

House Bill 1150

By: Representatives McLeod of the 105<sup>th</sup>, Thomas of the 56<sup>th</sup>, Alexander of the 66<sup>th</sup>, Dukes of the 154<sup>th</sup>, and Davis of the 87<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to provide for the cultivation, processing, testing, sale, legalization, regulation  
3 and taxation of cannabis and cannabis products in certain circumstances; to provide for  
4 definitions; to provide for tracking; to provide for licenses and fees; to provide for rules and  
5 regulations; to provide for revocation and suspension of licenses; to provide for prohibitions  
6 against smoking cannabis in public; to provide for warnings; to provide for taxation; to  
7 conform certain provisions; to amend Title 16 of the Official Code of Georgia Annotated,  
8 relating to crimes and offenses, so as to legalize possession, cultivation, processing, testing,  
9 and selling of certain amounts of cannabis; to amend Titles 15, 17, and 36 of the Official  
10 Code of Georgia Annotated, relating to courts, criminal procedure, and local government,  
11 respectively, so as to make conforming changes; to provide for related matters; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **PART I**  
15 **SECTION 1-1.**

16 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
17 amended by adding a new chapter to read as follows:

18 "CHAPTER 17

19 48-17-1.

20 As used in this chapter, the term:

21 (1) 'Cannabis' shall have the same meaning as 'marijuana' as defined in paragraph (16)  
22 of Code Section 16-13-21.

23 (2) 'Cannabis accessory' means any item that is used for ingestion, inhalation, or storage  
24 of cannabis.

25 (3) 'Cannabis product' means any item that contains cannabis and includes, but is not  
26 limited to, gummies, candies, baked goods, oils, lotions, and creams that contain  
27 cannabis.

28 (4) 'Department' means the Georgia Department of Revenue.

29 (5) 'Immature cannabis plant' means a plant that is a seedling or that has not yet produced  
30 flowers.

31 (6) 'Indoor cultivator' means a licensee that grows cannabis plants in an indoor facility  
32 with the use of artificial lighting.

33 (7) 'License' means any license issued pursuant to this chapter.

34 (8) 'Licensee' means any holder of a license issued by the department pursuant to this  
35 chapter.

36 (9) 'Mature cannabis plant' means a plant that has produced flowers.

37 (10) 'Outdoor cultivator' means a licensee that grows cannabis outdoors without the use  
38 of artificial lighting.

39 (11) 'Population' means the population as determined by the most recent federal  
40 decennial census.

41 (12) 'Premises' means the land, buildings, and vehicles in which any business regulated  
42 by this chapter is operated or carried on.

43 (13) 'THC' means tetrahydrocannabinol.

44 (14) 'Traffic' or 'trafficking' means the licensed growing of cannabis and the transporting,  
45 processing, or selling of cannabis or cannabis products.

46 48-17-2.

47 All cannabis and cannabis products grown, manufactured, produced, or sold under this  
48 chapter shall be tracked from seed to consumer with the use of a tracking system. The  
49 department may promulgate rules and regulations as needed to ensure compliance with this  
50 Code section.

51 48-17-3.

52 (a) Licenses that authorize traffic in cannabis shall be issued by the department.

53 (b) The holder of one license type shall not be eligible to hold any other type of license  
54 under this chapter. No licensee shall hold more than one of any license type under this  
55 chapter; provided, however, that the holder of a retail license may have multiple retail  
56 licenses, not to exceed more than one license per congressional district.

57 (c) A nonrefundable application fee of \$5,000.00 shall be charged to process each new  
58 application under this chapter, except for the home grower permit.

59 (d) Licenses and permits that may be issued and their accompanying annual fees are as  
60 follows:

- 61 (1) Cultivator licenses:
- 62 (A) Specialty outdoor . . . . . \$1,000.00
- 63 (B) Small outdoor . . . . . \$2,000.00
- 64 (C) Medium outdoor . . . . . \$4,000.00
- 65 (D) Large outdoor . . . . . \$10,000.00
- 66 (E) Specialty indoor . . . . . \$7,500.00
- 67 (F) Small indoor . . . . . \$10,000.00
- 68 (G) Medium indoor . . . . . \$15,000.00
- 69 (H) Large indoor . . . . . \$25,000.00
- 70 (2) Processor license . . . . . \$5,000.00
- 71 (3) Testing facility license . . . . . \$7,500.00
- 72 (4) Retail license . . . . . \$10,000.00
- 73 (5) Home grower permit . . . . . \$250.00

74 48-17-4.

75 The following premises limitations shall apply to cultivator licenses:

- 76 (1) A specialty outdoor cultivator license shall be limited to growing up to 50 mature  
77 plants on no more than 5,000 square feet;
- 78 (2) A small outdoor cultivator license may cultivate over 5,000 square feet but not more  
79 than 10,000 square feet;
- 80 (3) A medium outdoor cultivator license may cultivate over 10,000 square feet but not  
81 more than one acre;
- 82 (4) A large outdoor cultivator license may cultivate greater than one acre of land;
- 83 (5) A specialty indoor cultivator license may cultivate up to 5,000 square feet;
- 84 (6) A small indoor cultivator license may cultivate over 5,000 square feet but no greater  
85 than 10,000 square feet;
- 86 (7) A medium indoor cultivator license may cultivate over 10,000 square feet but less  
87 than 22,000 square feet; and
- 88 (8) A large indoor cultivator license may cultivate at least 22,000 square feet but less  
89 than 40,000 square feet of space.

90 48-17-5.

91 (a) A cultivator license shall authorize the license holder to:

- 92 (1) Grow cannabis on its licensed premises;
- 93 (2) Sell cannabis to processor licensees; and

94 (3) Transport its cannabis from the premises to a testing facility or a processor.

95 (b) A processor license shall authorize the license holder to:

96 (1) Receive cannabis from a cultivator licensee;

97 (2) Process the cannabis received into consumable cannabis and cannabis products;

98 (3) Sell the processed cannabis and cannabis products to a retail licensee; and

99 (4) Transport the processed cannabis and cannabis products to the retailer licensee or a  
100 testing facility.

101 (c) A retail license shall authorize the license holder to:

102 (1) Purchase cannabis and cannabis products from a processor for purchase in its store;

103 (2) Receive purchased cannabis and cannabis products from the producer licensee  
104 making the delivery; and

105 (3) Sell cannabis, cannabis products, and cannabis accessories at its store to consumers  
106 who are 21 years of age or older.

107 (d) A testing facility license shall authorize the license holder to obtain and test samples  
108 of cannabis from cultivators and samples of cannabis and cannabis products from  
109 processors in order to determine the amount of THC in the cannabis or cannabis product.

110 48-17-6.

111 (a) A home grower permit shall authorize a household to cultivate and grow up to five  
112 mature cannabis plants and up to five immature cannabis plants.

113 (b) The holder of a home grower permit shall permit the department to periodically inspect  
114 the premises if needed to ensure compliance with the provisions of this chapter.

115 (c) The department is authorized to promulgate rules and regulations as necessary to  
116 ensure compliance with this Code section.

117 48-17-7.

118 (a) The department shall promulgate rules and regulations for license applications and may  
119 require that license applications contain the following information, given under oath:

120 (1) The name, age, social security number, mailing address, residence address, and  
121 citizenship of each applicant;

122 (2) If the applicant is a partnership, the name, age, social security number, mailing  
123 address, residence address, and citizenship of each partner and the name and address of  
124 the partnership;

125 (3) The name, age, social security number, mailing address, residence address, and  
126 citizenship of each individual or partner interested in the business for which the license  
127 is sought, together with the nature of that interest, and, if the applicant is a corporation,  
128 limited liability company, limited partnership, or other business entity recognized by law,

129 the name, age, social security number, mailing address, and residence address of each  
130 principal owner, member, officer, and director of the applicant. The department may  
131 require the names of all owners and the ownership percentage held by each;  
132 (4) The premises to be licensed, stating the address of the physical location, if the  
133 premises has a street and number, and a description that will reasonably indicate the  
134 location of the premises;  
135 (5) A statement that neither the applicant nor any person referred to in this subsection has  
136 been convicted of:  
137 (A) Any misdemeanor directly or indirectly attributable to cannabis;  
138 (B) Any violation involving a controlled substance that is described in or classified in  
139 Chapter 13 of Title 16 within the two-year period immediately preceding the date of the  
140 application;  
141 (C) Any felony, within the five-year period immediately preceding the date of the  
142 application; or  
143 (D) Providing false information to the department preceding the application;  
144 (6) A statement that neither the applicant nor any person referred to in this subsection has  
145 any license that has been used under this chapter revoked for cause with the two-year  
146 period immediately preceding the date of the application;  
147 (7) A statement that the applicant will in good faith abide by every state and local statute,  
148 regulation, and ordinance relating to the manufacture, sale, use of, and trafficking in  
149 cannabis and cannabis products; and  
150 (8) Any other information necessary for the department to administer this chapter.  
151 (b) If, after a license has been issued, there is a change in any of the facts required to be  
152 set forth in the application, a verified supplemental statement in writing giving notice of  
153 the change shall be filed with the department within ten days after such change.  
154 (c) In giving any notice or taking any action in reference to a license, the department may  
155 rely on the information furnished in the application or in the supplemental statement  
156 connected with the application. This information, as against the licensee or applicant, shall  
157 be conclusively presumed to be correct. The information required to be furnished in the  
158 application or supplemental statement shall be deemed material in any prosecution for false  
159 swearing.  
160 (d) When the application for a license is submitted to the department, it shall be  
161 accompanied by the nonrefundable application fee provided for in subsection (c) of Code  
162 Section 48-17-3 and the appropriate annual fee for the license for which the application is  
163 submitted as provided for in subsection (d) of Code Section 48-17-3.

164 48-17-8.

165 (a) All cannabis licenses issued by the department shall be valid for a period of not more  
 166 than one year from the date of issue and may be renewed. The department shall  
 167 promulgate rules and regulations establishing a system for renewing such licenses.

168 (b) The renewal by the department of any cannabis license shall not be construed to waive  
 169 or condone any violation that occurred prior to the renewal and shall not prevent  
 170 subsequent proceedings against the licensee.

171 (c) The department may deny a license renewal if the licensee or any person referred to  
 172 in subsection (a) of Code Section 48-17-7 has not filed any required tax returns or has  
 173 unpaid state tax liabilities. This shall not include any tax liability that is the subject of a  
 174 pending appeal or is being paid in installments under an agreement with the department.

175 48-17-9.

176 The number of cannabis retail licenses issued by the department shall not exceed one  
 177 license for every 2,300 persons in a county; provided, however, that no county shall have  
 178 fewer than two cannabis retail licenses available for issuance by the department in a  
 179 county.

180 48-17-10.

181 (a) A cannabis retail licensee shall be located in separate premises from any other type of  
 182 retail store and shall not sell or offer to sell any products other than cannabis, cannabis  
 183 products, and cannabis accessories.

184 (b) All cannabis and cannabis products offered for sale at retail shall:

185 (1) Be packaged in tamper-evident packaging that is child-proof; and

186 (2) Be clearly labeled with the amount of THC in the product.

187 48-17-11.

188 (a) If the department denies a license application, the department shall notify the applicant  
 189 in writing of the denial and the reasons for the denial by registered or certified mail at the  
 190 mailing address given in the application.

191 (b) The applicant may, within 30 days after the date of mailing of such denial notice by  
 192 the department, file a request for an administrative hearing on the denial of the application.  
 193 The burden of proof shall be on the applicant to demonstrate that the license for which the  
 194 applicant applied should be issued.

195 (c) If the department denies an application and the applicant does not timely request an  
 196 administrative hearing on its application in accordance with subsection (b) of this Code

197 section, the department shall refund payment of the license fee to the applicant. The  
 198 department shall also refund any license fee erroneously paid by an applicant.

199 48-17-12.

200 (a) Upon proceedings for the revocation of any license, the department may, in its  
 201 discretion, order a suspension of the license. However, subject to the approval of the  
 202 department, a licensee may have the alternative to pay in lieu of part or all of the days of  
 203 any suspension period, a sum as follows:

204 (1) Cultivators, \$1,000.00 per day;

205 (2) Producers, \$500.00 per day; and

206 (3) Retail licensees, \$50.00.

207 (b) Any such payments shall be deposited into the general fund of the state treasury.

208 48-17-13.

209 (a) Cannabis, cannabis products, and cannabis accessories shall only be purchased,  
 210 possessed, consumed, or used by persons 21 years of age or older.

211 (b) A person under 21 years of age shall not enter any premises licensed for the sale of  
 212 cannabis, cannabis products, or cannabis accessories for the purpose of purchasing,  
 213 attempting to purchase, receiving, or attempting to receive any cannabis, cannabis product,  
 214 or cannabis accessory.

215 (c) A person under 21 years of age shall not misrepresent his or her age for the purpose of  
 216 inducing any licensee or agent or employee of the licensee to sell any cannabis, cannabis  
 217 product, or cannabis accessory to such underage person.

218 (d) A person under 21 years of age shall not use or attempt to use any false, fraudulent, or  
 219 altered identification card, paper, or other document to purchase or attempt to purchase or  
 220 otherwise obtain any cannabis, cannabis product, or cannabis accessory.

221 (e) No person shall purchase or provide cannabis, cannabis products, or cannabis  
 222 accessories for a person under 21 years of age.

223 (f) A violation of this Code section shall be a misdemeanor.

224 48-17-14.

225 (a) Smoking cannabis in public is prohibited.

226 (b) A violation of this Code section shall be a misdemeanor.

227 48-17-15.

228 Every retail licensee shall display signs that are visible to persons entering the premises  
 229 that state as follows:

230 (1) The United States Surgeon General has issued an advisory opinion stating that  
231 smoking or ingesting cannabis by pregnant women may cause harm to the fetus; and  
232 (2) Minor persons under the age of 21 years may face criminal penalties if they attempt  
233 to buy cannabis or cannabis products themselves or if they attempt to have someone else  
234 buy for them.

235 48-17-16.

236 (a) A tax is imposed and levied upon cannabis and cannabis products at the time and in the  
237 manner as provided in this Code section.

238 (b) A wholesale tax in the amount of 15 percent of the sales price for all cannabis  
239 cultivated and harvested under this chapter and sold to a processor shall be paid by the  
240 cannabis cultivator licensee.

241 (c) A wholesale tax in the amount of 15 percent of the sales price for all cannabis and  
242 cannabis products processed by a processor licensee under this chapter and sold to a retailer  
243 shall be paid by the cannabis processor licensee.

244 (d) Such tax shall be due and payable to the department monthly on and before the  
245 twentieth day of the month following each calendar month. Such tax shall be submitted  
246 to the department with a return reporting the amount of sales made during the preceding  
247 calendar month.

248 (e) The department by rule and regulation may allow cultivator licensees or processor  
249 licensees to file the reports required pursuant to subsection (d) of this Code section for  
250 periods other than monthly.

251 (f) Counties and cities are authorized to impose and levy a license fee, not to exceed 5  
252 percent of the gross revenue of any cultivator, processor, testing facility, and retail cannabis  
253 licensee within its jurisdiction. Such license fee shall be collected by and paid to the  
254 county or city that imposes and levies such license fee. In counties in which the county and  
255 a city both impose a license fee, the county fee shall only be applicable outside the  
256 jurisdictional boundaries of the city.

257 48-17-17.

258 (a) Notwithstanding any provision of law to the contrary, the president, vice president,  
259 secretary, treasurer, or any other person holding any equivalent corporate office of any  
260 corporation subject to Code Section 48-17-16 shall be personally and individually liable,  
261 both jointly and severally, for the cannabis and cannabis product tax of such corporation.

262 (b) Corporate dissolution, withdrawal of the corporation from the state, or the cessation  
263 of holding any corporate office shall not discharge the liability of any person. The personal



264 and individual liability shall apply to every person holding a corporate office at the time  
 265 the tax becomes or became due.

266 (c) Notwithstanding any provision of law to the contrary, the managers of a limited  
 267 liability corporation, the partners of a limited partnership, or any other person holding an  
 268 equivalent office of a limited liability corporation or limited partnership subject to Code  
 269 Section 48-17-16 shall be personally and individually liable, both jointly and severally, for  
 270 the cannabis and cannabis products tax on such limited liability corporation or limited  
 271 partnership.

272 (d) Dissolution, withdrawal of the limited liability corporation or limited partnership from  
 273 the state, or the cessation of holding any office of such limited liability corporation or  
 274 limited partnership shall not discharge the liability of any person. The personal and  
 275 individual liability shall apply to every manager of a limited liability corporation and every  
 276 partner of a limited partnership at the time the tax becomes or became due.

277 (e) No person shall be personally and individually liable under this Code section who had  
 278 no authority to collect, truthfully account for, or pay over any cannabis or cannabis product  
 279 tax at the time such taxes become or became due.

280 (f) Taxes imposed under this chapter shall be subject to the provisions of Chapter 2 of this  
 281 title regarding interest and penalties regarding taxes due the state.

282 48-17-18.

283 This chapter shall be enforced and administered by the commissioner, and the  
 284 commissioner is authorized to adopt all forms and all reasonable rules and regulations  
 285 which the commissioner deems necessary to enforce and administer this chapter."

286

## PART II

287

### SECTION 2-1.

288 Said title is further amended by revising Code Section 48-15-2, relating to definitions relating  
 289 to excise tax on marijuana and controlled substances, as follows:

290 "48-15-2.

291 As used in this chapter, the term:

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

293 (2) 'Controlled substance' shall have the same meaning as defined in paragraph (4) of  
 294 Code Section 16-13-21 and shall mean any drug, substance, or immediate precursor,  
 295 whether real or counterfeit, that is held, possessed, transported, transferred, sold, or  
 296 offered for sale in violation of the laws of this state.

297 (3) 'Marijuana' shall have the same meaning as defined in paragraph (16) of Code  
 298 Section 16-13-21 ~~and shall mean any marijuana, whether real or counterfeit, that is held,~~  
 299 ~~possessed, transported, transferred, sold, or offered for sale in violation of the laws of this~~  
 300 ~~state."~~

### 301 SECTION 2-2.

302 Said title is further amended by revising Code Section 48-15-3, relating to imposition of tax,  
 303 as follows:

304 "48-15-3.

305 (a) There is imposed, in addition to all other applicable taxes, a state excise tax upon each  
 306 use, possession, consumption, storage, or transfer of ~~marijuana~~ or any controlled substance.

307 (b) The tax imposed by this Code section shall apply regardless of whether the substance  
 308 exists in solid, liquid, or gaseous form and regardless of the degree of purity of the  
 309 substance. Each person who uses, possesses, consumes, stores, or transfers a substance  
 310 identified in this Code section shall be liable for the tax imposed by this Code section."

### 311 SECTION 2-3.

312 Said title is further amended by revising Code Section 48-15-4, relating to exemptions, as  
 313 follows:

314 "48-15-4.

315 Nothing in this chapter shall require persons who are lawfully in possession of ~~marijuana~~  
 316 ~~or~~ a controlled substance under a valid medical prescription or a licensed pharmacist or  
 317 medical practitioner licensed to dispense ~~marijuana~~ or any controlled substance to pay the  
 318 tax required under this chapter when such person, pharmacist, or practitioner is lawfully  
 319 using, possessing, consuming, storing, or transferring such ~~marijuana~~ or controlled  
 320 substance.

### 321 SECTION 2-4.

322 Said title is further amended by revising Code Section 48-15-5, relating to calculation of tax,  
 323 as follows:

324 "48-15-5.

325 For the purpose of calculating the tax under Code Section 48-15-6, a quantity of ~~marijuana~~  
 326 ~~or other~~ a controlled substance in the person's possession shall be measured by the weight  
 327 of the substance whether pure or impure or dilute, or by dosage units when the substance  
 328 is not sold by weight. A quantity of a controlled substance is dilute if it consists of a  
 329 detectable quantity of pure controlled substance and any excipients or fillers."

330 **SECTION 2-5.**

331 Said title is further amended by revising Code Section 48-15-6, relating to tax rates, as  
332 follows:

333 "48-15-6.

334 A tax is imposed on ~~marijuana~~ and controlled substances as defined in Code Section  
335 48-15-2 at the following rates:

- 336 (1) ~~On each gram of marijuana, or each portion of a gram, \$3.50~~ Reserved;
- 337 (2) On each gram of controlled substance, or portion of a gram, \$200.00; and
- 338 (3) On each ten dosage units of a controlled substance that is not sold by weight, or  
339 portion thereof, \$400.00."

340 **PART III**

341 **SECTION 3-1.**

342 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
343 amended by revising subsection (b) of Code Section 16-13-2, relating to conditional  
344 discharge for possession of controlled substances as first offense and certain nonviolent  
345 property crimes, dismissal of charges, and restitution to victims, as follows:

346 "(b) ~~Notwithstanding any law to the contrary, any person who is charged with possession~~  
347 ~~of marijuana, which possession is of one ounce or less, shall be guilty of a misdemeanor~~  
348 ~~and punished by imprisonment for a period not to exceed 12 months or a fine not to exceed~~  
349 ~~\$1,000.00, or both, or public works not to exceed 12 months~~ Reserved."

350 **SECTION 3-2.**

351 Said title is further amended by revising paragraph (2) of subsection (a) of Code  
352 Section 16-13-5, relating to immunity from arrest or prosecution for persons seeking medical  
353 assistance for drug overdose, as follows:

354 "(2) 'Drug violation' means:

- 355 (A) A violation of subsection (a) of Code Section 16-13-30 for possession of a  
356 controlled substance, except marijuana, if the aggregate weight, including any mixture,  
357 is less than four grams of a solid substance, less than one milliliter of liquid substance,  
358 or if the substance is placed onto a secondary medium with a combined weight of less  
359 than four grams;
- 360 (B) ~~A violation of paragraph (1) of subsection (j) of Code Section 16-13-30 for~~  
361 ~~possession of less than one ounce of marijuana~~ Reserved; or
- 362 (C) A violation of Code Section 16-13-32.2, relating to possession and use of drug  
363 related objects."

364

**SECTION 3-3.**

365 Said title is further amended by revising subsections (a), (b), and (j) of Code  
 366 Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of  
 367 controlled substances or marijuana and penalties, as follows:

368 "(a) Except as authorized by this article and by Chapter 17 of Title 48, it is unlawful for  
 369 any person to purchase, possess, or have under his or her control any controlled substance.

370 (b) Except as authorized by this article and Chapter 17 of Title 48, it is unlawful for any  
 371 person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent  
 372 to distribute any controlled substance."

373 "(j)(1) Except as provided in Chapter 17 of Title 48, it shall be unlawful for any person  
 374 to possess, have under his or her control, manufacture, deliver, distribute, dispense,  
 375 administer, purchase, sell, or possess with intent to distribute more than one ounce of  
 376 marijuana.

377 (2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code  
 378 Section 16-13-2, any person who violates this subsection shall be guilty of a felony and,  
 379 upon conviction thereof, shall be punished by imprisonment for not less than one year nor  
 380 more than ten years."

381

**SECTION 3-4.**

382 Said title is further amended by revising subsection (c) of Code Section 16-13-31, relating  
 383 to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine and penalties, as  
 384 follows:

385 "(c) Except as authorized by this article or by Chapter 17 of Title 48, any person who sells,  
 386 manufactures, grows, delivers, brings into this state, or has possession of a quantity of  
 387 marijuana exceeding ten pounds commits the offense of trafficking in marijuana and, upon  
 388 conviction thereof, shall be punished as follows:

389 (1) If the quantity of marijuana involved is in excess of ten pounds, but less than 2,000  
 390 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of  
 391 five years and shall pay a fine of \$100,000.00;

392 (2) If the quantity of marijuana involved is 2,000 pounds or more, but less than 10,000  
 393 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of  
 394 seven years and shall pay a fine of \$250,000.00; and

395 (3) If the quantity of marijuana involved is 10,000 pounds or more, the person shall be  
 396 sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine  
 397 of \$1 million."

398

**SECTION 3-5.**

399 Said title is further amended by revising subsection (b) of Code Section 16-13-32, relating  
400 to transactions in drug related objects, civil forfeiture, and penalties, as follows:

401 "(b) Except as otherwise authorized in subsection (c) of this Code section or Chapter 17  
402 of Title 48, it shall be unlawful for any person or corporation, knowing the drug related  
403 nature of the object, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any  
404 person any drug related object. It shall also be unlawful for any person or corporation,  
405 knowing the drug related nature of the object, to display for sale, or possess with the intent  
406 to distribute any drug related object. Unless stated within the body of the advertisement  
407 or notice that the object that is advertised or about which information is disseminated is not  
408 available for distribution of any sort in this state, it shall be unlawful for any person or  
409 corporation, knowing the drug related nature of the object, to distribute or disseminate in  
410 any manner to any person any advertisement of any kind or notice of any kind which gives  
411 information, directly or indirectly, on where, how, from whom, or by what means any drug  
412 related object may be obtained or made."

413

**SECTION 3-6.**

414 Said title is further amended by revising subsections (a) and (b) of Code Section 16-13-32.1,  
415 relating to transactions in drug related objects, evidence as to whether object is drug related,  
416 civil forfeiture, and penalties, as follows:

417 "(a) Except as provided in Chapter 17 of Title 48, it shall be unlawful for any person or  
418 corporation to sell, rent, lease, give, exchange, otherwise distribute, or possess with intent  
419 to distribute any object or materials of any kind which such person or corporation intends  
420 to be used for the purpose of planting, propagating, cultivating, growing, harvesting,  
421 manufacturing, compounding, converting, producing, processing, preparing, testing,  
422 analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting,  
423 inhaling, or otherwise introducing into the human body marijuana or a controlled  
424 substance.

425 (b) Unless stated within the body of the advertisement or notice that the object or materials  
426 that are advertised or about which information is disseminated are not available for  
427 distribution of any sort in this state or except as authorized by Chapter 17 of Title 48, it  
428 shall be unlawful for any person or corporation to sell, rent, lease, give, exchange,  
429 distribute, or possess with intent to distribute any advertisement of any kind or notice of  
430 any kind which gives information, directly or indirectly, on where, how, from whom, or  
431 by what means any object or materials may be obtained or made, which object or materials  
432 such person or corporation intends to be used for the purpose of planting, propagating,  
433 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,

434 processing, preparing, testing, analyzing, packaging, repackaging, storing, containing,  
 435 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body  
 436 marijuana or a controlled substance."

437 **SECTION 3-7.**

438 Said title is further amended by revising subsection (a) of Code Section 16-13-32.2, relating  
 439 to possession and use of drug related objects, as follows:

440 "(a) Except as provided in Chapter 17 of Title 48, it shall ~~It~~ be unlawful for any person to  
 441 use, or possess with the intent to use, any object or materials of any kind for the purpose  
 442 of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,  
 443 converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,  
 444 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into  
 445 the human body marijuana or a controlled substance."

446 **PART IV**

447 **SECTION 4-1.**

448 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 449 Code Section 15-7-4, relating to jurisdiction of state courts, as follows:

450 "15-7-4.

451 ~~(a)~~ Each state court shall have jurisdiction, within the territorial limits of the county or  
 452 counties for which it was created and concurrent with the superior courts, over the  
 453 following matters:

- 454 (1) The trial of criminal cases below the grade of felony;
- 455 (2) The trial of civil actions without regard to the amount in controversy, except those  
 456 actions in which exclusive jurisdiction is vested in the superior courts;
- 457 (3) The hearing of applications for and the issuance of arrest and search warrants;
- 458 (4) The holding of courts of inquiry;
- 459 (5) The punishment of contempt by fines not exceeding \$1,000.00, by imprisonment not  
 460 exceeding 20 days, or both; and
- 461 (6) Review of decisions of other courts as may be provided by law.

462 ~~(b) Each state court shall have jurisdiction, within the territorial limits of the county or~~  
 463 ~~counties for which it was created and concurrent with other courts having such jurisdiction,~~  
 464 ~~over possession of one ounce or less of marijuana, in accordance with Code Sections~~  
 465 ~~16-13-2 and 16-13-30."~~

466 **SECTION 4-2.**

467 Said title is further amended by revising subsection (a) of Code Section 15-9-30.6, relating  
468 to jurisdiction of the probate courts over certain drug and alcohol offenses, as follows:

469 "(a) Subject to the provisions of subsection (c) of this Code section, in addition to any  
470 other jurisdiction vested in the probate courts, probate courts which have jurisdiction over  
471 misdemeanor traffic offenses in accordance with Code Section 40-13-21 shall have the  
472 right and power to conduct trials, receive pleas of guilty, and impose sentence upon  
473 defendants for the following offenses:

474 ~~(1) Possession of one ounce or less of marijuana, in accordance with Code Sections~~  
475 ~~16-13-2 and 16-13-30; and~~

476 ~~(2) Any~~ any violation of paragraph (2) of subsection (a) of Code Section 3-3-23 which  
477 is punishable as a misdemeanor, but not violations punishable as high and aggravated  
478 misdemeanors."

479 **SECTION 4-3.**

480 Said title is further amended by revising subsection (c) of Code Section 15-10-260, relating  
481 to jurisdiction and penalties of magistrate courts, as follows:

482 "(c) A person convicted of violation of a misdemeanor specified in subsection (a) of this  
483 Code section shall be punished as provided in paragraphs (1) through (4) of this subsection  
484 as follows:

485 ~~(1) For possession of less than one ounce of marijuana, as provided in subsection (b) of~~  
486 ~~Code Section 16-13-2~~ Reserved;

487 (2) For misdemeanor theft by shoplifting, as provided in paragraph (1) of subsection (b)  
488 of Code Section 16-8-14;

489 (3) For misdemeanor refund fraud, as provided in paragraph (1) of subsection (b) of  
490 Code Section 16-8-14.1;

491 (4) For furnishing alcoholic beverages to, and purchase and possession of alcoholic  
492 beverages by, a person under 21 years of age, as provided in Code Section 3-3-23.1; and

493 (5) For criminal trespass, as provided in subsection (d) of Code Section 16-7-21."

494 **SECTION 4-4.**

495 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
496 amended by revising Code Section 17-7-72, relating to jurisdiction of probate courts to try  
497 certain drug and alcohol offenses, as follows:

498 "17-7-72.

499 In probate courts which have jurisdiction over ~~misdemeanor possession of marijuana in~~  
500 ~~accordance with Code Sections 16-13-2 and 16-13-30 and~~ certain misdemeanor violations

501 of Code Section 3-3-23 pursuant to Code Section 15-9-30.6, the following offenses may  
 502 be tried upon a summons or citation without an accusation:

503 ~~(1) Possession of one ounce or less of marijuana, in accordance with Code Sections~~  
 504 ~~16-13-2 and 16-13-30; and~~

505 ~~(2) Any any violation of paragraph (2) of subsection (a) of Code Section 3-3-23 which~~  
 506 ~~is punishable as a misdemeanor, but not violations punishable as high and aggravated~~  
 507 ~~misdemeanors."~~

508 **SECTION 4-5.**

509 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 510 by revising Code Section 36-32-6, relating to jurisdiction of municipal courts in marijuana  
 511 possession cases, retention of fines and bond forfeitures, and transfer of cases, as follows:  
 512 "36-32-6.

513 ~~(a) The municipal court of any municipality is granted jurisdiction to try and dispose of~~  
 514 ~~cases where a person is charged with the possession of one ounce or less of marijuana if~~  
 515 ~~the offense occurred within the corporate limits of such municipality. The jurisdiction of~~  
 516 ~~any such court shall be concurrent with the jurisdiction of any other courts within the~~  
 517 ~~county having jurisdiction to try and dispose of such cases.~~

518 ~~(b) Any fines and bond forfeitures arising from the prosecution of such cases shall be~~  
 519 ~~retained by the municipality and shall be paid into the treasury of such municipality.~~

520 ~~(c) Any defendant charged with possession of an ounce or less of marijuana in a municipal~~  
 521 ~~court shall be entitled on request to have the case against him or her transferred to the court~~  
 522 ~~having general misdemeanor jurisdiction in the county wherein the alleged offense~~  
 523 ~~occurred.~~

524 ~~(d) Nothing in this Code section shall be construed to give any municipality the right to~~  
 525 ~~impose a fine or punish by imprisonment in excess of the limits as set forth in the~~  
 526 ~~municipality's charter Reserved."~~

527 **PART V**

528 **SECTION 5-1.**

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