

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>215-32 (COR)</b>	T.R. Muña Barnes, Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ARTICLE 24 TO CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE MEDICAL USE OF CANNABIS, AMENDING PROVISIONS OF THE CONTROLLED SUBSTANCES ACT, PROVIDING PENALTIES, AND FOR OTHER PURPOSES, ALSO KNOWN AS THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.	10/25/13 3:17 p.m.	10/25/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			<b>Fiscal Note Request Received 10/31/13</b>



**COMMITTEE ON RULES**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 29, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

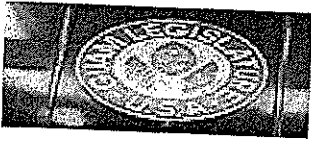
Senator Rory J. Respicio  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 31 AM 9:48  
*JMB*

Bill Nos.	Sponsor	Title
212-32 (COR)	T.R. Muña Barnes Judith T. Won Pat, Ed.D.	AN ACT TO ADD A NEW CHAPTER 59A TO TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE PROCURING, INSTALLING, OPERATING, LEASING, MAINTAINING, REFURBISHING, AND REPLACING OF ENERGY-EFFICIENT STREETLIGHTS FOR THE ENTIRE ISLAND OF GUAM ALSO KNOWN AS THE ISLAND-WIDE ENERGY EFFICIENT STREET LIGHT ACT OF 2013.
213-32 (COR)	V. Anthony Ada	AN ACT TO AUTHORIZE I MAGA'LAHEN GUAHÃN TO EXCHANGE GOVERNMENT PROPERTY IN BARRIGADA FOR PRIVATELY OWNED PROPERTY LOCATED IN BARRIGADA TO BE USED FOR THE GUAM FLOOD MITIGATION PLAN.
214-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ALLOW EMPLOYEES OF GOVERNMENT OF GUAM AGENCIES AND INSTRUMENTALITIES TO APPLY PAYROLL DEDUCTIONS TO REGISTERED NON- PROFITS, BY AMENDING §20111 OF ARTICLE 1, CHAPTER 20, TITLE 5, GUAM CODE ANNOTATED.
215-32 (COR)	T.R. Muña Barnes, Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW ARTICLE 24 TO CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE MEDICAL USE OF CANNABIS, AMENDING PROVISIONS OF THE CONTROLLED SUBSTANCES ACT, PROVIDING PENALTIES, AND FOR OTHER PURPOSES, ALSO KNOWN AS THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.



Rory Respicio <cor@guamlegislature.org>

**Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)**

Senator Rory J. Respicio <cor@guamlegislature.org>

Tue, Oct 29, 2013 at 2:26 PM

To: john.rios@bbmr.guam.gov

Cc: admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov, Guam Legislature Clerks <clerks@guamlegislature.org>

Bcc: Mary Maravilla <marymaravilla19@gmail.com>

October 29, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

Received by:  
Analyn  
Date: 10/29/13  
Time: 3:00pm

RE: Request for Fiscal Notes– Bill Nos. 212-32 (COR) through 215-32 (COR)

Hafa Adai Mr. Rios:


Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

–  
Majority Leader Rory J. Respicio  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesian Affairs;

Human & Natural Resources; and Election Reform  
*I Mina'Trentai Dos na Liheslaturan Guåhan*  
155 Hesler Place, Ste. 302  
Hagåtña, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547

---

 2013.10.29\_FN\_Request\_212-215.pdf  
770K



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 25, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 215-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 215-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

013 OCT 25 PM 3:17  
*TMB*

I MINA' TRENTI DOS NA LIHESLATURAN GUÅHAN  
2013 (FIRST) Regular Session

Bill No. 24-32-(COR)  
Introduced by:

T.R. Muña Barnes  
A.A. Yamashita, Ph.D. *[Signature]*

AN ACT TO *ADD* A NEW ARTICLE 24 TO CHAPTER 12, TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE MEDICAL USE OF CANNABIS, AMENDING PROVISIONS OF THE CONTROLLED SUBSTANCES ACT, PROVIDING PENALTIES, AND FOR OTHER PURPOSES, ALSO KNOWN AS THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT OF 2013.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A New Article 24 is hereby *added* to Chapter 12 of Title 10 of  
3 the Guam Code Annotated to read as follows:

4 "ARTICLE 24.

5 THE JOAQUIN CONCEPCION COMPASSIONATE CANNABIS USE ACT  
6 OF 2013.

- 7 §122401. Title.
- 8 §122402. Purpose of Act.
- 9 §122403. Definitions.
- 10 §122404. Exemption from Criminal and Civil Penalties  
11 for Medical Use of Cannabis.
- 12 §122405. Prohibitions, Restrictions and Limitations on  
13 the Medical Use of Cannabis—Criminal  
14 Penalties.
- 15 §122406. Advisory Board Created—Duties.
- 16 §122407. Department Rules; Registry Identification  
17 Cards.
- 18 §122408. Homegrown Cultivation Registrations.

1  
2           **§122401. Title.** This Act *shall* be known and *shall* be cited as the ‘*The*  
3 *Joaquin Concepcion Compassionate Cannabis Use Act of 2013.*’

4           **§122402. Purpose of Act.** The purpose of this Act is to allow the beneficial  
5 use of medical cannabis in a regulated system for alleviating symptoms caused by  
6 debilitating medical conditions and their medical treatments.

7           **§122403. Definitions.** As used in this Act:

8           (A) “Adequate supply” means an amount of cannabis, in any form approved  
9 by the Department, possessed by a qualified patient or collectively possessed  
10 by a qualified patient and the qualified patient’s primary caregiver that is  
11 determined by rule of the Department to be no more than reasonably  
12 necessary to ensure the uninterrupted availability of cannabis for a period of  
13 three (3) months and that is derived solely from an intrastate source.

14           (B) “Cannabis” means all parts of the plant of the genus cannabis, whether  
15 growing or not, the seeds thereof, the resin extracted from any part of the plant,  
16 and every compound, manufacture, salt, derivative, mixture, or preparation of the  
17 plant, its seeds, or its resin, including marijuana concentrate. “Cannabis” does not  
18 include the mature stalks of the plant, fiber produced from the stalks, oil, or cake  
19 made from the seeds of the plant, sterilized seed of the plant which is incapable of  
20 germination, or the weight of any other ingredient combined with marijuana to  
21 prepare topical or oral administrations, food, drink, or other products.

22           (C) “Debilitating medical condition” means:

- 23           (1) cancer;
- 24           (2) glaucoma;
- 25           (3) multiple sclerosis;
- 26           (4) damage to the nervous tissue of the spinal cord, with objective  
27 neurological indication of intractable spasticity;
- 28           (5) epilepsy;



1 (6) positive status for human immunodeficiency virus or acquired  
2 immune deficiency syndrome;

3 (7) admitted into hospice care in accordance with rules promulgated  
4 under this Act;

5 (8) post-traumatic stress disorder;

6 (9) rheumatoid arthritis or similar chronic autoimmune inflammatory  
7 disorders; or

8 (10) any other medical condition, medical treatment or disease as approved  
9 by the Department;

10 (D) “Department” means the Department of Public Health and Social  
11 Services.

12 (E) “Homegrown cultivation registration” means a registration issued to  
13 qualified patients or their personal caregivers under the terms of Section 122408 of  
14 this Act.

15 (F) “Hospice care” means palliative care for the terminally and seriously ill  
16 provided in a hospital, nursing home, or private residence.

17 (G) “Licensed producer” means any person or association of persons within  
18 Guam that the Department determines to be qualified to produce, possess,  
19 distribute and dispense cannabis pursuant to this Act and that is licensed by the  
20 Department.

21 (H) “Medical use” means the acquisition, cultivation, possession, processing,  
22 (including development of related products such as food, tinctures, aerosols, oils,  
23 or ointments), transfer, transportation, sale, distribution, dispensing, or  
24 administration of cannabis, as well as the possession of cannabis paraphernalia, for  
25 the benefit of qualifying patients in the treatment of debilitating medical  
26 conditions, or the symptoms thereof.

27 (I) “Practitioner” means a person licensed in Guam to prescribe and  
28 administer drugs that are subject to the Guam Uniform Controlled Substances Act.

1 (J) “Primary caregiver” means a resident of Guam who is at least eighteen  
2 (18) years of age and who has been designated by the qualified patient as being  
3 necessary to assist the patient in the medical use of cannabis in accordance with the  
4 provisions of this Act, and who so agrees to assist the patient. Primary caregivers  
5 are prohibited from consuming cannabis obtained for the personal, medical use of  
6 the qualified patient.

7 (K) “Qualified patient” means a resident of Guam who has been diagnosed  
8 by a practitioner as having a debilitating medical condition and has received  
9 written certification and a registry identification card issued pursuant to this Act.

10 (L) “Written certification” means a statement in a patient’s medical records  
11 or a statement signed by a patient's practitioner that, in the practitioner's  
12 professional opinion, the patient has a debilitating medical condition and the  
13 practitioner believes that the potential health benefits of the medical use of  
14 cannabis would likely outweigh the health risks for the patient. A written  
15 certification is not valid for more than one (1) year from the date of issuance.

16 **§122404. Exemption from Criminal and Civil Penalties for the Medical**  
17 **use of Cannabis.**

18 (A) A qualified patient *shall not* be subject to arrest, prosecution or penalty  
19 in any manner for the possession of or the medical use of cannabis if the quantity  
20 of cannabis does not exceed an adequate supply.

21 (B) A qualified patient’s primary caregiver *shall not* be subject to arrest,  
22 prosecution or penalty in any manner for the possession of cannabis for medical  
23 use by the qualified patient if the quantity of cannabis does not exceed an adequate  
24 supply.

25 (C) Subsection A of this section *shall not* apply to a qualified patient under  
26 the age of eighteen years, unless:

27 (1) the qualified patient’s practitioner has explained the potential risks  
28 and benefits of the medical use of cannabis to the qualified patient and

1 to a parent, guardian or person having legal custody of the qualified  
2 patient; and

3 (2) a parent, guardian or person having legal custody consents in  
4 writing to:

5 (a) allow the qualified patient's medical use of cannabis;

6 (b) serve as the qualified patient's primary caregiver; and

7 (c) control the dosage and the frequency of the medical use of  
8 cannabis by the qualified patient.

9 (D) A qualified patient or a primary caregiver *shall* be granted the full legal  
10 protections provided in this section if the patient or caregiver is in possession of a  
11 registry identification card.

12 (E) A qualified patient who fails to register and receive a registry  
13 identification card from the Department but who nevertheless has received a  
14 written certification from their physician for the medical use of cannabis may be  
15 subject to arrest or prosecution but may raise an affirmative defense at trial.

16 (F) A practitioner *shall not* be subject to arrest or prosecution, penalized in  
17 any manner or denied any right or privilege for recommending the medical use of  
18 cannabis or providing written certification for the medical use of cannabis pursuant  
19 to this Act.

20 (G) A licensed producer *shall not* be subject to arrest, prosecution or  
21 penalty, in any manner, for the production, possession, distribution or dispensing  
22 of cannabis in compliance with this Act.

23 (H) Any property interest that is possessed, owned or used in connection  
24 with the medical use of cannabis, or acts incidental to such use, *shall not* be  
25 harmed, injured or destroyed while in the possession of state or local law  
26 enforcement officials. Any such property interest *shall not* be forfeited under any  
27 local law providing for the forfeiture of property except as provided in the Special  
28 Assets Forfeiture Fund, 10 GCA §§ 79101 - 79105. Cannabis, paraphernalia or

1 other property seized from a qualified patient or primary caregiver in connection  
2 with the claimed medical use of cannabis *shall* be returned immediately upon the  
3 determination by a court or prosecutor that the qualified patient or primary  
4 caregiver is entitled to the protections of the provisions of this Act, as may be  
5 evidenced by a failure to actively investigate the case, a decision not to prosecute,  
6 the dismissal of charges or acquittal.

7 (I) A person *shall not* be subject to arrest or prosecution for a cannabis-  
8 related offense for simply being in the presence of the medical use of cannabis as  
9 permitted under the provisions of this Act.

10 (J) A person *shall not* be subject to arrest or prosecution for a cannabis-  
11 related offense for simply allowing one's property to be used by qualified patients  
12 or their primary caregivers for the homegrown cultivation of cannabis to the extent  
13 permitted under Section 122408 of this Act.

14 **§122405. Prohibitions, Restrictions and Limitations on the Medical Use**  
15 **of Cannabis—Criminal Penalties.**

16 (A) Participation in the medical use of cannabis by a qualified patient or  
17 primary caregiver does not relieve the qualified patient or primary caregiver from:

18 (1) criminal prosecution or civil penalties for activities not permitted  
19 by this Act;

20 (2) liability for damages or criminal prosecution arising out of the  
21 operation of a vehicle while under the influence of cannabis; or

22 (3) criminal prosecution or civil penalty for possession or use of  
23 cannabis:

24 (a) in a school bus or public vehicle;

25 (b) on school grounds or property;

26 (c) in the workplace of the qualified patient's or primary  
27 caregiver's employment; or

28 (d) at a public park, recreation center, youth center or other

1 public place.

2 (B) A person who makes a fraudulent representation to a law enforcement  
3 officer about the person's participation in a medical use of cannabis program to  
4 avoid arrest or prosecution for a cannabis-related offense is guilty of a petty  
5 misdemeanor.

6 (C) If a licensed producer sells, distributes, dispenses or transfers cannabis  
7 to a person not permitted to participate in the medical use of cannabis under this  
8 Act, or obtains or transports cannabis outside Guam in violation of federal law, the  
9 licensed producer shall be subject to arrest, prosecution and civil or criminal  
10 penalties in accordance with Guam law.

11 **§122406. Advisory Board Created—Duties.** The Director of the  
12 Department *shall* establish an advisory board consisting of seven (7) members, six  
13 (6) of which *shall* be practitioners representing the fields of neurology, pain  
14 management, medical oncology, psychiatry, infectious disease, and family  
15 medicine, and one (1) of which shall be a member of the public at large. The  
16 practitioners *shall* be board-certified in their area of specialty and knowledgeable  
17 about the medical use of cannabis. The members *shall* be chosen for appointment  
18 by the Director from a list proposed by the Guam Board of Medical Examiners. A  
19 quorum of the advisory board shall consist of three (3) members. The advisory  
20 board *shall*:

21 (A) review and recommend to the Department for approval additional  
22 debilitating medical conditions that would benefit from the medical use  
23 of cannabis;

24 (B) accept and review petitions to add medical conditions, medical  
25 treatments or diseases to the list of debilitating medical conditions that  
26 qualify for the medical use of cannabis;

27 (C) convene at least twice per year to conduct public hearings and to  
28 evaluate petitions,

1 which shall be maintained as confidential personal health information, to add  
2 medical conditions, medical treatments or diseases to the list of debilitating  
3 medical conditions that qualify for the medical use of cannabis; and

4 (D) recommend quantities of cannabis that are necessary to constitute an  
5 adequate supply for qualified patients and primary caregivers.

6 **§122407. Department Rules; Registry Identification Cards.**

7 (A) No later than nine (9) months after enactment of this Act, and after  
8 consultation with the advisory board, the Department *shall* promulgate rules in  
9 accordance with the Administrative Adjudication law, 5 GCA § 9100 *et seq.*, to  
10 implement the purpose of this Act. The rules *shall*:

11 (1) govern the manner in which the Department will consider  
12 applications for registry identification cards and for the renewal of  
13 identification cards for qualified patients and primary caregivers;

14  
15 (2) define the amount of cannabis that is necessary to constitute an  
16 adequate supply, including amounts for topical treatments;

17 (3) identify criteria and set forth procedures for including additional  
18 medical conditions, medical treatments or diseases to the list of  
19 debilitating medical conditions that qualify for the medical use of  
20 cannabis. Procedures shall include a petition process and shall allow  
21 for public comment and public hearings before the advisory board;

22 (4) set forth additional medical conditions, medical treatments or  
23 diseases to the list of debilitating medical conditions that qualify for  
24 the medical use of cannabis as recommended by the advisory board;

25 (5) identify requirements for the licensure of producers and cannabis  
26 production facilities and set forth procedures to obtain licenses;

27 (6) develop a distribution system for medical cannabis that provides  
28 for:

1 (a) cannabis production facilities within Guam housed on  
2 secured grounds and operated by licensed producers; and  
3 (b) distribution of medical cannabis to qualified patients or their  
4 primary caregivers to take place at locations that are designated  
5 by the Department and that are not within one thousand (1,000)  
6 feet of any school, church or daycare center;

7 (7) determine additional duties and responsibilities of the advisory  
8 board;

9 (8) be revised and updated as necessary; and

10 (9) set application fees for registry identification cards so as to defray  
11 the administrative costs of implementing this Act.

12 (B) The Department *shall* issue registry identification cards to a patient and  
13 to the primary caregiver for that patient, if any, who submit the following, in  
14 accordance with the Department's rules:

15 (1) a written certification;

16 (2) the name, address and date of birth of the patient;

17 (3) the name, address and telephone number of the patient's  
18 practitioner; and

19 (4) the name, address and date of birth of the patient's primary  
20 caregiver, if any.

21 (C) The Department *shall* verify the information contained in an application  
22 submitted pursuant to Subsection B of this section and shall approve or deny an  
23 application within thirty days of receipt. The Department may deny an application  
24 only if the applicant did not provide the information required pursuant to  
25 Subsection B of this section or if the Department determines that the information  
26 provided is false. A person whose application has been denied *shall not* reapply  
27 for six (6) months from the date of the denial unless otherwise authorized by the  
28 Department.

1 (D) The Department *shall* issue a registry identification card within five (5)  
2 days of approving an application, and a card *shall* expire one year after the date of  
3 issuance. A registry identification card *shall* contain:

4 (1) the name, address and date of birth of the qualified patient and  
5 primary caregiver, if any;

6 (2) the date of issuance and expiration date of the registry  
7 identification card; and

8 (3) other information that the Department may require by rule.

9 (E) A person who possesses a registry identification card *shall* notify the  
10 Department of any change in the person's name, address, qualified patient's  
11 practitioner, qualified patient's primary caregiver or change in status of the  
12 qualified patient's debilitating medical condition within ten (10) days of the  
13 change.

14 (F) Possession of or application for a registry identification card *shall not*  
15 constitute probable cause or give rise to reasonable suspicion for a governmental  
16 agency to search the person or property of the person possessing or applying for  
17 the card.

18 (G) The Department *shall* maintain a confidential file containing the names  
19 and addresses of the persons who have either applied for or received a registry  
20 identification card. Individual names on the list *shall* be confidential and not  
21 subject to disclosure, except:

22 (1) to authorized employees or agents of the Department as necessary  
23 to perform the duties of the Department pursuant to the provisions of  
24 this Act;

25 (2) to authorized employees of state or local law enforcement  
26 agencies, but only for the purpose of verifying that a person is  
27 lawfully in possession of a registry identification card; or

28 (3) as provided in the federal Health Insurance Portability and



1 Accountability Act of 1996, codified at 42 U.S.C. § 1320d *et seq.*

2 **§122408. Homegrown Cultivation Registrations.** If after nine (9) months  
3 after enactment of this Act, the Department has failed to promulgate rules as  
4 mandated under Section 122407(A) of this Act for the production and distribution  
5 of medical cannabis, the Department *shall* issue a homegrown cultivation  
6 registration to a qualifying patient allowing the patient or the patient’s personal  
7 caregiver to cultivate a limited number of plants, sufficient to maintain an adequate  
8 supply of cannabis, and *shall* require cultivation and storage only in an enclosed,  
9 locked facility. Until the Department promulgates said rules, the written  
10 recommendation of a qualifying patient’s physician *shall* constitute a valid  
11 cultivation registration.”

12 **Section 2. The following *new* subsection (g) is added to Appendix A of**  
13 **Chapter 67 of Title 9 Guam Code Annotated, to read as follows:**

14 “(g) The enumeration of marihuana, tetrahydrocannabinols or chemical  
15 derivatives of these as Schedule I controlled substances does not apply to the  
16 medical use of cannabis pursuant to the Joaquin Concepcion Compassionate  
17 Cannabis Use Act of 2013.”

18 **Section 3. Temporary Provision.**

19 (A) During the period between December 1, 2013, and thirty (30) days after  
20 the effective date of rules promulgated by the Department pursuant to Subsection  
21 122407(A) of this Act, a qualified patient who would be eligible to engage in the  
22 medical use of cannabis in accordance with this Act but for the lack of effective  
23 rules concerning registry identification cards, licensed producers, cannabis  
24 production facilities, distribution system and adequate supply, may obtain a written  
25 certification from a practitioner and upon presentation of that certification to the  
26 Department, the Department *shall* issue a temporary certification for participation  
27 in the program. The Department *shall* maintain a list of all temporary certificates  
28 issued pursuant to this section.

1 (B) A person possessing a temporary certificate and the person's primary  
2 caregiver are not subject to arrest, prosecution, civil or criminal penalty or denial  
3 of any right or privilege for possessing cannabis if the amount of cannabis  
4 possessed collectively is not more than the amount that is specified on the  
5 temporary certificate issued by the Department.

6 (C) A practitioner *shall not* be subject to arrest or prosecution to be  
7 penalized in any manner or denied any right or privilege for recommending the  
8 medical use of cannabis or providing written certification for the medical use of  
9 cannabis pursuant to this Act on or after December 1, 2013.

10 **Section 4. Severability.** *If* any provision of this Act or its application to  
11 any person or circumstance is found to be invalid or contrary to law, such  
12 invalidity shall not affect other provisions or applications of this Act which can be  
13 given effect without the invalid provisions or application, and to this end the  
14 provisions of this Act are severable.

15 **Section 5. Effective date.** The Act *shall* take effect upon enactment into  
16 law.