

Senate Bill 609

By: Senators Mullis of the 53rd, Anderson of the 24th, Sims of the 12th, Ginn of the 47th,  
Jones II of the 22nd and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to access to medical cannabis, so as to provide that the Georgia Access to Medical  
3 Cannabis Commission is subject to state procurement laws; to revise the Medical Cannabis  
4 Commission Oversight Committee; to provide for information to be provided to such  
5 committee; to revise the number of Class 1 and Class 2 production licenses that can be issued  
6 by the commission; to revise dates for the retrospective study of minority participation; to  
7 provide that the Georgia Access to Medical Cannabis Commission is subject to open records  
8 laws; to provide for third-party consultants; to provide for the issuance of certain licenses by  
9 a date certain; to provide for related matters; to provide for an effective date; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Article 9 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to  
14 access to medical cannabis, is amended by revising paragraph (2) of Code  
15 Section 16-12-203, relating to powers, duties, and responsibilities of the Georgia Access to  
16 Medical Cannabis Commission, as follows:

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43 ~~share documents containing data identifying individual patients or physicians, information~~  
44 ~~marked as trade secrets by applicants or licensees, information that in the view of the~~  
45 ~~commission would interfere with an ongoing licensing applicant selection process, or~~  
46 ~~information that in the judgment of the commission would create law enforcement or~~  
47 ~~security risks to the citizens of Georgia~~ any information that would be exempt from public  
48 disclosure pursuant to Code Section 50-18-72 or pursuant to state or federal privacy laws.  
49 ~~(c)~~(d) No later than August 1, 2021, the oversight committee shall recommend to the  
50 commission a process and plan for providing accredited lab testing of products produced  
51 by licensees and for labeling such products. The commission shall consider the  
52 recommendations of the oversight committee in adopting policies, procedures, and  
53 regulations regarding such testing and labeling.  
54 ~~(d)~~(e) The oversight committee may regularly seek input from patients and physicians as  
55 to the availability and quality of products produced pursuant to this chapter, and  
56 recommend to the commission changes to policies, procedures, and regulations to improve  
57 availability and quality. The commission shall consider such recommendations in adopting  
58 policies, procedures, and regulations."

59

### SECTION 3.

60 Said article is further amended by revising subsection (a) of Code Section 16-12-211, relating  
61 to Class 1 production licenses, application fees, revocation, and limitation of ownership, as  
62 follows:

63 "(a) The commission may issue up to ~~two~~ nine Class 1 production licenses. A Class 1  
64 production licensee shall be authorized to:

- 65 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to  
66 100,000 square feet of cultivation space; and  
67 (2) Manufacture low THC oil and products."

68

**SECTION 4.**

69 Said article is further amended by revising subsection (a) of Code Section 16-12-212, relating  
70 to Class 2 production licenses, application fees, revocation, and limitation of ownership, as  
71 follows:

72 "(a) The commission may issue up to ~~four~~ 19 Class 2 production licenses. A Class 2  
73 production licensee shall be authorized to:

74 (1) Grow cannabis only in indoor facilities for use in producing low THC oil, limited to  
75 50,000 square feet of cultivation space; and

76 (2) Manufacture low THC oil and products."

77

**SECTION 5.**

78 Said article is further amended by revising Code Section 16-12-214, relating to study on  
79 minority and women participation and addressing discrimination, as follows:

80 "16-12-214.

81 (a) Beginning January 1, ~~2022~~ 2024, the commission shall undertake a retrospective study  
82 of the participation of minority and women owned businesses as licensees under this part  
83 for the period from January 1, ~~2020~~ 2022, through December 31, ~~2021~~ 2023. Thereafter,  
84 the commission shall conduct such study every four years for the immediately preceding  
85 four-year period.

86 (b) The initial and subsequent studies conducted pursuant to subsection (a) of this Code  
87 section shall identify any proof of discrimination based on race or gender in the issuance  
88 of licenses under this part.

89 (c) In the event that any proof of discrimination based on race or gender in the issuance  
90 of licenses under this part is identified, the commission shall be authorized to address such  
91 proof of discrimination by:

92 (1) Issuing one additional Class 1 production license and two additional Class 2  
93 production licenses to minority and women owned businesses;

- 94 (2) Reissuing any licenses that have been surrendered or revoked to minority or women  
95 owned businesses; or
- 96 (3) A combination of the above.
- 97 (d) This Code section shall not require the commission to issue a license to any applicant  
98 unless such applicant otherwise meets all requirements for licensure under this part."

99

**SECTION 6.**

100 Said article is further amended by revising Code Section 16-12-220, relating to confidential  
101 nature of data, exclusion, and patient privacy, as follows:

102 "16-12-220.

103 (a) All working papers, recorded information, documents, and copies produced by,  
104 obtained by, or disclosed to the commission pursuant to the activities conducted pursuant  
105 to this part, ~~other than information published in an official commission report regarding the~~  
106 ~~activities conducted pursuant to this article, shall be confidential data and shall not be~~  
107 ~~subject to Article 4 of Chapter 18 of Title 50; provided, however, that any contract,~~  
108 ~~memorandum of understanding, or cooperative endeavor agreement entered into by the~~  
109 ~~commission pursuant to this article shall be subject to Article 4 of Chapter 18 of Title 50,~~  
110 relating to open records.

111 (b) In no event shall the commission disclose any information that would reveal the  
112 identity or health information of any registered patient or violate the federal Health  
113 Insurance Portability and Accountability Act of 1996, Public Law 104-191."

114

**SECTION 7.**

115 Said article is further amended by revising Code Section 16-12-221, relating to contracts  
116 awarded through bids or proposals, minimum contract terms and renewals, subcontracting,  
117 and giving or receiving things of value limited, as follows:

118 "16-12-221.

119 (a) The commission shall grant ~~initial~~ licenses under this part pursuant to contracts  
120 awarded through competitive sealed bids or competitive sealed proposals ~~as provided for~~  
121 in accordance with the state purchasing laws contained in Article 3 of Chapter 5 of Title  
122 50. The commission shall retain qualified third-party consultants to assist the commission  
123 in developing procurement solicitation documents and evaluation criteria, in reviewing and  
124 evaluating proposals, or to provide other advice to the commission on the competitive  
125 application and review process. After issuance of two initial Class 1 production licenses  
126 pursuant to Code Section 16-12-211 and four initial Class 2 production licenses pursuant  
127 to Code Section 16-12-212, and in the event that the commission revokes a Class 1 or  
128 Class 2 production license, a Class 1 or 2 production license is surrendered for any reason,  
129 or the commission issues an additional Class 1 production license pursuant to Code  
130 Section 16-12-214, the commission shall be authorized to issue any replacement Class 1  
131 or Class 2 production licenses in accordance with rules and regulations established by the  
132 commission for such purpose. Such rules and regulations shall not otherwise conflict with  
133 this article, and to the extent practicable, such rules and regulations shall incorporate  
134 provisions and processes similar to Article 3 of Chapter 5 of Title 50. Replacement  
135 licenses may be awarded for any licenses that are revoked or surrendered.

136 (b) No later than June 30, 2022, the commission shall award up to seven additional Class 1  
137 production licenses and up to 15 additional Class 2 production licenses. Such licenses shall  
138 be awarded to the apparent successful applicants identified in the commission's notices of  
139 intent to award, dated July 24, 2021, pursuant to its competitive application request for  
140 proposals for Class 1 and Class 2 production licenses, and shall be awarded to those

141 applicants that filed post-award protests to such notices of intent to award. A person that  
142 filed a post-award protest that had applied for both a Class 1 and a Class 2 production  
143 license pursuant to such notices of intent to award shall choose which class of license such  
144 person wants to receive. A person designated under this subsection shall be awarded or  
145 issued either a Class 1 or a Class 2 production license, but not both. The aggregate number  
146 of Class 1 and Class 2 production licenses awarded or issued shall not exceed 22.

147 ~~(b)~~(c) Any contract for a license awarded pursuant to this subsection shall not be for less  
148 than five years and may contain provisions for automatic renewal.

149 ~~(c)~~(d) No licensee shall subcontract for services for the cultivation or processing in any  
150 way of marijuana if the subcontractor, or any of the service providers in the chain of  
151 subcontractors, is owned wholly or in excess of 5 percent by any state employee or member  
152 of a state employee's immediate family, including but not limited to any legislator,  
153 state-wide public official, or employee of a designated university. For purposes of this  
154 subsection, the term 'immediate family member' means a spouse, child, sibling, or parent  
155 or the spouse of a child, sibling, or parent.

156 ~~(d)~~(e) No licensee shall give or receive anything of value in connection with any contract,  
157 memorandum of understanding, or cooperative endeavor agreement executed pursuant to  
158 this part except the value that is expressed in the contract, memorandum of understanding,  
159 or cooperative endeavor agreement."

160 **SECTION 8.**

161 This Act shall become effective upon its approval by the Governor or upon its becoming law  
162 without such approval.

163 **SECTION 9.**

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