

Senate Bill 296

By: Senator Thompson of the 5th

A BILL TO BE ENTITLED  
AN ACT

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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by  
22 repealing Code Section 31-2A-18, relating to the establishment of the Low THC Oil Patient  
23 Registry, definitions, purpose, registration cards, quarterly reports, and waiver forms, and  
24 designating said Code section as reserved.



59 Academy of HIV Medicine, American College of Physicians, American Nurses  
 60 Association, American Public Health Association, Leukemia & Lymphoma Society, and  
 61 many others;

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

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

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

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

83 43-34-122.

84 As used in this article, the term:

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

86 (i) With respect to a qualifying patient:

87 (I) Two ounces of usable marijuana; and

88 (II) If the qualifying patient's registry identification card provides that the  
 89 qualifying patient is authorized to cultivate marijuana plants, eight marijuana plants  
 90 contained in an enclosed, locked facility, provided that such plants are not required  
 91 to be in an enclosed, locked facility if such plants are being transported because the  
 92 qualifying patient is moving; and

93 (ii) With respect to a designated caregiver, for each qualifying patient assisted by the  
 94 designated caregiver under this article;

- 95 (I) Two ounces of usable marijuana; and
- 96 (II) If the designated caregiver's registry identification card provides that the  
 97 designated caregiver is authorized to cultivate marijuana plants, eight marijuana  
 98 plants contained in an enclosed, locked facility, provided that such plants are not  
 99 required to be in an enclosed, locked facility if such plants are being transported  
 100 because the designated caregiver is moving.
- 101 (B) Marijuana that is incidental to medical use, but is not usable marijuana as defined  
 102 in this article, shall not be counted toward a qualifying patient's or designated  
 103 caregiver's allowable amount of marijuana.
- 104 (2) 'Cardholder' means a qualifying patient, designated caregiver, or medical marijuana  
 105 dispensary agent who has been issued and possesses a valid registry identification card.
- 106 (3) 'Debilitating medical condition' means one or more of the following:
- 107 (A) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
 108 immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's  
 109 disease, agitation of Alzheimer's disease, post traumatic stress disorder, or the  
 110 treatment of such conditions;
- 111 (B) A chronic or debilitating disease or medical condition or its treatment that produces  
 112 one or more of the following: cachexia or wasting syndrome; severe and chronic pain;  
 113 severe nausea; seizures, including those characteristic of epilepsy; or severe and  
 114 persistent muscle spasms, including those characteristic of multiple sclerosis; or
- 115 (C) Any other medical condition or its treatment added by the department pursuant to  
 116 Code Section 43-34-123.
- 117 (4) 'Department' means the Department of Public Health or its successor agency.
- 118 (5) 'Designated caregiver' means a person who:
- 119 (A) Is at least 21 years of age;
- 120 (B) Has agreed to assist with a qualifying patient's medical use of marijuana;
- 121 (C) Has not been convicted of a felony offense;
- 122 (D) Assists no more than five qualifying patients with the medical use of marijuana;  
 123 and
- 124 (E) May receive reimbursement for actual costs incurred in assisting a registered  
 125 qualifying patient's medical use of marijuana if the registered designated caregiver is  
 126 connected to the registered qualifying patient through the department's registration  
 127 process. The designated caregiver shall not be paid any fee or compensation for his or  
 128 her service as a caregiver. Payment for costs under this subparagraph shall not  
 129 constitute an offense under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled  
 130 Substances Act.'

- 131 (6) 'Enclosed, locked facility' means a closet, room, greenhouse, or other enclosed area  
132 equipped with locks or other security devices that permit access only by a cardholder.
- 133 (7) 'Medical marijuana' means all parts of the plant of the genus Cannabis, whether  
134 growing or not, the seed thereof, the resin extracted from any part of such plant, and  
135 every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
136 seed, or resin that has been converted into a liquid or solid substance.
- 137 (8) 'Medical marijuana dispensary' means a Georgia entity that acquires, possesses,  
138 cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses  
139 marijuana or related supplies and educational materials to cardholders.
- 140 (9) 'Medical marijuana dispensary agent' means a principal officer, board member,  
141 employee, or volunteer of a medical marijuana dispensary who is at least 21 years of age  
142 and has not been convicted of a felony offense.
- 143 (10) 'Medical use' means the acquisition, possession, cultivation, manufacture, use,  
144 administration, delivery, transfer, or transportation of marijuana or paraphernalia relating  
145 to the administration of marijuana to treat or alleviate a registered qualifying patient's  
146 debilitating medical condition or symptoms associated with such qualifying patient's  
147 debilitating medical condition.
- 148 (11) 'Physician' means a doctor of medicine who holds a valid and existing license to  
149 practice medicine pursuant to Article 2 of this chapter.
- 150 (12) 'Qualifying patient' means a person who has been diagnosed by a physician as  
151 having a debilitating medical condition.
- 152 (13) 'Registration certificate' means a document issued by the Department of Revenue  
153 to a medical marijuana dispensary.
- 154 (14) 'Registry identification card' means a document issued by the department that  
155 identifies a person as a registered qualifying patient or a registered designated caregiver  
156 or a document issued by the Department of Revenue that identifies a person as a  
157 registered medical marijuana dispensary agent.
- 158 (15) 'Tracking system' means an electronic tracking process that monitors marijuana  
159 seedlings, clones, plants, flowers, other plant material, oils, waste, and any other  
160 marijuana derived products from production to processing to dispensary sale.
- 161 (16) 'Usable marijuana' means the dried flowers of the marijuana plant, and any mixture  
162 or preparation thereof, but shall not include the seeds, stalks, and roots of the plant or the  
163 weight of any nonmarijuana ingredients combined with marijuana and prepared for  
164 consumption as food or drink.
- 165 (17) 'Verification system' means a secure, password protected, web based system  
166 established and maintained by the department and the Department of Revenue that is

167 available to law enforcement personnel and medical marijuana dispensary agents on a 24  
 168 hour basis for verification of registry identification cards.

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

170 (A) Is not a resident of Georgia or who has been a resident of Georgia for fewer than  
 171 30 days; and

172 (B) Has been diagnosed with a debilitating medical condition by a person who is  
 173 licensed with authority to prescribe drugs to humans in the state of the person's  
 174 residence or, in the case of a person who has been a resident of Georgia for fewer than  
 175 30 days, the state of the person's former residence.

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

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

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

186 43-34-123.

187 The public may petition the department to add debilitating medical conditions or treatments  
 188 to the list of debilitating medical conditions set forth in paragraph (3) of Code Section  
 189 43-34-122. The department shall consider petitions in the manner required by department  
 190 rule, including public notice and hearing. The department shall approve or deny a petition  
 191 within 180 days of its submission. The approval or denial of a petition is a final decision  
 192 of the department subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia  
 193 Administrative Procedure Act.' Initial judicial review of a final decision of the department  
 194 shall be held solely in the Superior Court of Fulton County.

195 43-34-124.

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

198 (1) Governing the manner in which it shall consider petitions from the public to add  
 199 debilitating medical conditions or treatments to the list of debilitating medical conditions  
 200 set forth in paragraph (3) of Code Section 43-34-122, including public notice of, and an  
 201 opportunity to comment in a public hearing upon, petitions;

202 (2) Establishing the form and content of qualifying patient and designated caregiver  
 203 registration and renewal applications submitted under this article;

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

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

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

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

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

215 43-34-125.

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

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

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

223 (B) Minimum oversight requirements for medical marijuana dispensaries;

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

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

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

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

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

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

237 (C) Medical marijuana dispensary renewal fees shall not exceed \$1,000.00;

238 (D) The total amount of revenue from medical marijuana dispensary application and  
 239 renewal fees and registry identification card fees for medical marijuana dispensary  
 240 agents shall be sufficient to implement and administer the medical marijuana dispensary  
 241 provisions of this article, including the verification system, provided that the fee  
 242 revenue may be offset or supplemented by private donations; and

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

245 43-34-125.1.

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

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

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

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

260 (B) An application that includes:

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

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

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

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

270 (D) If the city, town, or county in which the medical marijuana dispensary would be  
 271 located has enacted zoning restrictions, a sworn statement certifying that the medical  
 272 marijuana dispensary is in compliance with the restrictions;

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

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

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

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

281 43-34-125.2.

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

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

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

287 (2) A medical marijuana dispensary agent application;

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

291 (4) The application fee.

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

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

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

299 43-34-125.3.

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

303 43-34-125.4.

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

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

- 307 (2) A statement that the cardholder is a medical marijuana dispensary agent;  
308 (3) The legal name of the registered medical marijuana dispensary with which the  
309 medical marijuana dispensary agent is affiliated;  
310 (4) A random 20 digit alphanumeric identification number that is unique to the  
311 cardholder;  
312 (5) The date of issuance and expiration date of the registry identification card; and  
313 (6) A photograph, if required by the Department of Revenue.

314 43-34-125.5.

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

317 (1) The applicant does not meet the requirements of paragraph (9) of Code Section  
318 43-34-122;

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

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

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

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

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

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

333 43-34-125.6.

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

336 (b) A registry identification card of a medical marijuana dispensary agent shall be canceled  
337 and his or her access to the verification system shall be deactivated upon notification to the  
338 Department of Revenue by a registered medical marijuana dispensary that the medical  
339 marijuana dispensary agent is no longer employed by or no longer volunteers at the  
340 registered medical marijuana dispensary.

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

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

351 43-34-126.

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

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

356 (2) The application fee; and

357 (3) An application that includes:

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

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

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

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

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

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

373 (b) The application for a qualifying patient's registry identification card shall ask whether  
374 the qualifying patient would like the department to notify him or her of any clinical studies  
375 needing human subjects for research on the medical use of marijuana. The department

376 shall notify interested qualifying patients if it is notified of studies that will be conducted  
377 in the United States.

378 43-34-126.1.

379 (a) Except as provided in subsection (b) of this Code section, the department shall:

380 (1) Verify the information contained in an application or renewal submitted pursuant to  
381 this article and approve or deny an application or renewal within ten days of receiving a  
382 completed application or renewal; and

383 (2) Issue a registry identification card to a qualifying patient and his or her designated  
384 caregiver, if any, within five days of approving the application or renewal. A designated  
385 caregiver shall have a registry identification card for each of his or her qualifying  
386 patients.

387 (b) The department shall not issue a registry identification card to a qualifying patient who  
388 is under the age of 18 unless:

389 (1) The qualifying patient's physician has explained the potential risks and benefits of  
390 the medical use of marijuana to the custodial parent or legal guardian responsible for  
391 health care decisions for the qualifying patient;

392 (2) A custodial parent or legal guardian responsible for health care decisions for the  
393 qualifying patient submits a written certification from two physicians; and

394 (3) The custodial parent or legal guardian responsible for health care decisions for the  
395 qualifying patient consents in writing to:

396 (A) Allow the qualifying patient's medical use of marijuana;

397 (B) Serve as the qualifying patient's designated caregiver; and

398 (C) Control the acquisition of marijuana and the dosage and frequency of the medical  
399 use of marijuana by the qualifying patient.

400 (c) A registry identification card, or its equivalent, that is issued under the laws of another  
401 state, district, territory, commonwealth, or insular possession of the United States that  
402 allows a visiting qualifying patient to possess or use marijuana for medical purposes in the  
403 jurisdiction of issuance shall have the same force and effect when held by a visiting  
404 qualifying patient as a registry identification card issued by the department, provided that  
405 a visiting qualifying patient shall not be authorized to obtain marijuana from a medical  
406 marijuana dispensary.

407 (d) Any individual who on June 30, 2017, holds a valid low THC oil registration card  
408 issued under former Code Section 31-2A-18 shall be deemed to be automatically registered  
409 under this Code section as of July 1, 2017, and shall be subject to the provisions of this  
410 article. Such provisionally issued registry cards shall be deemed to have been issued under

411 this article on July 1, 2017, and shall be valid for all purposes of this article and applicable  
412 laws.

413 43-34-126.2.

414 (a) Registry identification cards for qualifying patients and designated caregivers shall  
415 contain the following:

416 (1) The name, address, and date of birth of the cardholder;

417 (2) A statement of whether the cardholder is a qualifying patient or designated caregiver;

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

419 (4) A random 20 digit alphanumeric identification number, containing at least four  
420 numbers and at least four letters, that is unique to the cardholder;

421 (5) If the cardholder is a designated caregiver, the random identification number of the  
422 registered qualifying patient the designated caregiver is assisting;

423 (6) A photograph of the cardholder; and

424 (7) A clear indication of whether the cardholder has been authorized by this article to  
425 cultivate marijuana plants for the qualifying patient's medical use.

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

431 43-34-126.3.

432 (a) The department shall deny an application or renewal of a qualifying patient's registry  
433 identification card if the applicant:

434 (1) Does not meet the requirements of paragraph (12) of Code Section 43-34-122;

435 (2) Does not provide the information required;

436 (3) Previously had a registry identification card revoked for violating this article; or

437 (4) Provides false information.

438 (b) The department shall deny an application or renewal of a designated caregiver's  
439 registry identification card if the applicant:

440 (1) Does not meet the requirements of paragraph (5) of Code Section 43-34-122;

441 (2) Does not provide the information required;

442 (3) Previously had a registry identification card revoked for violating this article; or

443 (4) Provides false information.

444 (c) The department shall conduct a criminal records check of each designated caregiver  
445 applicant to carry out this Code section.

446 (d) The department shall give written notice to the qualifying patient of the reason for  
 447 denying a registry identification card to such qualifying patient's designated caregiver.

448 (e) Denial of an application or renewal is considered a final decision of the department  
 449 subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative  
 450 Procedure Act.'

451 43-34-126.4.

452 (a) All registry identification cards expire one year after date of issue.

453 (b) If a cardholder loses his or her registry identification card, he or she shall promptly  
 454 notify the department. Within five days of the notification, and upon payment of a fee to  
 455 be determined by the department, the department shall issue a new registry identification  
 456 card with a new random 20 digit alphanumeric identification number to the cardholder and,  
 457 if the cardholder is a registered qualifying patient, to such patient's registered designated  
 458 caregiver, if any.

459 43-34-127.

460 (a) Any nursing care institution, hospice, assisted living center, assisted living facility,  
 461 assisted living home, residential care institution, adult day health care facility, or other  
 462 adult care facility licensed under Chapter 7 of Title 31 may adopt reasonable restrictions  
 463 on the use of marijuana by its residents or persons receiving inpatient services, including  
 464 that:

465 (1) The facility shall not store or maintain the qualifying patient's supply of marijuana;

466 (2) The facility, caregivers, or hospice agencies serving the facility's residents are not  
 467 responsible for providing the marijuana for qualifying patients;

468 (3) Marijuana shall be consumed by a method other than smoking; and

469 (4) Marijuana shall be consumed only in a place specified by the facility.

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

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

476 43-34-128.

477 (a) The operating procedures of a registered medical marijuana dispensary shall include  
 478 procedures for the oversight of the registered medical marijuana dispensary and procedures  
 479 to ensure accurate record keeping.

480 (b) A registered medical marijuana dispensary shall have a single secure entrance and shall  
481 implement appropriate security measures to deter and prevent the theft of marijuana and  
482 unauthorized entrance into areas containing marijuana.

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

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

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

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

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

501 43-34-128.1.

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

505 43-34-128.2.

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

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

513 (2) Each person presenting a registry identification card is the person identified on the  
514 registry identification card presented to the medical marijuana dispensary agent; and

515 (3) The amount to be dispensed would not cause the registered qualifying patient to  
 516 exceed the allowable amount of marijuana during any 14 day period.

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

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

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

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

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

527 43-34-128.3.

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

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

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

535 (1) Dynamic allocation of resources;

536 (2) Data redundancy; and

537 (3) Recovery from natural disaster within hours.

538 (d) The tracking system shall be capable of:

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

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

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

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

546 (5) Tracking transportation of product;

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

549 (A) Sold product;

550 (B) Product inventory that is finished and available for sale;

- 551 (C) Product that is in the process of transfer;  
552 (D) Product being processed into another form; and  
553 (E) Postharvest raw product, such as product that is in the drying, trimming, or curing  
554 process;  
555 (7) Reporting and tracking loss, theft, or diversion of product containing cannabis;  
556 (8) Reporting and tracking all inventory discrepancies;  
557 (9) Reporting and tracking adverse qualifying patient responses or dose related efficacy  
558 issues;  
559 (10) Reporting and tracking all sales and refunds;  
560 (11) Tracking qualifying patient purchase limits and flagging purchases in excess of  
561 authorized limits;  
562 (12) Receiving electronically submitted information required to be reported under this  
563 Code section;  
564 (13) Receiving testing results electronically from a safety compliance facility via a  
565 secured application program interface into the tracking system and directly linking the  
566 testing results to each applicable source batch and sample;  
567 (14) Flagging test results that have characteristics indicating that they may have been  
568 altered;  
569 (15) Providing information to cross-check that product sales are made to a qualifying  
570 patient or designated caregiver and that the product received the required testing;  
571 (16) Providing the department, local law enforcement agencies, and state law  
572 enforcement agencies with real-time access to information in the database; and  
573 (17) Providing real-time analytics to the department regarding key performance  
574 indicators including:  
575 (A) Total daily sales;  
576 (B) Total plants in production;  
577 (C) Total plants destroyed; and  
578 (D) Total inventory adjustments.  
579 (e) A medical marijuana dispensary shall supply the relevant tracking or testing  
580 information in the form the department requires regarding each plant, product, package,  
581 batch, test, transfer, conversion, sale, recall, or disposition of medical marijuana in or from  
582 the dispensary's possession or control. The medical marijuana dispensary shall include  
583 information identifying the qualifying patient to or for whom each sale was made and, if  
584 applicable, the designated caregiver to whom each sale was made. The department may  
585 require that the information be submitted electronically.

586 43-34-129.

587 (a) Within 120 days of the effective date of this article, the department and Department of  
588 Revenue shall establish a verification system.

589 (b) The verification system shall disclose:

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

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

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

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

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

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

601 43-34-130.

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

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

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

616 (d) If the registered qualifying patient's certifying physician notifies the department in  
617 writing that either the registered qualifying patient has ceased to suffer from a debilitating  
618 medical condition or that the physician no longer believes the qualifying patient would  
619 receive therapeutic or palliative benefit from the medical use of marijuana, the registry  
620 identification card shall be void upon notification by the department to the qualifying  
621 patient.

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

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

629 43-34-130.1

630 (a) A medical marijuana dispensary agent shall notify the Department of Revenue within  
 631 14 days of any change in his or her name or address.

632 (b) When a cardholder notifies the Department of Revenue of any changes listed in  
 633 subsection (a) of this Code section but remains eligible under this article, the Department  
 634 of Revenue shall issue the cardholder a new registry identification card with a new random  
 635 20 digit alphanumeric identification number within ten days of receiving the updated  
 636 information and a fee to be determined by the Department of Revenue.

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

639 43-34-131.

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

- 643 (1) The number of registry identification card applications and renewals;  
 644 (2) The number of qualifying patients and designated caregivers approved in each  
 645 county;  
 646 (3) The nature of the debilitating medical conditions of the qualifying patients;  
 647 (4) The number of registry identification cards revoked;  
 648 (5) The number of physicians providing written certifications for qualifying patients;  
 649 (6) The number of registered medical marijuana dispensaries; and  
 650 (7) The number of medical marijuana dispensary agents in each county.

651 43-34-132.

652 (a) The following information received and records kept by the department and the  
 653 Department of Revenue for purposes of administering this article shall be confidential, in  
 654 accordance with this Code section except as necessary for authorized employees of the

655 department and the Department of Revenue to perform their official duties pursuant to this  
656 article:

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

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

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

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

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

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

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

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

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

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

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

690 43-34-133.

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

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

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

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

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

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

712 43-34-134.

713 (a) Nothing in this article shall require:

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

716 (2) Any person or establishment in lawful possession of property to allow a guest, client,  
717 customer, or other visitor to use marijuana or medical marijuana on or in such property;  
718 or

719 (3) An employer to allow the ingestion of medical marijuana in any workplace or any  
720 employee to work while under the influence of medical marijuana, provided that a  
721 registered qualifying patient shall not be considered to be under the influence of  
722 marijuana solely because of the presence of metabolites or components of marijuana that  
723 appear in insufficient concentration to cause impairment.

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

727 43-34-135.

728 (a) The Department of Revenue shall immediately revoke the registry identification card  
729 of a medical marijuana dispensary agent who violates subsection (d) of Code Section  
730 43-34-125.2 or subsection (b) of Code Section 43-34-136. The Department of Revenue  
731 shall suspend or revoke the registry identification card of a medical marijuana dispensary  
732 agent for other violations of this article.

733 (b) The Department of Revenue shall immediately revoke the registration certificate of a  
734 registered medical marijuana dispensary that violates subsection (b) or (c) of Code Section  
735 43-34-136, and its board members and principal officers shall not serve as the board  
736 members or principal officers for any other registered medical marijuana dispensary.

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

741 (d) The department or Department of Revenue may revoke the registry identification card  
742 of any cardholder who knowingly violates this article, and the cardholder shall be subject  
743 to other penalties for the applicable offense.

744 (e) Revocation under this Code section is a final decision of the department or the  
745 Department of Revenue subject to judicial review pursuant to Chapter 13 of Title 50, the  
746 'Georgia Administrative Procedure Act.'

747 43-34-136.

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

751 (b) A registered medical marijuana dispensary or registered medical marijuana dispensary  
752 agent shall not dispense, deliver, or otherwise transfer marijuana to a person other than  
753 another registered medical marijuana dispensary, a registered qualifying patient, or a  
754 registered qualifying patient's registered designated caregiver.

755 (c) A registered medical marijuana dispensary shall not acquire usable marijuana or mature  
756 marijuana plants from any person other than another registered medical marijuana  
757 dispensary, a registered qualifying patient, or a registered designated caregiver. Anyone  
758 who knowingly violates this subsection shall be guilty of a felony and, upon conviction

759 thereof, shall be punished by imprisonment for not less than one nor more than five years,  
760 a fine not to exceed \$5,000.00, or both.

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

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

771 43-34-137.

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

774 43-34-138.

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

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

786 43-34-139.

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

790 (b) The department shall be authorized to obtain conviction data with respect to each  
791 person applying as a designated caregiver under this article. The department shall submit  
792 to the Georgia Crime Information Center two complete sets of fingerprints of the applicant

793 for appointment or employment, the required records search fees, and such other  
794 information as may be required. Upon receipt of such material, the Georgia Crime  
795 Information Center shall promptly forward one set of fingerprints to the Federal Bureau of  
796 Investigation for a search of bureau records and the preparation of an appropriate report  
797 concerning such records search and shall retain the other set and promptly conduct a search  
798 of its own records and all records to which the center has access. The Georgia Crime  
799 Information Center shall notify the department in writing of any derogatory finding,  
800 including, but not limited to, any conviction data regarding the fingerprint records check  
801 or if there is no such finding. All conviction data received by the department shall not be  
802 a public record, shall be privileged, and shall not be disclosed to any other person or  
803 agency except as provided in this Code section and except to any person or agency that  
804 otherwise has a legal right to inspect the employment file. All such records shall be  
805 maintained by the department pursuant to the laws regarding such records and the rules and  
806 regulations of the Federal Bureau of Investigation and the Georgia Crime Information  
807 Center, as applicable.

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

828

**SECTION 3.**

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