

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>344-33 (COR)</b>	T. R. Muña Barnes	AN ACT TO ADD A NEW SUB-ARTICLE 1 TO ARTICLE 24, CHAPTER 12, TITLE 10 OF GUAM CODE ANNOTATED, RELATIVE TO ADDING HOME CULTIVATION PROVISION TO THE JOAQUIN (KC) CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.	06/29/16 4:35 p.m.	06/30/16	Committee on Health, Economic Development, Homeland Security, and Senior Citizens	09/28/16 5:00 p.m.	11/18/16 5:06 p.m.	<b>Fiscal Note Request</b> 07/01/16
	DATE PASSED	TITLE	DATE AND TIME TRANSMITTED		DUE DATE	DATE SIGNED BY <i>I MAGA'L À HEN GU À HAN</i>	PUBLIC LAW NO.	NOTES
	12/02/16	AN ACT TO ADD A NEW SUBARTICLE 1 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ADDING A HOME CULTIVATION PROVISION TO THE "JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013."	12/05/16	4:50 p.m.	12/16/16			



FILE COPY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
THIRTY THIRD GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

December 5, 2016

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'låhi*  
*Hagåtña, Guam*

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 201-33 (COR), 224-33 (COR), 285-33 (COR), 317-33 (COR), 335-33 (COR), 343-33 (COR), 344-33 (COR), 347-33 (COR), 348-33 (COR), 354-33 (COR), 360-33 (COR), 361-33 (COR), 362-33 (COR), 365-33 (COR), 369-33 (COR), 370-33 (COR), 371-33 (COR), 373-33 (COR), 374-33 (COR), 375-33 (COR), 378-33 (COR), 384-33 (COR), 386-33 (COR), 387-33 (COR), 393-33 (COR), 394-33 (COR), and 400-33 (COR); and Substitute Bill Nos. 168-33 (COR), 187-33 (COR), 221-33 (COR), 351-33 (COR), and 367-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (32)

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY  
TIME 1:40 PM DATE 12-5-16

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN  
2016 (SECOND) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Bill No. 344-33 (COR)**, "AN ACT TO ADD A NEW SUBARTICLE 1 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ADDING A HOME CULTIVATION PROVISION TO THE "JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013"," was on the 2<sup>nd</sup> day of December 2016, duly and regularly passed.

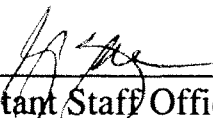


**Judith T. Won Pat, Ed.D.  
Speaker**

Attested 

**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 7<sup>th</sup> day of Dec, 2016, at 4:00 o'clock P.M.

  
**Assistant Staff Officer  
Maga'låhi's Office**

APPROVED:

**EDWARD J.B. CALVO  
*I Maga'låhen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**OFFICE OF THE GOVERNOR  
CENTRAL FILES**  
RECEIVED BY \_\_\_\_\_  
TIME 4:20 pm DATE 12.5.16

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN*  
**2016 (SECOND) Regular Session**

**Bill No. 344-33 (COR)**

As amended by the Sponsor.

Introduced by:

T. R. Muña Barnes  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreadie  
Tommy Morrison  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBARTICLE 1 TO ARTICLE  
25 OF CHAPTER 12, TITLE 10, GUAM CODE  
ANNOTATED, RELATIVE TO ADDING A HOME  
CULTIVATION PROVISION TO THE “JOAQUIN (KC)  
CONCEPCION II COMPASSIONATE CANNABIS USE  
ACT OF 2013.”**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A new Subarticle 1 is hereby *added* to Article 25 of Chapter 12,  
3 Title 10, Guam Code Annotated, to read as follows:

4 **“SUBARTICLE 1**

5 **HOME CULTIVATION**

6 § 122508. Home Cultivation Permits.

1 § 122509. Exemption from Criminal and Civil Penalties for the Home  
2 Cultivation of Cannabis for Medical Use.

3 § 122510. Department Responsibilities.

4 § 122511. Required Reporting for Primary Caregivers.

5 § 122512. Revocation of Home Cultivation Permit.

6 § 122513. Destruction and Disposal of Cannabis.

7 § 122514. Seizure of Cannabis Plants.

8 **§ 122508. Home Cultivation Permits.**

9 The Department *shall* register patients applying for a Home Cultivation  
10 Permit and issue a Home Cultivation Permit to a qualified patient allowing  
11 the patient or the patient's primary caregiver to cultivate six (6) mature  
12 cannabis plants and six (6) immature cannabis plants on the premises of the  
13 qualified patient's place of residence and possess all harvested cannabis.  
14 Home Cultivation Permits are non-transferrable and *shall not* be transferred  
15 between qualified patients and between residential addresses. All registration  
16 and registration information *shall* be kept in a confidential database. The  
17 Department may charge an application fee *not to exceed* Ten Dollars (\$10.00)  
18 and a permit fee *not to exceed* Five Dollars (\$5.00).

19 (a) Within thirty (30) days of the enactment of this Act, the  
20 Department *shall* accept and review applications for Home Cultivation  
21 Permits. A qualified patient's written certification made by the  
22 qualified patient's practitioner *shall* constitute a valid endorsement to  
23 receive a medical cannabis Home Cultivation Permit. The application  
24 for a medical cannabis Home Cultivation Permit *shall* include the  
25 following:

26 (1) a Department provided form that includes:

27 (A) the name of the patient;

1 (B) the address of the qualified patient's  
2 residence;

3 (C) the name of the patient's primary caregiver,  
4 if applicable; and

5 (D) the qualified patient's practitioner's:

6 (i) first name; middle name, if applicable;  
7 last name; and suffix, if applicable;

8 (ii) license number from their appropriate  
9 licensing or regulatory board, and the identification  
10 of the practitioner's license type or a physician's  
11 Guam Board of Medical Examiners license number,  
12 including an identification of the physician's license  
13 type;

14 (iii) contact phone number on file with the  
15 practitioner's licensing board;

16 (iv) office address on file with the  
17 practitioner's licensing board;

18 (v) e-mail address; and

19 (E) any other information the Department may  
20 require.

21 (2) a copy of the qualified patient's written certification  
22 that has been validated with the Department's seal;

23 (3) a Mayor's verification;

24 (4) a copy of a qualified patient's driver's license, a  
25 Guam Identification Card as approved by the Director, or any  
26 other form of identification as approved by the Director; and

27 (5) any other information the Department may require.

1           (b) The Department *shall* deny an application only if the  
2 applicant did not provide the information required in Subsection (a) of  
3 this Section, or if the Department determines that the information  
4 provided is false. The Department *shall* provide written notice to the  
5 applicant of an incomplete application within seven (7) days of the  
6 Department's determination, and specify where the application is  
7 incomplete. The applicant *shall* be given fourteen (14) days to complete  
8 and resubmit the application.

9           (c) The Department *shall* reject any application that does not  
10 comply with this Act. The Department *shall* provide the qualified  
11 patient with a written notice within seven (7) days of rejection that  
12 includes the specific reason for the rejection and the process for  
13 requesting a hearing of the Department's decision pursuant to the  
14 Department's procedures.

15           (d) The Department *shall* issue a qualified patient with a  
16 Home Cultivation Permit within ten (10) days upon receipt of the  
17 application. The Home Cultivation Permit *shall* include:

- 18                   (1) the name of the patient;
- 19                   (2) the address of the qualified patient's residence;
- 20                   (3) the name of the patient's primary caregiver, if  
21 applicable; and
- 22                   (4) any other information the Department may require.

23           (e) The permit *shall* be kept in a secure place on the premises  
24 of the qualified patient's residence, and must be made available upon  
25 request by authorized members of the Department or law enforcement  
26 officers.

1 (f) Cultivation and storage of cannabis *shall* be in an  
2 enclosed, locked location at the qualified patient's place of residence  
3 and away from public view.

4 (g) There *shall* be one (1) permit per residence and one (1)  
5 permit per dwelling in a multi-dwelling residence.

6 (h) The cultivation of medical cannabis *shall not* take place in  
7 the common areas of a multi-dwelling residence.

8 (i) Landlords reserve the right to restrict and prohibit  
9 cannabis cultivation on their property.

10 (j) It is forbidden for a qualified patient to cultivate or  
11 distribute medical cannabis for another qualified patient or for a  
12 primary caregiver to cultivate or distribute medical cannabis for another  
13 qualified patient on a location that is *not* the residence of that qualified  
14 patient.

15 **§ 122509. Exemption from Criminal and Civil Penalties for the**  
16 **Home Cultivation of Cannabis for Medical Use.**

17 (a) Presumption of participation of home cultivation *shall* exist if the  
18 qualified patient has on the premises of their residence six (6) mature plants  
19 and six (6) immature plants and is acting in accordance with this Act.

20 (b) A qualified patient possessing a Home Cultivation Permit issued  
21 by the Department of Public Health and Social Services, and the qualified  
22 patient's primary caregiver, are *not* subject to arrest, prosecution, civil or  
23 criminal penalty, or denial of any right or privilege for possessing cannabis, if  
24 the amount of cannabis possessed collectively is *not more than* the allowable  
25 amount and six (6) mature cannabis plants and six (6) immature cannabis  
26 plants, as well as the harvested cannabis at the qualified patient's residence.



1 (c) A practitioner *shall not* be subject to arrest or prosecution, to be  
2 penalized in any manner, or denied any right or privilege for recommending  
3 the medical use of cannabis or providing written certification for the medical  
4 use of cannabis pursuant to this Section.

5 **§ 122510. Department Responsibilities.**

6 (a) The Department *shall* maintain a list of Home Cultivation  
7 Permits issued and keep the list confidential.

8 (b) The Department *shall not* request or require the patient's medical  
9 condition(s), medical information, or medical records when issuing Home  
10 Cultivation Permits.

11 (c) The Department may revoke a qualified patient's Home  
12 Cultivation Permit for violating any condition of this Act or conducting  
13 activities *not* permitted by this Act.

14 (d) The Department *shall* ensure that no Home Cultivation Permit  
15 will be issued to any qualified patient who resides in a residence that is the  
16 principal residence of a person who has entered a plea of guilty to, a plea of  
17 *nolo contendere* to, been found guilty of, or been convicted of a felony  
18 offense.

19 **§ 122511. Required Reporting for Primary Caregivers.**

20 All primary caregivers *shall* immediately report the death of a qualified  
21 patient for whom they provide care to the Department. Failure to report the  
22 death of the qualified patient within thirty (30) days of the date of death *shall*  
23 result in the revocation of the primary caregiver's Registry Identification  
24 Card.

25 **§ 122512. Revocation of Home Cultivation Permit.**

26 (a) If the qualified patient or their primary caregiver knowingly  
27 violates this Act or conducts activities *not* permitted by this Act, the

1 Department *shall* provide a written notice of intent to revoke the qualified  
2 patient's Home Cultivation Permit forty-eight (48) hours before revoking the  
3 Home Cultivation Permit. The notice *shall* include the specific reason or  
4 reasons for the revocation, and the process for requesting a hearing of the  
5 Department's decision pursuant to the Department's procedures.

6 (b) The qualified patient and/or their primary caregiver may destroy  
7 and dispose of medical cannabis within the forty-eight (48) hours before  
8 revocation of the Home Cultivation Permit by the Department according to §  
9 122513 of this Subarticle.

10 (c) Prior to revoking a Home Cultivation Permit, the Department *shall*  
11 seize all medical cannabis plants at the qualified patient's residence according to  
12 § 122514 of this Subarticle.

13 (d) The Department *shall* revoke the Home Cultivation Permits issued  
14 to qualified patients who are reported deceased.

15 **§ 122513. Destruction and Disposal of Cannabis.**

16 The Department *shall* establish rules for destroying, disposing, and  
17 reporting the disposal of medical cannabis, prepared medical cannabis, and  
18 medical cannabis product. No destruction shall occur in public or in a manner  
19 that will expose the public unknowingly to cannabis. If necessary, the  
20 Department and authorized law enforcement officers may be authorized to  
21 possess cannabis for the purpose of secure destruction and disposal. The  
22 qualified patient or their primary caregiver *shall* submit a video recording of  
23 the destruction and disposal of the medical cannabis, prepared medical  
24 cannabis, or medical cannabis product, and attach the recording with the  
25 report. A report of the destruction of cannabis *shall* include, but is *not* limited  
26 to:

27 (a) the amount, in weight, destroyed or disposed of;

- 1 (b) the method of destruction or disposal;
- 2 (c) the time and date of destruction or disposal;
- 3 (d) the reason for destruction or disposal; and
- 4 (e) any other information the Department deems necessary.

5 **§ 122514. Seizure of Cannabis Plants.**

6 The Department and authorized law enforcement officers may destroy all  
7 cannabis plants at the qualified patient’s residence or otherwise seize and remove  
8 all cannabis plants from the qualified patient’s residence prior to revoking a  
9 qualified patient’s Home Cultivation Permit. The Department may possess and  
10 transport cannabis plants for the purpose of carrying out the provisions of this  
11 Section. The Department and authorized law enforcement officers *shall* provide  
12 the qualified patient and/or the qualified patient’s primary caregiver with at least  
13 twenty-four (24) hours notice of intent to seize and destroy cannabis plants at the  
14 qualified patient’s residence. The qualified patient and/or the qualified patient’s  
15 primary caregiver may destroy and dispose of medical cannabis and provide a  
16 report of the destruction to the Department and authorized law enforcement  
17 officials. Prior to entering the patient’s residence or dwelling to destroy, seize,  
18 or remove cannabis plants, the Department and authorized law enforcement  
19 officers *shall* make reasonable attempts to contact the qualified patient and their  
20 primary caregiver. The Department and authorized law enforcement officers  
21 *shall not* be allowed to enter the qualified patient’s residence without the  
22 qualified patient or their primary caregiver present.”

23 **Section 2. Severability.** If any provision of this Act or its application to  
24 any person or circumstance is found to be invalid or contrary to law, such invalidity  
25 *shall not* affect other provisions or applications of this Act that can be given effect  
26 without the invalid provisions or application, and to this end the provisions of this  
27 Act are severable.

1           **Section 3. Effective Date.** This Act *shall* take effect upon its enactment  
2 into law.