a felony offense;

(D) Assists no more than five qualifying patients with the medical use of marijuana;
and

(E) May receive reimbursement for actual costs incurred in assisting a registered
qualifying patient's medical use of marijuana if the registered designated caregiver is
connected to the registered qualifying patient through the department's registration
process. The designated caregiver shall not be paid any fee or compensation for his or
her service as a caregiver. Payment for costs under this subparagraph shall not
constitute an offense under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled
Substances Act.'
(6) 'Enclosed, locked facility' means a closet, room, greenhouse, or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

(7) 'Medical marijuana' means all parts of the plant of the genus Cannabis, whether growing or not, the seed thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seed, or resin that has been converted into a liquid or solid substance.

(8) 'Medical marijuana dispensary' means a Georgia entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to cardholders.

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

(10) 'Medical use' means the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with such qualifying patient's debilitating medical condition.

(11) 'Physician' means a doctor of medicine who holds a valid and existing license to practice medicine pursuant to Article 2 of this chapter.

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

(13) 'Registration certificate' means a document issued by the Department of Revenue to a medical marijuana dispensary.

(14) 'Registry identification card' means a document issued by the department that identifies a person as a registered qualifying patient or a registered designated caregiver or a document issued by the Department of Revenue that identifies a person as a registered medical marijuana dispensary agent.

(15) 'Tracking system' means an electronic tracking process that monitors marijuana seedlings, clones, plants, flowers, other plant material, oils, waste, and any other marijuana derived products from production to processing to dispensary sale.

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

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

(18) 'Visiting qualifying patient' means a person who:

(A) Is not a resident of Georgia or who has been a resident of Georgia for fewer than 30 days; and

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

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

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

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

The public may petition the department to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in paragraph (3) of Code Section 43-34-122. The department shall consider petitions in the manner required by department rule, including public notice and hearing. The department shall approve or deny a petition within 180 days of its submission. The approval or denial of a petition is a final decision of the department subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Initial judicial review of a final decision of the department shall be held solely in the Superior Court of Fulton County.

Not later than 120 days after the effective date of this article, the department shall adopt rules and regulations:

(1) Governing the manner in which it shall consider petitions from the public to add debilitating medical conditions or treatments to the list of debilitating medical conditions set forth in paragraph (3) of Code Section 43-34-122, including public notice of, and an opportunity to comment in a public hearing upon, petitions:
(2) Establishing the form and content of qualifying patient and designated caregiver registration and renewal applications submitted under this article;

(3) Governing the manner in which it shall consider applications for and renewals of registry identification cards; and

(4) Establishing application and renewal fees for registry identification cards according to the following:

(A) The total amount of all fees shall generate revenues sufficient to implement and administer the department's responsibilities under this article, provided that fee revenue may be offset or supplemented by private donations;

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

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

Not later than 120 days after the effective date of this article, the Department of Revenue shall adopt rules and regulations:

(1) Governing medical marijuana dispensaries for protection against diversion and theft without imposing an undue burden on medical marijuana dispensaries or compromising the confidentiality of cardholders, including:

(A) The manner in which the Department of Revenue shall consider applications for and renewals of registration certificates;

(B) Minimum oversight requirements for medical marijuana dispensaries;

(C) Minimum record-keeping requirements for medical marijuana dispensaries;

(D) Minimum security requirements for medical marijuana dispensaries, including requirements for protection of each registered medical marijuana dispensary location by a fully operational security alarm system;

(E) Procedures for suspending or revoking the registration certificates of medical marijuana dispensaries that violate the provisions of this article or the rules adopted pursuant to this Code section; and

(2) Establishing application and renewal fees for medical marijuana dispensary registration certificates according to the following:

(A) The total amount of all fees shall generate revenues sufficient to implement and administer this article, provided that fee revenue may be offset or supplemented by private donations;

(B) Medical marijuana dispensary application fees shall not exceed $5,000.00;

(C) Medical marijuana dispensary renewal fees shall not exceed $1,000.00;
(D) The total amount of revenue from medical marijuana dispensary application and renewal fees and registry identification card fees for medical marijuana dispensary agents shall be sufficient to implement and administer the medical marijuana dispensary provisions of this article, including the verification system, provided that the fee revenue may be offset or supplemented by private donations; and

(E) The Department of Revenue may consider private donations under Code Section 43-34-137.

43-34-125.1.

(a) The Department of Revenue shall register a minimum of three and a maximum of ten in-state medical marijuana dispensaries. Each medical marijuana dispensary shall operate distribution facilities which may include the medical marijuana dispensary's single location for cultivation, harvesting, manufacturing, packaging, and processing but is not required to include such location. There shall be a minimum of 14 distribution centers required throughout the state, with a minimum of one per congressional district. Additional distribution center locations shall be determined by the department based on geographical need throughout the state to provide adequate patient access.

(b) Medical marijuana dispensaries shall register with the Department of Revenue. Not later than 90 days after receiving an application for a medical marijuana dispensary, the Department of Revenue shall register the medical marijuana dispensary and issue a registration certificate and a random 20 digit alphanumeric identification number if:

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

(A) The application fee, to be set by the Department of Revenue;

(B) An application that includes:

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

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

(iii) The name, address, and date of birth of each medical marijuana dispensary agent;

(C) Operating procedures consistent with Department of Revenue rules for oversight of medical marijuana dispensaries, including procedures to ensure accurate record keeping and adequate security measures; and

(D) If the city, town, or county in which the medical marijuana dispensary would be located has enacted zoning restrictions, a sworn statement certifying that the medical marijuana dispensary is in compliance with the restrictions;
(2) None of the principal officers or board members has been convicted of a felony offense;

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

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

(c) The Department of Revenue may conduct a criminal records check in order to carry out this Code section.

43-34-125.2.

(a) A medical marijuana dispensary agent shall be registered with the Department of Revenue before working or volunteering at a medical marijuana dispensary.

(b) A medical marijuana dispensary may apply to the Department of Revenue for a registry identification card for a medical marijuana dispensary agent by submitting:

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

(2) A medical marijuana dispensary agent application;

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

(4) The application fee.

(c) A registered medical marijuana dispensary shall notify the Department of Revenue within ten days after a medical marijuana dispensary agent ceases to be employed by or volunteer at the registered medical marijuana dispensary.

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

(e) The Department of Revenue may conduct a criminal records check in order to carry out this Code section.

43-34-125.3.

The Department of Revenue shall issue each medical marijuana dispensary agent a registry identification card and log-in information for the verification system within five days of approving the application or renewal.

43-34-125.4.

Registry identification cards for medical marijuana dispensary agents shall contain the following:

(1) The name, address, and date of birth of the medical marijuana dispensary agent;
(2) A statement that the cardholder is a medical marijuana dispensary agent;

(3) The legal name of the registered medical marijuana dispensary with which the medical marijuana dispensary agent is affiliated;

(4) A random 20 digit alphanumeric identification number that is unique to the cardholder;

(5) The date of issuance and expiration date of the registry identification card; and

(6) A photograph, if required by the Department of Revenue.

43-34-125.5.

(a) The Department of Revenue shall deny a registry identification card to a medical marijuana dispensary agent if:

(1) The applicant does not meet the requirements of paragraph (9) of Code Section 43-34-122;

(2) The applicant or medical marijuana dispensary did not provide the required information;

(3) The applicant previously had a registry identification card revoked for violating this article; or

(4) The applicant or medical marijuana dispensary provides false information.

(b) The Department of Revenue may conduct a criminal records check of each medical marijuana dispensary agent applicant to carry out this Code section.

(c) The Department of Revenue shall give written notice to the registered medical marijuana dispensary of the reason for denying a registry identification card to a medical marijuana dispensary agent.

(d) Denial of an application or renewal is considered a final decision of the Department of Revenue subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Initial judicial review of a final decision of the Department of Revenue shall be held solely in the Superior Court of Fulton County.

43-34-125.6.

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

(b) A registry identification card of a medical marijuana dispensary agent shall be canceled and his or her access to the verification system shall be deactivated upon notification to the Department of Revenue by a registered medical marijuana dispensary that the medical marijuana dispensary agent is no longer employed by or no longer volunteers at the registered medical marijuana dispensary.
(c) A renewal medical marijuana dispensary registration certificate shall be issued within ten days of receipt of the prescribed renewal application and renewal fee from a registered medical marijuana dispensary if its registration certificate is not under suspension and has not been revoked.

(d) If a medical marijuana dispensary agent loses his or her registry identification card, he or she shall promptly notify the Department of Revenue. Within five days of the notification, and upon payment of a fee to be determined by the Department of Revenue, the Department of Revenue shall issue a new registry identification card with a new random 20 digit alphanumeric identification number to the medical marijuana dispensary agent.

43-34-126.

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

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

(2) The application fee; and

(3) An application that includes:

(A) The name, mailing address, residence address, and date of birth of the qualifying patient, provided that, if the applicant is homeless, no address is required;

(B) The name, address, and telephone number of the qualifying patient's physician;

(C) The name, address, and date of birth of the qualifying patient's designated caregiver, if any;

(D) A statement signed by the qualifying patient pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this article;

(E) A signed statement from the designated caregiver, if any, agreeing to be the qualifying patient's designated caregiver and pledging not to divert marijuana to anyone who is not allowed to possess marijuana pursuant to this article; and

(F) A designation as to who shall be allowed to cultivate marijuana plants for the qualifying patient's medical use if a registered medical marijuana dispensary distribution center is not operating within 120 miles of the qualifying patient's home and such qualifying patient has other disabilities creating an undue hardship that prevents such access, including but not limited to transportation.

(b) The application for a qualifying patient's registry identification card shall ask whether the qualifying patient would like the department to notify him or her of any clinical studies needing human subjects for research on the medical use of marijuana. The department
shall notify interested qualifying patients if it is notified of studies that will be conducted
in the United States.

43-34-126.1.
(a) Except as provided in subsection (b) of this Code section, the department shall:
(1) Verify the information contained in an application or renewal submitted pursuant to
this article and approve or deny an application or renewal within ten days of receiving a
completed application or renewal; and
(2) Issue a registry identification card to a qualifying patient and his or her designated
caregiver, if any, within five days of approving the application or renewal. A designated
caregiver shall have a registry identification card for each of his or her qualifying
patients.
(b) The department shall not issue a registry identification card to a qualifying patient who
is under the age of 18 unless:
(1) The qualifying patient's physician has explained the potential risks and benefits of
the medical use of marijuana to the custodial parent or legal guardian responsible for
health care decisions for the qualifying patient;
(2) A custodial parent or legal guardian responsible for health care decisions for the
qualifying patient submits a written certification from two physicians; and
(3) The custodial parent or legal guardian responsible for health care decisions for the
qualifying patient consents in writing to:
(A) Allow the qualifying patient's medical use of marijuana;
(B) Serve as the qualifying patient's designated caregiver; and
(C) Control the acquisition of marijuana and the dosage and frequency of the medical
use of marijuana by the qualifying patient.
(c) A registry identification card, or its equivalent, that is issued under the laws of another
state, district, territory, commonwealth, or insular possession of the United States that
allows a visiting qualifying patient to possess or use marijuana for medical purposes in the
jurisdiction of issuance shall have the same force and effect when held by a visiting
qualifying patient as a registry identification card issued by the department, provided that
a visiting qualifying patient shall not be authorized to obtain marijuana from a medical
marijuana dispensary.
(d) Any individual who on June 30, 2017, holds a valid low THC oil registration card
issued under former Code Section 31-2A-18 shall be deemed to be automatically registered
under this Code section as of July 1, 2017, and shall be subject to the provisions of this
article. Such provisionally issued registry cards shall be deemed to have been issued under
this article on July 1, 2017, and shall be valid for all purposes of this article and applicable laws.

43-34-126.2.
(a) Registry identification cards for qualifying patients and designated caregivers shall contain the following:
   (1) The name, address, and date of birth of the cardholder;
   (2) A statement of whether the cardholder is a qualifying patient or designated caregiver;
   (3) The date of issuance and expiration date of the registry identification card;
   (4) A random 20 digit alphanumeric identification number, containing at least four numbers and at least four letters, that is unique to the cardholder;
   (5) If the cardholder is a designated caregiver, the random identification number of the registered qualifying patient the designated caregiver is assisting;
   (6) A photograph of the cardholder; and
   (7) A clear indication of whether the cardholder has been authorized by this article to cultivate marijuana plants for the qualifying patient's medical use.

(b) If the registry identification card of either a qualifying patient or designated caregiver does not state that the cardholder is authorized to cultivate marijuana plants, then the department shall give written notice to the registered qualifying patient, when the qualifying patient's registry identification card is issued, of the name and address of all registered medical marijuana dispensaries.

43-34-126.3.
(a) The department shall deny an application or renewal of a qualifying patient's registry identification card if the applicant:
   (1) Does not meet the requirements of paragraph (12) of Code Section 43-34-122;
   (2) Does not provide the information required;
   (3) Previously had a registry identification card revoked for violating this article; or
   (4) Provides false information.

(b) The department shall deny an application or renewal of a designated caregiver's registry identification card if the applicant:
   (1) Does not meet the requirements of paragraph (5) of Code Section 43-34-122;
   (2) Does not provide the information required;
   (3) Previously had a registry identification card revoked for violating this article; or
   (4) Provides false information.

(c) The department shall conduct a criminal records check of each designated caregiver applicant to carry out this Code section.
(d) The department shall give written notice to the qualifying patient of the reason for
denyng a registry identification card to such qualifying patient's designated caregiver.
(e) Denial of an application or renewal is considered a final decision of the department
subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative
Procedure Act.'

43-34-126.4.
(a) All registry identification cards expire one year after date of issue.
(b) If a cardholder loses his or her registry identification card, he or she shall promptly
notify the department. Within five days of the notification, and upon payment of a fee to
be determined by the department, the department shall issue a new registry identification
card with a new random 20 digit alphanumeric identification number to the cardholder and,
if the cardholder is a registered qualifying patient, to such patient's registered designated
caregiver, if any.

43-34-127.
(a) Any nursing care institution, hospice, assisted living center, assisted living facility,
assisted living home, residential care institution, adult day health care facility, or other
adult care facility licensed under Chapter 7 of Title 31 may adopt reasonable restrictions
on the use of marijuana by its residents or persons receiving inpatient services, including
that:
  (1) The facility shall not store or maintain the qualifying patient's supply of marijuana;
  (2) The facility, caregivers, or hospice agencies serving the facility's residents are not
      responsible for providing the marijuana for qualifying patients;
  (3) Marijuana shall be consumed by a method other than smoking; and
  (4) Marijuana shall be consumed only in a place specified by the facility.
(b) Nothing in this Code section requires a facility listed in subsection (a) of this Code
section to adopt restrictions on the medical use of marijuana.
(c) A facility listed in subsection (a) of this Code section shall not unreasonably limit a
registered qualifying patient's access to or use of marijuana authorized under this article
unless failing to do so would cause such facility to lose a monetary or licensing related
benefit under federal law or regulations.

43-34-128.
(a) The operating procedures of a registered medical marijuana dispensary shall include
procedures for the oversight of the registered medical marijuana dispensary and procedures
to ensure accurate record keeping.
(b) A registered medical marijuana dispensary shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

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

(d) All cultivation of marijuana shall take place in an enclosed, locked facility at a physical address provided to the Department of Revenue during the registration process, and such facility shall be accessed only by registered medical marijuana dispensary agents associated in the registry with the medical marijuana dispensary.

(e) A registered medical marijuana dispensary may acquire usable marijuana or marijuana plants from a registered qualifying patient or registered designated caregiver only if the registered qualifying patient or registered designated caregiver receives no compensation for the marijuana.

(f) A registered medical marijuana dispensary shall not permit any person to consume marijuana on the property of such medical marijuana dispensary.

(g) Registered medical marijuana dispensaries shall be subject to reasonable inspection by the Department of Revenue. The Department of Revenue shall give reasonable notice of an inspection under this subsection.

43-34-128.1.

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

43-34-128.2.

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

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

(2) Each person presenting a registry identification card is the person identified on the registry identification card presented to the medical marijuana dispensary agent; and
(3) The amount to be dispensed would not cause the registered qualifying patient to exceed the allowable amount of marijuana during any 14 day period.

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

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

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

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

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

43-34-128.3.

(a) The department shall establish, maintain, and utilize, directly or by contract, a tracking system to monitor medical marijuana that is grown, processed, transferred, stored, or disposed of pursuant to this article.

(b) The tracking system shall have the functions and capabilities described in this Code section and shall be operated in compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191.

(c) The tracking system shall be hosted on a platform that allows for:

(1) Dynamic allocation of resources;

(2) Data redundancy; and

(3) Recovery from natural disaster within hours.

(d) The tracking system shall be capable of:

(1) Tracking all plants, products, packages, qualifying patient and designated caregiver purchase totals, waste, transfers, conversions, sales, and returns that, if practicable, are linked to unique identification numbers;

(2) Tracking lot and batch information throughout the entire chain of custody;

(3) Tracking all products, conversions, and derivatives throughout the entire chain of custody;

(4) Tracking plant, batch, and product destruction;

(5) Tracking transportation of product;

(6) Performing complete batch recall tracking that clearly identifies all of the following details relating to the specific batch subject to the recall:

(A) Sold product;

(B) Product inventory that is finished and available for sale;
(C) Product that is in the process of transfer;
(D) Product being processed into another form; and
(E) Postharvest raw product, such as product that is in the drying, trimming, or curing process;
(7) Reporting and tracking loss, theft, or diversion of product containing cannabis;
(8) Reporting and tracking all inventory discrepancies;
(9) Reporting and tracking adverse qualifying patient responses or dose related efficacy issues;
(10) Reporting and tracking all sales and refunds;
(11) Tracking qualifying patient purchase limits and flagging purchases in excess of authorized limits;
(12) Receiving electronically submitted information required to be reported under this Code section;
(13) Receiving testing results electronically from a safety compliance facility via a secured application program interface into the tracking system and directly linking the testing results to each applicable source batch and sample;
(14) Flagging test results that have characteristics indicating that they may have been altered;
(15) Providing information to cross-check that product sales are made to a qualifying patient or designated caregiver and that the product received the required testing;
(16) Providing the department, local law enforcement agencies, and state law enforcement agencies with real-time access to information in the database; and
(17) Providing real-time analytics to the department regarding key performance indicators including:
(A) Total daily sales;
(B) Total plants in production;
(C) Total plants destroyed; and
(D) Total inventory adjustments.
(e) A medical marijuana dispensary shall supply the relevant tracking or testing information in the form the department requires regarding each plant, product, package, batch, test, transfer, conversion, sale, recall, or disposition of medical marijuana in or from the dispensary's possession or control. The medical marijuana dispensary shall include information identifying the qualifying patient to or for whom each sale was made and, if applicable, the designated caregiver to whom each sale was made. The department may require that the information be submitted electronically.
(a) Within 120 days of the effective date of this article, the department and Department of Revenue shall establish a verification system.

(b) The verification system shall disclose:

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

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

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

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

(2) An authorized user's log-in information shall be deactivated after five incorrect log-in attempts until the authorized user contacts the Department of Revenue and verifies his or her identity; and

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

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

(b) A registered designated caregiver shall notify the department within 14 days of any change in his or her name or address.

(c) When a cardholder notifies the department of any changes listed in subsection (a) of this Code section but remains eligible under this article, the department shall issue the cardholder a new registry identification card with a new random 20 digit alphanumeric identification number within ten days of receiving the updated information and a fee to be determined by the department. If the cardholder notifying the department is a registered qualifying patient, the department shall also issue his or her registered designated caregiver, if any, a new registry identification card with a new random 20 digit alphanumeric identification number within ten days of receiving the updated information.

(d) If the registered qualifying patient's certifying physician notifies the department in writing that either the registered qualifying patient has ceased to suffer from a debilitating medical condition or that the physician no longer believes the qualifying patient would receive therapeutic or palliative benefit from the medical use of marijuana, the registry identification card shall be void upon notification by the department to the qualifying patient.
(e) When a registered qualifying patient ceases to be a registered qualifying patient or changes registered designated caregiver, the department shall promptly notify the former designated caregiver that his or her duties and rights under this article as to that qualifying patient shall expire 15 days after notification by the department is sent.

(f) A registered qualifying patient or registered designated caregiver who fails to comply with subsection (a) or (b) of this Code section shall be subject to a civil penalty of not more than $150.00.

43-34-130.1

(a) A medical marijuana dispensary agent shall notify the Department of Revenue within 14 days of any change in his or her name or address.

(b) When a cardholder notifies the Department of Revenue of any changes listed in subsection (a) of this Code section but remains eligible under this article, the Department of Revenue shall issue the cardholder a new registry identification card with a new random 20 digit alphanumeric identification number within ten days of receiving the updated information and a fee to be determined by the Department of Revenue.

(c) A medical marijuana dispensary agent who fails to comply with subsection (a) of this Code section shall be subject to a civil penalty of not more than $150.00.

43-34-131.

The department and the Department of Revenue shall submit to the General Assembly an annual report that shall not disclose any identifying information about cardholders, medical marijuana dispensaries, or physicians but shall contain all of the following information:

(1) The number of registry identification card applications and renewals;

(2) The number of qualifying patients and designated caregivers approved in each county;

(3) The nature of the debilitating medical conditions of the qualifying patients;

(4) The number of registry identification cards revoked;

(5) The number of physicians providing written certifications for qualifying patients;

(6) The number of registered medical marijuana dispensaries; and

(7) The number of medical marijuana dispensary agents in each county.

43-34-132.

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

(1) Applications or renewals, their contents, and supporting information submitted by qualifying patients and designated caregivers, including information regarding their designated caregivers and physicians;

(2) Applications or renewals, their contents, and supporting information submitted by or on behalf of medical marijuana dispensaries in compliance with this article, including the physical addresses of medical marijuana dispensaries; and

(3) The individual names and other information identifying cardholders.

(b) Any dispensing information that is required to be kept under Code Section 43-34-128.2 or by department or Department of Revenue regulations shall identify cardholders by their registry identification numbers and shall not contain names or other personally identifying information.

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

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

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

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

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

(3) Medical marijuana dispensary agents may notify the Department of Revenue of a suspected violation or attempted violation of this article or Department of Revenue rules.

(f) Nothing in this Code section precludes submission of the annual report to the General Assembly under Code Section 43-34-131. Such annual report shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records.
43-34-133.

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

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

1. The person's status as a cardholder; or
2. A registered qualifying patient's positive drug test for marijuana components or metabolites, unless the qualifying patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

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

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

43-34-134.

(a) Nothing in this article shall require:

1. A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana;
2. Any person or establishment in lawful possession of property to allow a guest, client, customer, or other visitor to use marijuana or medical marijuana on or in such property; or
3. An employer to allow the ingestion of medical marijuana in any workplace or any employee to work while under the influence of medical marijuana, provided that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.
(b) Nothing in this article shall prohibit an employer from disciplining an employee for ingesting marijuana or medical marijuana in the workplace or working while under the influence of marijuana.

43-34-135.
(a) The Department of Revenue shall immediately revoke the registry identification card of a medical marijuana dispensary agent who violates subsection (d) of Code Section 43-34-125.2 or subsection (b) of Code Section 43-34-136. The Department of Revenue shall suspend or revoke the registry identification card of a medical marijuana dispensary agent for other violations of this article.
(b) The Department of Revenue shall immediately revoke the registration certificate of a registered medical marijuana dispensary that violates subsection (b) or (c) of Code Section 43-34-136, and its board members and principal officers shall not serve as the board members or principal officers for any other registered medical marijuana dispensary.
(c) Any cardholder who sells marijuana to a person who is not allowed to possess marijuana for medical purposes under this article shall have his or her registry identification card revoked and shall be subject to other penalties for the unauthorized sale of marijuana and other applicable offenses.
(d) The department or Department of Revenue may revoke the registry identification card of any cardholder who knowingly violates this article, and the cardholder shall be subject to other penalties for the applicable offense.
(e) Revocation under this Code section is a final decision of the department or the Department of Revenue subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

43-34-136.
(a) A registered qualifying patient shall not directly, or through his or her designated caregiver, obtain more than two ounces of marijuana from registered medical marijuana dispensaries in any 14 day period.
(b) A registered medical marijuana dispensary or registered medical marijuana dispensary agent shall not dispense, deliver, or otherwise transfer marijuana to a person other than another registered medical marijuana dispensary, a registered qualifying patient, or a registered qualifying patient's registered designated caregiver.
(c) A registered medical marijuana dispensary shall not acquire usable marijuana or mature marijuana plants from any person other than another registered medical marijuana dispensary, a registered qualifying patient, or a registered designated caregiver. Anyone who knowingly violates this subsection shall be guilty of a felony and, upon conviction
thereof, shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $5,000.00, or both.

(d) It shall be a misdemeanor of a high and aggravated nature which shall be punishable by not more than 12 months' imprisonment and a fine not to exceed $5,000.00 for any person, including an employee or official of the department, the Department of Revenue, or another state agency or local government, to breach the confidentiality of information obtained pursuant to this article.

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

43-34-137.
The department and the Department of Revenue may accept private grants, gifts, donations, contributions, and devises to assist in carrying out the provisions of this article.

43-34-138.
(a) If the department or the Department of Revenue fails to issue a registry identification card within 45 days of the submission of a valid application or renewal, the registry identification card shall be deemed issued, and a copy of the registry identification card application or renewal shall be deemed a valid registry identification card.

(b) If at any time after the 120 days following the effective date of this article the department is not accepting applications or has not promulgated rules allowing qualifying patients to submit applications, a notarized statement by a qualifying patient containing the information required in an application pursuant to paragraph (3) of subsection (a) of Code Section 43-34-126, together with a written certification issued by a physician within the 90 days immediately preceding the notarized statement, shall be deemed a valid registry identification card.

43-34-139.
(a) As used in this Code section, the term 'conviction data' means a record of a finding or verdict of guilty or plea of guilty or nolo contendere with regard to any crime regardless of whether an appeal of the conviction has been sought.

(b) The department shall be authorized to obtain conviction data with respect to each person applying as a designated caregiver under this article. The department shall submit to the Georgia Crime Information Center two complete sets of fingerprints of the applicant.
for appointment or employment, the required records search fees, and such other
information as may be required. Upon receipt of such material, the Georgia Crime
Information Center shall promptly forward one set of fingerprints to the Federal Bureau of
Investigation for a search of bureau records and the preparation of an appropriate report
concerning such records search and shall retain the other set and promptly conduct a search
of its own records and all records to which the center has access. The Georgia Crime
Information Center shall promptly forward one set of fingerprints to the Federal Bureau of
Investigation for a search of bureau records and the preparation of an appropriate report
concerning such records search and shall retain the other set and promptly conduct a search
of its own records and all records to which the center has access. The Georgia Crime
Information Center shall notify the department in writing of any derogatory finding,
including, but not limited to, any conviction data regarding the fingerprint records check
or if there is no such finding. All conviction data received by the department shall not be
a public record, shall be privileged, and shall not be disclosed to any other person or
agency except as provided in this Code section and except to any person or agency that
otherwise has a legal right to inspect the employment file. All such records shall be
maintained by the department pursuant to the laws regarding such records and the rules and
regulations of the Federal Bureau of Investigation and the Georgia Crime Information
Center, as applicable.

(c) The Department of Revenue shall be authorized to obtain conviction data with respect
to each person applying as a medical marijuana dispensary agent under this article. The
Department of Revenue shall submit to the Georgia Crime Information Center two
complete sets of fingerprints of the applicant for appointment or employment, the required
records search fees, and such other information as may be required. Upon receipt of such
material, the Georgia Crime Information Center shall promptly forward one set of
fingerprints to the Federal Bureau of Investigation for a search of bureau records and the
preparation of an appropriate report concerning such records search and shall retain the
other set and promptly conduct a search of its own records and all records to which the
center has access. The Georgia Crime Information Center shall notify the Department of
Revenue in writing of any derogatory finding, including, but not limited to, any conviction
data regarding the fingerprint records check or if there is no such finding. All conviction
data received by the Department of Revenue shall not be a public record, shall be
privileged, and shall not be disclosed to any other person or agency except as provided in
this Code section and except to any person or agency that otherwise has a legal right to
inspect the employment file. All such records shall be maintained by the Department of
Revenue pursuant to the laws regarding such records and the rules and regulations of the
Federal Bureau of Investigation and the Georgia Crime Information Center, as applicable.

(d) The department and the Department of Revenue shall promulgate rules and regulations
as are necessary to implement and effectuate the provisions of this Code section.”
SECTION 3.

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