

House Bill 1248

By: Representatives Jackson of the 68th, Bell of the 75th, Mitchell of the 88th, Clark of the 108th, and Park of the 107th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and
2 offenses, so as to provide for the regulation, licensure, taxation, and use of cannabis; to
3 provide for legislative findings and purpose; to provide for definitions; to provide for the
4 decriminalization of certain amounts of cannabis; to provide for the legalization of cannabis;
5 to provide for taxation; to provide for limitations; to authorize counties and municipal
6 corporations to adopt certain ordinances; to amend Code Section 36-1-20 of the Official
7 Code of Georgia Annotated, relating to ordinances for governing and policing of
8 unincorporated areas of county, so as to authorize counties to adopt ordinances governing
9 and punishing the possession of two ounces or less of marijuana; to provide for a short title;
10 to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 This Act shall be known and may be cited as the "Georgia Cannabis Freedom and Integrity
14 Act."

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SECTION 2.

15

16 The General Assembly finds that:

17 (1) Offenses regarding cannabis have left a fragmented legal landscape, which creates
18 confusion for law enforcement, businesses, and private citizens;19 (2) A transparent, predictable, and responsible environment that protects public health,
20 addresses historical injustices, and allows for the responsible growth of a new industry will
21 create jobs and generate significant tax revenue for the state;22 (3) A safe, regulated, and comprehensive legal framework for the cultivation, processing,
23 testing, transportation, sale, and use of cannabis and products made with cannabis is
24 needed; and25 (4) The purpose of this Act is to ensure public safety, promote economic development, and
26 provide clarity and consistency in the law.**SECTION 3.**

27

28 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
29 amended in Chapter 12, relating to offenses against public health and morals, by adding a
30 new article to read as follows:"ARTICLE 11

31

32 16-12-300.33 As used in this article, the term:34 (1) 'Cannabis' means all parts of the plant Cannabis sativa L., whether growing or not;
35 the seeds thereof; the resin extracted from any part of such plant; and every compound,
36 manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.37 Such term does not include industrial hemp or low THC oil.

38 (2) 'Decriminalization' means the reduction of criminal penalties for possessing a
39 controlled substance in small amounts, typically for personal use, from a criminal offense
40 to a civil infraction or a nonjailable offense, such as a fine. The substance remains illegal,
41 and no legal market is established for its sale, distribution, or cultivation.

42 (3) 'Industrial hemp' means the plant Cannabis sativa L. and any part of such plant,
43 including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids,
44 salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol
45 concentration of not more than 0.3 percent on a dry weight basis. Such term aligns with
46 the 2018 Federal Farm Bill and existing laws of this state to ensure continuity for farmers
47 and businesses already operating in the hemp industry, while also clearly differentiating
48 it from regulated cannabis.

49 (4) 'Legalization' means the complete removal of criminal penalties for a substance,
50 enabling the establishment of a regulated, taxed, and legal market for its production,
51 distribution, and sale. Such term includes the right for individuals to possess, cultivate,
52 and consume the substance in accordance with the specific regulations of the law, and
53 establishes a regulatory framework, ensuring product safety through mandatory testing
54 and consumer protection measures.

55 (5) 'Low THC oil' has the same meaning as set forth in Code Section 16-12-190.

56 16-12-301.

57 There is established the Georgia Cannabis Commission which is an independent state
58 agency responsible for the oversight of the cannabis market. The commission shall be
59 responsible for:

60 (1) Licensing and regulating cannabis cultivation facilities, products made with cannabis
61 manufacturing facilities, cannabis testing laboratories, and cannabis dispensaries. The
62 commission shall develop a tiered licensing system to encourage participation from small

63 businesses and to ensure market diversity, prioritizing licenses for small-scale farmers
64 and businesses in communities disproportionately impacted by past cannabis arrests;
65 (2) Establishing and enforcing public health and safety standards for all products made
66 with cannabis, including mandatory testing for pesticides, heavy metals, mold, and
67 potency. No product made with cannabis may be sold in this state without first passing
68 testing by a state licensed laboratory as prescribed by the commission to ensure consumer
69 safety;
70 (3) Implementing a robust tracking system to prevent the diversion of products made
71 with cannabis to the illegal market and ensure a transparent supply chain that shall track
72 cannabis growth from its initial cultivation to its final sale at a licensed dispensary using
73 unique identifiers for each product batch; and
74 (4) Issuing and enforcing all rules and regulations necessary to carry out the provisions
75 of this article, including a requirement for a public education campaign on the responsible
76 use of cannabis, the dangers of impaired driving, and the risks of underage consumption.

77 16-12-302.

78 (a) The commission shall be composed of nine members as follows:

79 (1) Three members to be appointed by the Governor, each of whom shall be a part of the
80 cannabis industry and shall not be a member of the General Assembly and one of whom
81 shall serve as chairperson of the commission;

82 (2) Three members of the House of Representatives, to be appointed by the Speaker of
83 the House of Representatives; and

84 (3) Three members of the Senate, to be appointed by the President of the Senate.

85 (b) The Governor, Speaker of the House of Representatives, and President of the Senate
86 shall appoint the first members of the commission pursuant to subsection (a) of this Code
87 section by August 1, 2026.

88 (c) Each member of the commission shall be a full-time resident of this state and shall
89 serve a term of three years and until the appointment of his or her successor. Successor to
90 the initial appointees shall be appointed in the manner as such initial appointees and any
91 vacancy within the commission shall be filled for the remainder of the unexpired term in
92 the same manner as the initial appointment. Each member of the commission shall be
93 eligible to succeed himself or herself; provided, however, that no member shall serve more
94 than two consecutive terms on the commission.

95 (d) Members of the commission shall serve without compensation but shall be allowed
96 actual and necessary expenses in the performance of their duties. Legislative members of
97 the commission shall receive the allowances provided for in Code Section 28-1-8.
98 Nonlegislative citizen members of the commission shall receive a daily expense allowance
99 in the amount specified in subsection (b) of Code Section 45-7-21, as well as the mileage
100 or transportation allowance authorized for state employees. The funds necessary for the
101 reimbursement of expenses and allowances of any member of the commission shall come
102 from funds appropriated to or otherwise available to the commission.

103 16-12-303.

104 Any person 21 years of age or older may:

105 (1) Possess up to two ounces of cannabis and up to 10 grams of cannabis concentrates;

106 and

107 (2) Cultivate up to three mature cannabis plants for personal use in an enclosed space.

108 16-12-304.

109 (a) Current state law relative to low THC oil shall be expanded to include all products
110 made with cannabis, including flowers, edibles, tinctures, and concentrates, as
111 recommended by a licensed physician for a qualifying medical condition.

112 (b) The Georgia Cannabis Commission shall oversee and issue patient and caregiver
113 registry cards, ensuring that patients have access to a range of products made with cannabis
114 for treatment.

115 16-12-305.

116 (a) A state excise tax of 15 percent shall be imposed on the retail sale of all cannabis and
117 products made with cannabis.

118 (b) All tax revenue collected under this article shall be distributed as follows:

119 (1) Twenty percent to the Georgia Department of Public Health for substance abuse
120 prevention, treatment, and education programs, with a focus on evidence based strategies
121 to discourage youth use. Such funds shall support school based prevention programs,
122 addiction treatment centers, and public awareness campaigns;

123 (2) Ten percent to the Department of Revenue for the administration and enforcement
124 of this article, ensuring the commission has the necessary funding to regulate the industry
125 effectively, including conducting inspections and investigations;

126 (3) Ten percent to a social equity fund for grants and loans to individuals and
127 communities disproportionately harmed by past cannabis prohibition. Such fund shall
128 support programs, including business development assistance, expungement clinics for
129 low level cannabis offenses, and job training programs to help individuals enter the legal
130 cannabis industry; and

131 (4) Sixty percent shall be deposited in the state's general fund, to be used for essential
132 state services such as infrastructure, education, public safety, and critical state programs.

133 16-12-306.

134 (a) It shall remain a criminal offense to operate a motor vehicle or watercraft under the
135 influence of cannabis as provided in Code Section 52-7-12. The Georgia Bureau of
136 Investigation shall work with the Department of Public Safety to establish scientifically

137 sound impairment thresholds and roadside testing protocols that accurately determine
138 impairment, rather than merely the presence of products made with cannabis.

139 (b) Consuming cannabis in public places, including parks, sidewalks, retail establishments,
140 and public school grounds is prohibited pursuant to Code Section 16-11-41.

141 (c) Products made with cannabis shall be sold in child resistant, tamper evident packaging
142 and shall not be designed to appeal to minors such as in the form of cartoons or popular
143 candies. All such products shall also include clear, standardized labeling with potency
144 information, a list of ingredients, and a prominent health warning about the risks and
145 responsible use of cannabis.

146 (d) The commission shall have the authority to suspend or revoke the license of any
147 business that violates the provisions of this article, with penalties scaled to the severity and
148 frequency of the violation. For minor infractions, the commission may issue fines or
149 warnings and for repeated violations, such as selling to minors or operating without a
150 license, the commission may revoke the business's license entirely."

151 **SECTION 4.**

152 Said title is further amended in Code Section 16-13-2, relating to conditional discharge for
153 possession of controlled substances as first offense and certain nonviolent property crimes,
154 dismissal of charges, and restitution to victims, by revising subsection (b) as follows:

155 "(b) Except as provided in Code Sections 36-1-20 and 36-32-6, Notwithstanding any law
156 to the contrary, any person who is charged with possession of marijuana, which possession
157 is of ~~one ounce~~ two ounces or less, shall be guilty of a misdemeanor and punished by
158 ~~imprisonment~~ confinement for a period not to exceed 12 months or a fine not to exceed
159 \$1,000.00, or both, or public works not to exceed 12 months."

160 **SECTION 5.**

161 Code Section 36-1-20 of the Official Code of Georgia Annotated, relating to ordinances for
162 governing and policing of unincorporated areas of county, is amended by adding a new
163 subsection to read as follows:

164 "(e) The governing authority of each county is authorized to adopt ordinances governing
165 the possession of two ounces or less of marijuana within the unincorporated areas of the
166 county. Violation of such ordinances may be punished by fines, and each such ordinance
167 shall specify the maximum punishment which may be imposed for a violation of the
168 ordinance. In no case shall the maximum punishment for the violation of any such
169 ordinance exceed a fine of \$1,000.00. Any fines and bond forfeitures arising from the
170 prosecution of such cases shall be retained by the county and shall be paid into the treasury
171 of such county."

172 **SECTION 6.**

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