



## Georgia Laws & Penalties

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Offense	Penalty	Incarceration	Max. Fine
<b>Possession</b>			
<b>Personal Use</b>			
1 oz or less	Misdemeanor	1 year	\$ 1,000
More than 1 oz	Felony	1 - 10 years	\$ 0
<b>With intent to distribute</b>			
10 lbs or less	Felony	1 - 10 years	\$ 0
10 - 2000 lbs	Felony	5 - 30 years	\$ 100,000
2000 - 10,000 lbs	Felony	7 - 30 years	\$ 250,000
More than 10,000 lbs	Felony	15 - 30 years	\$ 1,000,000

Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5 - 40 years	\$ 40,000
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## Sale or Delivery

10 lbs or less	Felony	1 - 10 years	\$ 0
10 - 2000 lbs	Felony	5 - 30 years	\$ 100,000
2000 - 10,000 lbs	Felony	7 - 30 years	\$ 250,000
More than 10,000 lbs	Felony	15 - 30 years	\$ 1,000,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,000

\*Mandatory Minimum for subsequent offense

## Cultivation

10 lbs or less	Felony	1 - 10 years	\$ 0
10 - 2000 lbs	Felony	5 - 30 years	\$ 100,000
2000 - 10,000 lbs	Felony	7 - 30 years	\$ 250,000
More than 10,000 lbs	Felony	15 - 30 years	\$ 1,000,000
Within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone	Felony	5* - 40 years	\$ 40,000

\*Mandatory Minimum for subsequent offense

## Hash & Concentrates

Possession	Felony	1 - 15 years	\$ 0
Manufacturing, distributing, selling, or possessing with the intent to distribute	Felony	5 - 30 years	\$ 0

Subsequent offenses carry stricter penalties.

## Paraphernalia

Possession or sale of paraphernalia	misdemeanor	1 year	\$ 1,000
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Second and third offenses carry additional penalties and fines.

## Forfeiture

Vehicles and other property may be seized.

## Miscellaneous

Abandoning marijuana in a public place	Misdemeanor	1 year	\$ 1,000
Involving a minor	Felony	5 - 20 years	\$ 20,000
Distribution of marijuana flavored product	Misdemeanor	N/A	\$ 500
Use of any communications facility	Felony	1 - 4 years	\$ 30,000

Any conviction of a marijuana possession, sale, or cultivation offense results in suspension of driving license.

## Penalty Details

Marijuana is not a scheduled substance, but is regulated under the Georgia Controlled Substances Act.

*See*

- Ga. Code Ann. §§ 16-13-25 to 29, 30. [Web Search](#)

## Possession for Personal Use

Possession of 1 ounce or less of marijuana is a misdemeanor punishable by up to 12 months imprisonment and/or a fine up to \$1,000, or public works for up to 12 months. Possession of over an ounce is a felony punishable by a minimum of 1 and maximum of 10 years imprisonment.

*See*

- O.C.G.A. § 16-13-2(b) [Web Search](#)
- O.C.G.A. § 16-13-30(j) [Web Search](#)

## Possession with Intent to Distribute

Possession with intent to distribute 10 pounds or less of marijuana is a felony punishable by a minimum of 1 and maximum of 10 years imprisonment. Possession of over 10 pounds but less than 2,000 pounds is punishable by a minimum of 5 years and maximum of 30 years imprisonment and a fine of \$100,000. Possession of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of 7 years and maximum of 30 years imprisonment and a fine of \$250,000. Possession of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

*See*

- O.C.G.A. § 16-13-30(j) [Web Search](#)
- O.C.G.A. §§ 16-13-31(c), (h) [Web Search](#)

Possession with intent to distribute within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

*See*

- O.C.G.A. §§ 16-13-32.4 to 32.6 [Web Search](#)

## Sale/Delivery

Sale or delivery of 10 pounds or less of marijuana is a felony punishable by a minimum of 1 and maximum of 10 years imprisonment. Sale or delivery of over 10 pounds but less than 2,000 pounds is punishable by a minimum of 5 years and maximum of 30 years imprisonment and a fine of \$100,000. Sale or delivery of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of 7 years and maximum of 30 years imprisonment and a fine of \$250,000. Sale or delivery of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

*See*

- O.C.G.A. § 16-13-30(j) [Web Search](#)
- O.C.G.A. §§ 16-13-31(c), (h) [Web Search](#)

Sale or delivery within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

*See*

- O.C.G.A. §§ 16-13-32.4 to 32.6 [Web Search](#)

## **Cultivation**

Cultivation of 10 pounds or less of marijuana is a felony punishable by a minimum of 1 and maximum of 10 years imprisonment. Cultivation of over 10 pounds but less than 2,000 pounds is punishable by a minimum of 5 years and maximum of 30 years imprisonment and a fine of \$100,000. Cultivation of 2,000 pounds or more but less than 10,000 pounds is punishable by a minimum of 7 years and maximum of 30 years imprisonment and a fine of \$250,000. Cultivation of 10,000 pounds or more is punishable by a minimum of 15 years and maximum of 30 years imprisonment and a fine of \$1,000,000.

*See*

- O.C.G.A. § 16-13-30(j) [Web Search](#)
- O.C.G.A. §§ 16-13-31(c), (h) [Web Search](#)

Cultivation within 1,000 feet of school grounds, a park, or a housing project, or in a drug free zone is a felony punishable by up to 20 years imprisonment and/or a fine up to \$20,000 for a first offense. A second or subsequent offense is punishable by a minimum of 5 years and maximum of 40 years imprisonment and/or a fine up to \$40,000. It is an affirmative defense that the conduct took place entirely within a private residence, no one 17 years old or younger was present, and the conduct was not committed for financial gain.

*See*

- O.C.G.A. §§ 16-13-32.4 to 32.6 [Web Search](#)

## **Hash & Concentrates**

In Georgia, hashish and concentrates that contain more than 15% THC by volume are a Schedule I substance and are punished more harshly than natural-form marijuana.

*See*

- Ga. Code Ann. § 16-13-25(3)(P) [Web Search](#)
- Ga. Code Ann. § 16-13-21 (16) [Web Search](#)

Possessing less than 1 gram of a solid substance, less than 1 milliliter of a liquid substance or placed onto a secondary medium with a combined weight of less than 1 gram is a felony, punishable by imprisonment of not less than 1 year nor more than 3 years. Possessing 1 gram but less than 4 grams of a solid substance, 1 milliliter but less than 4 milliliters of a liquid substance or if placed onto a secondary medium with a combined weight of 1 gram but less than 4 grams is a felony, punishable by imprisonment of not less than 1 year nor more than 8 years. Possessing 4 grams but less than 28 grams of a solid substance, 4 milliliters but less than 28

milliliters of a liquid substance, or if placed onto a secondary medium with a combined weight of 4 grams but less than 28 grams is a felony punishable by imprisonment of not less than 1 year nor more than 15 years.

Manufacturing, distributing, selling, or possessing hashish or concentrates with the intent to distribute is a felony, which punishable by imprisonment for not less than 5 years nor more than 30 years. Upon conviction of a second or subsequent offense, the violator shall be imprisoned for not less than 10 years nor more than 40 years or life imprisonment.

*See*

- O.C.G.A. § 16-13-30 [Web Search](#)

Possession of paraphernalia with the intent to use said paraphernalia to ingest or produce hashish or concentrates is a misdemeanor, punishable by a maximum sentence of 1 year and prison and a maximum fine of \$1,000.

*See*

- O.C.G.A. § 16-13-32.2. [Web Search](#)

Manufacturing, distributing, or possessing with intent to deliver hashish or concentrates within 1,000 ft. of a school, housing project, public park, or commercial drug-free zone is a felony, punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both. Subsequent offenses bring enhanced penalties.

*See*

- O.C.G.A. § 16-13-32.4 [Web Search](#)
- O.C.G.A. § 16-13-32.5 [Web Search](#)
- O.C.G.A. § 16-13-32.6 [Web Search](#)

## **Paraphernalia**

Possession of paraphernalia is a misdemeanor punishable by up to 1 year imprisonment and/or a fine up to \$1,000. Sale or possession with intent to distribute is a misdemeanor for the first offense punishable by up to 1 year imprisonment and/or a fine up to \$1,000, a misdemeanor of a high and aggravated nature for a second offense punishable by up to 1 year imprisonment and/or a fine up to \$5,000, and a felony for a third offense punishable by a minimum of 1 year and a maximum of 5 years imprisonment and a fine up to \$5,000.

*See*

- O.C.G.A. §§ 16-13-32 to 32.2 [Web Search](#)
- O.C.G.A. §§ 17-10-3 to 4 [Web Search](#)

## **Sentencing**

A person who has not previously been convicted of a drug charge in any US territory may, after being convicted of or pleading guilty to a marijuana possession charge, have the proceedings against them deferred and be put on probation for up to 5 years. The probation may include mandatory drug treatment for up to 3 years. Successful completion of the terms of probation will result in a dismissal of the proceedings against the person.

*See*

- O.C.G.A. §§ 16-13-2(a), (c) [Web Search](#)  
When a person is found guilty of a felony punishable by imprisonment for a maximum term of 10 years or less, the judge may, in his discretion, sentence that person as if it were a misdemeanor.

*See*

- O.C.G.A. § 17-10-5 [Web Search](#)  
Repeat felony offenses are to be sentenced by the maximum term allowed for by the felony committed.

*See*

- O.C.G.A. § 17-10-7 [Web Search](#)

## **Forfeiture**

Vehicles and other property may be seized for controlled substance violations. The seizing agency has 60 days after the seizure to initiate a forfeiture proceeding. The seizing agency must notify all those with an interest in the property. If the property value is \$25,000 or less, then a person with an interest in the property has 30 days to make a claim to it, to which the district attorney has 30 days to respond.

*See*

- O.C.G.A. § 16-13-49 [Web Search](#)

## **Miscellaneous**

### Abandoning dangerous drugs

Anyone who abandons a controlled substance, including marijuana, in a public place is guilty of a misdemeanor punishable by up to 12 months imprisonment and/or a fine up to \$1,000.

*See*

- O.C.G.A. § 16-13-3 [Web Search](#)
- O.C.G.A. § 17-10-3 [Web Search](#)

### Involvement of a minor in a marijuana offense

Involving a minor in the sale or cultivation of marijuana is a felony punishable by a minimum of 5 years and maximum of 20 years imprisonment and/or a fine up to \$20,000.

*See*

- O.C.G.A. § 16-13-30(k) [Web Search](#)

### Distribution of marijuana flavored product

The sale or delivery of a marijuana flavored product to a minor is a misdemeanor punishable by a \$500 fine for each offense.

*See*

- O.C.G.A. § 16-13-30.6 [Web Search](#)

### Use of communications facility in a controlled substances felony

Use of any communications facility, including a computer, a telephone, or mail, in the commission or facilitation of a drug offense that is considered a felony is punishable by a minimum of 1 year and maximum of 4 years and/or a fine up to \$30,000.

*See*

- O.C.G.A. § 16-13-32.3 [Web Search](#)

### Suspension of driver's license

Any conviction of a marijuana possession, sale, or cultivation offense results in suspension of that individual's driving license. For a first offense in 5 years, the period of suspension is at least 180 days and the restoration fee is up to \$210, or \$200 when reinstatement is processed by mail. A second offense in 5 years results in a suspension for at least 3 years, but after 1 year the individual may apply for reinstatement for a fee up to \$310, or \$300 when reinstatement is processed by mail. A third or subsequent offense in 5 years results in a suspension for at least 5 years, but after 2 years the individual may apply for reinstatement a 3 year driving permit if certain conditions are met and they pay a fee up to \$410, or \$400 when reinstatement is processed by mail.

*See*

- O.C.G.A. § 40-5-75(a) [Web Search](#)

### **CONDITIONAL RELEASE**

The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

### **DRUGGED DRIVING**

This state has a per se [drugged driving](#) law enacted. In their strictest form, these laws forbid drivers from operating a motor vehicle if they have a detectable level of an illicit drug or drug metabolite (i.e., compounds produced from chemical changes of a drug in the body, but not necessarily psychoactive themselves) present in their bodily fluids above a specific, state-imposed threshold. Further information about cannabinoids and their impact on psychomotor performance is available [here](#). Additional information regarding cannabinoids and proposed per se limits is available [here](#).

### **MANDATORY MINIMUM SENTENCE**

When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

### **MEDICAL CBD**

This state has passed a [medical CBD](#) law allowing for the use of cannabis extracts that are high in CBD and low in THC to treat severe, debilitating epileptic conditions.

## TAX STAMPS

This state has a marijuana [tax stamp](#) law enacted. This law mandates that those who possess marijuana are legally required to purchase and affix state-issued stamps onto his or her contraband. Failure to do so may result in a fine and/or criminal sanction. For more information, see NORML's report [Marijuana Tax Stamp Laws And Penalties](#).

# Georgia CBD-Specific Marijuana Law

Status

2015

## QUALIFYING CONDITIONS

- Amyotrophic Lateral Sclerosis
- cancer
- Crohn's disease
- mitochondrial disease
- multiple sclerosis
- Parkinson's disease
- seizure disorder
- sickle cell disease

## PATIENT POSSESSION LIMITS

20 ounces of infused cannabis oils containing not more than 5 percent THC and an amount of CBD equal to or greater than the amount of THC

## HOME CULTIVATION

No

## STATE-LICENSED DISPENSARIES

No

## CAREGIVERS

No

## RECIPROCITY

No

## CONTACT INFORMATION

Georgia Commission on Medical Cannabis