

Sec. 16-54. - Marijuana possession.

- (a) It shall be unlawful for any person to possess or have under his control within the city one ounce or less of marijuana.
- (b) For the purposes of this section, the term "marijuana" means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, and shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake, or the completely sterilized samples of seeds of the plant which are incapable of germination.
- (c) Exceptions. The appropriate use of legally prescribed marijuana is not prohibited. The term "legally prescribed" means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
- (d) Any person charged with a violation of this section shall be entitled, upon request, to have the case against him transferred to the State Court of DeKalb County, to be prosecuted and tried as a misdemeanor in that court.

(Ord. No. 2018-10-03, § 16-54, 10-15-2018)