

O.C.G.A. TITLE 20 Chapter 1 Article 2
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*** Current Through the 2014 Regular Session ***
TITLE 20. EDUCATION
CHAPTER 1. GENERAL PROVISIONS
ARTICLE 2. DRUG-FREE POSTSECONDARY EDUCATION ACT
O.C.G.A. TITLE 20 Chapter 1 Article 2 (2014)

[O.C.G.A. TITLE 20 Chapter 1 Article 2](#)

O.C.G.A. § 20-1-20
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TITLE 20. EDUCATION
CHAPTER 1. GENERAL PROVISIONS
ARTICLE 2. DRUG-FREE POSTSECONDARY EDUCATION ACT
O.C.G.A. § 20-1-20 (2014)
§ 20-1-20. Short title

This article shall be known and may be cited as the "Drug-free Postsecondary Education Act of 1990."

[O.C.G.A. § 20-1-20](#)

O.C.G.A. § 20-1-21
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TITLE 20. EDUCATION
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O.C.G.A. § 20-1-21 (2014)
§ 20-1-21. Legislative findings and intent

The General Assembly finds that the manufacture, distribution, sale, possession, or use of marijuana, controlled substances, or dangerous drugs in an unlawful manner is a serious threat to the public health, safety, and welfare and to the academic achievement of students enrolled in the public and nonpublic colleges, universities, and postsecondary technical institutes of this state. It is declared to be a primary purpose and goal of this state, of all of its agencies and instrumentalities, and of all of its public officials and employees to take all reasonable steps possible to eradicate the unlawful manufacture, distribution, sale, possession, and use of marijuana, controlled substances, and dangerous drugs. With this purpose in mind, the General Assembly declares that the public and nonpublic colleges, universities, and postsecondary technical institutes in this state must be absolutely free of any person who would knowingly manufacture, distribute, sell, possess, or use marijuana, a controlled substance, or a dangerous drug in an unlawful manner. For this reason, the General Assembly enacts this article.

HISTORY: Code 1981, § 20-1-21, enacted by Ga. L. 1990, p. 2037, § 1.

[O.C.G.A. § 20-1-21](#)

O.C.G.A. § 20-1-22

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TITLE 20. EDUCATION

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ARTICLE 2. DRUG-FREE POSTSECONDARY EDUCATION ACT

O.C.G.A. § 20-1-22 (2014)

§ 20-1-22. Definitions

As used in this article, the term:

- (1) "Authority" means the Georgia Student Finance Authority created pursuant to Code Section 20-3-313.
- (2) "Controlled substance" means any drug, substance, or immediate precursor included in the definition of the term "controlled substance" in paragraph (4) of Code Section 16-13-21.
- (3) "Convicted" or "conviction" refers to a plea of guilty, a finding of guilty by a court of competent jurisdiction, or the acceptance of a plea of nolo contendere or affording of first offender treatment by a court of competent jurisdiction, irrespective of the pendency or availability of any appeal or application for collateral relief.
- (4) "Dangerous drug" means any drug or substance defined as such under Code Section 16-13-71.
- (5) "Date of conviction" means the date that the trial court determines guilt and enters judgment thereon or the date on which the court accepts a plea of nolo contendere or formally allows a person to receive first offender treatment.
- (6) "Marijuana" shall have the same meaning as such term is defined in paragraph (16) of Code Section 16-13-21.
- (7) "Nonpublic educational institution" means any postsecondary educational institution not established, operated, or governed by the State of Georgia.
- (8) "Public educational institution" means:
 - (A) Any two-year college, college, university, or other institution of higher learning under the management and control of the Board of Regents of the University System of Georgia; and
 - (B) Any postsecondary technical school under the management and control of the State Board of the Technical College System of Georgia.
- (9) "Student" means any person who is enrolled as a student in courses for academic credit on a full-time, part-time, temporary, or intermittent basis in any public or nonpublic educational institution.

HISTORY: Code 1981, § 20-1-22, enacted by Ga. L. 1990, p. 2037, § 1; Ga. L. 2011, p. 632, § 3/HB 49.

[O.C.G.A. § 20-1-22](#)

O.C.G.A. § 20-1-23

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ARTICLE 2. DRUG-FREE POSTSECONDARY EDUCATION ACT

O.C.G.A. § 20-1-23 (2014)

§ 20-1-23. Disciplinary action for student of public educational institution

Any student of a public educational institution who is convicted, under the laws of this state, the United States, or any other state, of any felony offense involving the manufacture, distribution, sale, possession, or use of marijuana, a controlled substance, or a dangerous drug shall as of the date of conviction be suspended from the public educational institution in which such person is enrolled. Except for cases in which the institution has previously taken disciplinary action against a student for the same offense, such suspension shall be effective as of the date of conviction, even though the educational institution may not complete all administrative actions necessary to implement such suspension until a later date. Except for cases in which the institution has already imposed disciplinary sanctions for the same offense, such suspension shall continue through the end of the term, quarter, semester, or other similar period for which the student was enrolled as of the date of conviction. The student shall forfeit any right to any academic credit otherwise earned or earnable for such term, quarter, semester, or other similar period; and the educational institution shall subsequently revoke any such academic credit which is granted prior to the completion of administrative actions necessary to implement such suspension.

HISTORY: Code 1981, § 20-1-23, enacted by Ga. L. 1990, p. 2037, § 1.

[O.C.G.A. § 20-1-23](#)

O.C.G.A. § 20-1-24

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TITLE 20. EDUCATION

CHAPTER 1. GENERAL PROVISIONS

ARTICLE 2. DRUG-FREE POSTSECONDARY EDUCATION ACT

O.C.G.A. § 20-1-24 (2014)

§ 20-1-24. Disciplinary action for student of nonpublic educational institution

(a) Any student of a nonpublic educational institution who is convicted, under the laws of this state, the United States, or any other state, of any felony offense involving the manufacture, distribution, sale, possession, or use of marijuana, a controlled substance, or a dangerous drug shall as of the date of conviction be denied state funds for any loans, grants, or scholarships administered under the authority of Part 3 of Article 7 of Chapter 3 of this title, the "Georgia Student Finance Authority Act," or similar loans, grants, or scholarships, including but not limited to Georgia Higher Education Loan Program loans, student incentive grants, or tuition equalization grants. The authority is authorized to define such terms and

prescribe such rules, regulations, and procedures as may be reasonable and necessary to carry out the purposes of this article.

(b) Such denial of state funds shall be effective as of the first day of the term, quarter, semester, or other similar period for which the student was enrolled immediately following the date of conviction or the date on which the court accepts a plea of nolo contendere or formally allows a student to receive first offender treatment and shall continue through the end of such term, quarter, semester, or other similar period for which the student was enrolled. Any nonpublic educational institution operating within this state that receives state funds shall agree to comply with this article in order to be eligible for its students to receive state funds through scholarships, grants, or loan programs.

HISTORY: Code 1981, § 20-1-24, enacted by Ga. L. 1990, p. 2037, § 1; Ga. L. 1991, p. 94, § 20.

[O.C.G.A. § 20-1-24](#)

O.C.G.A. § 20-1-25

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O.C.G.A. § 20-1-25 (2014)

§ 20-1-25. Additional sanctions permissible

The suspension sanctions and sanctions involving denial of state funds as prescribed in this article are intended as minimum sanctions, and nothing in this article shall be construed to prohibit any educational institution from establishing and implementing additional or more stringent sanctions for felony offenses and other conduct involving the unlawful manufacture, distribution, sale, possession, or use of marijuana, a controlled substance, or a dangerous drug.

HISTORY: Code 1981, § 20-1-25, enacted by Ga. L. 1990, p. 2037, § 1.

[O.C.G.A. § 20-1-25](#)

O.C.G.A. § 20-1-26

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CHAPTER 1. GENERAL PROVISIONS

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O.C.G.A. § 20-1-26 (2014)

§ 20-1-26. Promulgation of administrative procedures for implementation of article

Administrative procedures for the implementation of this article shall be promulgated for the educational institutions under their respective management and control by the Board of Regents of the University

System of Georgia and the State Board of the Technical College System of Georgia or the individual nonpublic educational institutions. Such procedures shall provide for relief from sanctions previously imposed under this article against a person whose conviction is subsequently overturned on appeal or through collateral relief.

HISTORY: Code 1981, § 20-1-26, enacted by Ga. L. 1990, p. 2037, § 1; Ga. L. 2011, p. 632, § 3/HB 49.

[O.C.G.A. § 20-1-26](#)

O.C.G.A. § 20-1-27

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O.C.G.A. § 20-1-27 (2014)

§ 20-1-27. Applicability of article

This article shall apply only with respect to felony offenses committed on or after July 1, 1990; provided, however, that nothing in this Code section shall prevent any educational institution from implementing sanctions additional to or other than those provided for in this article with respect to offenses committed prior to July 1, 1990.

HISTORY: Code 1981, § 20-1-27, enacted by Ga. L. 1990, p. 2037, § 1.

[O.C.G.A. § 20-1-27](#)