

The House Committee on Higher Education offers the following substitute to HB 206:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated,  
2 relating to scholarships, loans, and grants relative to postsecondary education, so as to  
3 remove convictions for certain offenses related to marijuana as cause for a student to become  
4 ineligible for state funds for certain loans, grants, and scholarships; to provide for definitions;  
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to  
9 scholarships, loans, and grants relative to postsecondary education, is amended in Subpart 4A  
10 of Part 3, relating to direct loans to students on basis of need and merit, by revising  
11 paragraph (5) of Code Section 20-3-395.4, relating to ineligibility, as follows:

12 "(5) Has been convicted of a felony offense involving marijuana, a controlled substance;  
13 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free  
14 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the  
15 date of conviction to the completion of the next academic term; provided, however, that  
16 no student shall be deemed ineligible for any loan described in this subpart because of a

17 conviction for an offense based solely on the possession of marijuana for personal use.  
18 As used in this paragraph, the term 'possession of marijuana for personal use' means a  
19 conviction for possession of marijuana that does not include an element of intent to  
20 distribute, manufacture, sell, or traffic and does not involve a quantity exceeding the  
21 weight threshold provided for in subsection (b) of Code Section 16-13-2 for the  
22 misdemeanor possession of marijuana;”

23 **SECTION 2.**

24 Said article is further amended in Subpart 4B of said part, relating to graduate on time  
25 student loans, by revising paragraph (5) of Code Section 20-3-400.6, relating to ineligibility,  
26 as follows:

27 “(5) Has been convicted of a felony offense involving marijuana, a controlled substance;  
28 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free  
29 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the  
30 date of conviction to the completion of the next academic term; provided, however, that  
31 no student shall be deemed ineligible for any loan described in this subpart because of a  
32 conviction for an offense based solely on the possession of marijuana for personal use.  
33 As used in this paragraph, the term 'possession of marijuana for personal use' means a  
34 conviction for possession of marijuana that does not include an element of intent to  
35 distribute, manufacture, sell, or traffic and does not involve a quantity exceeding the  
36 weight threshold provided for in subsection (b) of Code Section 16-13-2 for the  
37 misdemeanor possession of marijuana;”

38 **SECTION 3.**

39 Said article is further amended in Subpart 4C of said part, relating to education for public  
40 service student loan, by revising paragraph (5) of Code Section 20-3-405.7, relating to  
41 ineligibility, as follows:

42 "(5) Has been convicted of a felony offense involving marijuana, a controlled substance;  
43 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free  
44 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the  
45 date of conviction to the completion of the next academic term; provided, however, that  
46 no student shall be deemed ineligible for any loan described in this subpart because of a  
47 conviction for an offense based solely on the possession of marijuana for personal use.  
48 As used in this paragraph, the term 'possession of marijuana for personal use' means a  
49 conviction for possession of marijuana that does not include an element of intent to  
50 distribute, manufacture, sell, or traffic and does not involve a quantity exceeding the  
51 weight threshold provided for in subsection (b) of Code Section 16-13-2 for the  
52 misdemeanor possession of marijuana;"

53

#### SECTION 4.

54 Said article is further amended in Part 7 of Article 7, relating to HOPE scholarships and  
55 grants, by revising paragraph (5) of subsection (b) of Code Section 20-3-519.1, relating to  
56 residency requirements for eligibility and disqualifying factors, and by adding a new  
57 subsection to read as follows:

58 "(5) Has been convicted of a felony offense involving marijuana, a controlled substance;  
59 or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free  
60 Postsecondary Education Act of 1990,' provided that such ineligibility extends from the  
61 date of conviction to the completion of the next academic term; provided, however, that  
62 no student shall be deemed ineligible for any scholarship or grant described in this part  
63 because of a conviction for an offense based solely on the possession of marijuana for  
64 personal use;"

65 "(c) A student shall not be deemed ineligible for any scholarship or grant described in this  
66 part because of a conviction for an offense based solely on the possession of marijuana for  
67 personal use. As used in this subsection and paragraph (5) of subsection (b) of this Code

68 section, the term 'possession of marijuana for personal use' means a conviction for  
69 possession of marijuana that does not include an element of intent to distribute,  
70 manufacture, sell, or traffic and does not involve a quantity exceeding the weight threshold  
71 provided for in subsection (b) of Code Section 16-13-2 for the misdemeanor possession of  
72 marijuana."

73 **SECTION 5.**

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