



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

DEC 20 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:


Transmitted herewith is Bill No. 343-33 (COR) "AN ACT TO AMEND ARTICLE 25 OF PART 2 CHAPTER 12 OF DIVISION 1, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS OF THE "JOAQUIN (KC) CONCEPCION, II COMPASSIONATE CANNABIS USE ACT OF 2013," which lapsed into law on December 17, 2016, as Public Law 33-220.

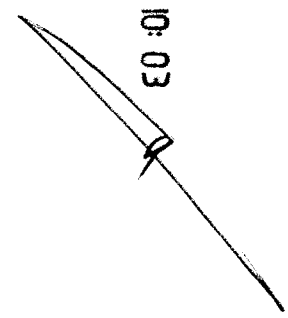
Senseramente,


EDDIE BAZA CALVO

2016 DEC 23 AM 10:03

33-16-2301
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 12/23/16
Time: 9:00 AM
Received By: 

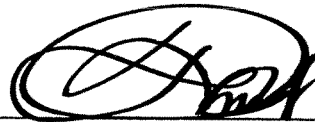


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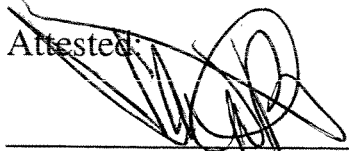
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that **Bill No. 343-33 (COR)**, "AN ACT TO AMEND ARTICLE 25 OF PART 2 CHAPTER 12 OF DIVISION 1, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE PROVISIONS OF THE "JOAQUIN (KC) CONCEPCION, II COMPASSIONATE CANNABIS USE ACT OF 2013"," was on the 2nd day of December 2016, duly and regularly passed.

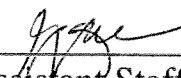


Judith T. Won Pat, Ed.D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 7th day of Dec,
2016, at 4:50 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 17 2016

Public Law No. 33-220

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY [Signature]
TIME 4:50 DATE 12-5-16

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

Bill No. 343-33 (COR)

As amended by the Sponsor; and
further amended on the Floor.

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.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* ARTICLE 25 OF PART 2 CHAPTER
12 OF DIVISION 1, TITLE 10 GUAM CODE
ANNOTATED, RELATIVE TO STRENGTHENING THE
PROVISIONS OF THE “JOAQUIN (KC) CONCEPCION,
II COMPASSIONATE CANNABIS USE ACT OF 2013.”**

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

2 **Section 1. Legislative Findings and Intent.** Recognizing that the Supreme
3 Court of Guam, in: *In Re: Request of I Mina'Trentai Dos Na Liheslaturan Guåhan*
4 *Relative to the Power of the Legislature to Prescribe by Statute the Conditions and*
5 *Procedures Pursuant to Which the Right of Referendum of the People of Guam Shall*

1 *Be Exercised*, 2014 Guam 24, effectively paved the way for the legalization of
2 medical marijuana in the Territory by allowing the Legislature to submit the
3 question, “Shall the ‘Joaquin (KC) Concepcion II Compassionate Cannabis Use Act
4 of 2013’ that provides for the medical use of cannabis be allowed?” on the ballot in
5 the November 2014 Guam General Election.

6 *I Liheslaturan Guåhan* finds that on November 4, 2014, at a general election
7 duly held in the Territory of Guam, the people of Guam voted to legalize the use of
8 medical marijuana through the “Joaquin (KC) Concepcion, II Compassionate
9 Cannabis Use Act of 2013.” In an effort to strengthen the provisions of said Act, *I*
10 *Liheslatura* (the Legislature), after extensive deliberations with the people, finds that
11 the following revisions better and more fully effectuate the intent of the law to
12 alleviate symptoms caused by debilitating medical conditions and their medical
13 treatments.

14 **Section 2.** Article 25 of Part 2, Chapter 12 of Division 1, Title 10, Guam
15 Code Annotated, is hereby *amended* to read:

16 **“ARTICLE 25**

17 **THE JOAQUIN (KC) CONCEPCION II**

18 **COMPASSIONATE CANNABIS USE ACT OF 2013**

19 § 122501. Title.

20 § 122502. Purpose of Act.

21 § 122503. Definitions.

22 § 122504. Exemption from Criminal and Civil Penalties for the
23 Medical Use of Cannabis.

24 § 122505. Prohibitions, Restrictions, and Limitations on the Medical
25 Use of Cannabis - Criminal Penalties.

26 § 122506. Medical Cannabis Regulation Commission Created -
27 Duties.

- 1 § 122507. Department Protocols; Registry Identification Cards.
- 2 § 122508. License Classification.
- 3 § 122509. Fees.
- 4 § 122510. Application and Licensing Process for Medical Cannabis
- 5 Business.
- 6 § 122511. Permit to Operate.
- 7 § 122512. Operation Standards.
- 8 § 122513. Storage of Cannabis.
- 9 § 122514. Transport of Cannabis.
- 10 § 122515. Labeling and Packaging.
- 11 § 122516. Inspections.
- 12 § 122517. Expiration and Renewal of License and Permit to Operate.
- 13 § 122518. Suspension of Permit to Operate and Revocation of
- 14 License.
- 15 § 122519. Chain of Custody Form.
- 16 § 122520. Loss of Cannabis.
- 17 § 122521. Destruction and Disposal of Cannabis.
- 18 § 122522. Cessation of Business Operations.
- 19 § 122523. Compassionate Cannabis Use Fund.
- 20 § 122524. Registry Card Optional.
- 21 § 122525. Confidential Database.
- 22 § 122526. Written Certification.
- 23 § 122527. Dispensing Medical Cannabis.
- 24 § 122528. Testing Laboratories for Medical Cannabis.
- 25 § 122529. Record Keeping.

1 **§ 122501. Title.** This Act *shall* be known and *shall* be cited as the
2 “*The Joaquin (KC) Concepcion, II Compassionate Cannabis Use Act of*
3 *2013.*”

4 **§ 122502. Purpose of Act.** The purpose of this Act is to allow the
5 beneficial use of medical cannabis in a regulated system for alleviating
6 symptoms caused by debilitating medical conditions and their medical
7 treatments.

8 **§ 122503. Definitions.** As used in this Act:

9 (a) *Allowable amount* means an amount of cannabis, in any form
10 approved by the Department, possessed by a qualified patient or collectively
11 possessed by a qualified patient and the qualified patient’s primary caregiver
12 to be *no more than* reasonably necessary to ensure the uninterrupted
13 availability of cannabis that is derived solely from an intrastate source. The
14 allowable amount *shall* consist of an amount *not to exceed* two and a half (2.5)
15 ounces of dried or prepared cannabis purchased from a dispensary. The
16 qualified patient may request for an increased allowable amount of medical
17 cannabis from the Department on a Department provided form; provided, that
18 the qualified patient provides a valid reason for legitimate need supported by
19 a practitioner’s recommendation.

20 The allowable amount *shall* be reviewed by the Medical Cannabis
21 Regulation Commission.

22 (b) *Batch* means a specific processed product produced by a medical
23 cannabis commercial manufacturing facility that is produced at the same time,
24 in the same facility, using the same method, and the same ingredients or
25 extraction methods.

26 (c) *Bona fide patient-practitioner relationship* means the
27 practitioner *shall*:

- 1 (1) review the medical history of the qualified patient;
- 2 (2) provide information and explain to the qualified patient
- 3 about the benefits and risks of medical cannabis;
- 4 (3) perform or have performed an appropriate examination of
- 5 the qualified patient, either physically or by the use of instrumentation
- 6 and diagnostic equipment through which images and medical records
- 7 may be transmitted electronically; except for medical emergencies, the
- 8 examination of the patient *shall* have been performed by the
- 9 practitioner himself or by a consulting practitioner prior to issuing a
- 10 recommendation for medical cannabis; and
- 11 (4) initiate additional interventions and follow-up care.

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

21 (e) *Canopy* means the surface area utilized to produce mature
22 marijuana plants calculated in square feet and measured using the outside
23 boundaries of any area that includes mature marijuana plants, including all of
24 the space within the boundaries.

25 (f) *Chain of custody* form means a form, approved by the
26 Department, to track the movement of medical cannabis as it is transferred
27 from business to business.

1 (g) *Commercial cultivation facility* means a licensed business that
2 plants, grows, harvests, dries, cures, grades, and trims medical cannabis for
3 qualified patients.

4 (h) *Commercial manufacturing facility* means a licensed person or
5 licensed organization that conducts the production, preparation, or
6 compounding of manufactured medical cannabis, as described in this Act, or
7 prepared medical cannabis.

8 (i) *Crop* means a specific complete harvest of medical cannabis
9 grown from one (1) or more seeds or cuttings that are planted of the same
10 genetic strain, that are planted and grown in the same facility using the same
11 exact methods at the same time.

12 (j) *Debilitating medical condition* means:

- 13 (1) cancer;
- 14 (2) glaucoma;
- 15 (3) multiple sclerosis;
- 16 (4) damage to the nervous tissue of the spinal cord, with
17 objective neurological indication of intractable spasticity;
- 18 (5) epilepsy;
- 19 (6) positive status for human immunodeficiency virus or
20 acquired immune deficiency syndrome;
- 21 (7) admitted into hospice care in accordance with rules
22 promulgated under this Act;
- 23 (8) post-traumatic stress disorder;
- 24 (9) rheumatoid arthritis or similar chronic autoimmune
25 inflammatory disorders; or

1 (10) any other medical condition, medical treatment or disease
2 for which the qualified patient's practitioner has determined that the use
3 of medical cannabis may provide relief.

4 (k) *Department* means the Department of Public Health and Social
5 Services.

6 (l) *Designated courier* means a responsible official or employee of
7 a licensed medical cannabis business who is twenty-one (21) years of age or
8 older and who has not entered a plea of guilty to, a plea of *nolo contendere* to,
9 been found guilty of, or been convicted of a felony offense. Designated
10 couriers *shall* be designated by the licensed medical cannabis business to
11 possess and transport cannabis for medicinal purposes. Designated couriers
12 *shall* apply for a registry identification card.

13 (m) *Dispensary* means a licensed facility where medical cannabis,
14 prepared medical cannabis, medical cannabis products, or paraphernalia are
15 offered, either individually or in any combination, for retail sale, including an
16 establishment that delivers, pursuant to express authorization by local
17 ordinance, medical cannabis and prepared medical cannabis as part of a retail
18 sale.

19 (n) *Felony offense* means:

20 (1) a violent crime that was classified as a felony in the
21 jurisdiction where the person was convicted;

22 (2) a violation of a state or federal controlled substance law
23 that was classified as a felony in the jurisdiction where the person was
24 convicted, but does not include:

25 (A) an offense for which the sentence, including any
26 term of probation, incarceration, or supervised release, was
27 completed ten (10) or more years earlier; or

1 (B) an offense involving conduct that would be immune
2 from arrest, prosecution, or penalty under the Act *except* that the
3 conduct occurred before the effective date of the Act or was
4 prosecuted by an authority other than Guam; and

5 (3) a crime involving fraud, dishonest dealing, or moral
6 turpitude that is or was formerly classified as a felony in the jurisdiction
7 where the person was convicted.

8 (o) *Enclosed, locked location* means an area that is completely
9 enclosed by solid, ten (10)-foot walls, constructed of metal, concrete, or stone
10 on all sides or windows exclusive of doors and passage ways and away from
11 public view.

12 (p) *Gross weight* means the weight of medical cannabis, prepared
13 medical cannabis, or medical cannabis product that includes the weight of the
14 packaging.

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

17 (r) *Licensed medical cannabis business* means any person or
18 association of persons within Guam that the Department determines to be
19 qualified to laboratory test, cultivate, manufacture, or dispense medical
20 cannabis pursuant to this Act, and that is licensed by the Department to do so.
21 No practitioner providing written certification for the medical use of cannabis
22 shall own or be employed by a licensed medical cannabis business.

23 (s) *Licensed possessor* means any person or association of persons
24 within Guam that the Department determines to be qualified to produce,
25 possess, distribute, dispense, acquire, cultivate, process, transfer, transport,
26 sell, administer, or conduct laboratory testing of cannabis pursuant to this Act
27 and that is licensed or approved by the Department.

1 (t) *Lot* means the flowers from one (1) or more medical cannabis
2 plants of the same strain, in a quantity that weighs five (5) pounds or less, or
3 the leaves or other plant matter from one or more medical cannabis plants,
4 other than full female flowers, in a quantity that weighs fifteen (15) pounds or
5 less.

6 (u) *Medical cannabis product* means a product infused with medical
7 cannabis or prepared medical cannabis intended for use or consumption such
8 as, but not limited to, edibles and topical products.

9 (v) *Medical use* means the acquisition, cultivation, possession,
10 processing, (including development of related products such as food,
11 tinctures, aerosols, oils, or ointments), transfer, transportation, sale,
12 distribution, dispensing, ~~or~~ administration, or laboratory testing of cannabis,
13 as well as the possession of cannabis paraphernalia, for the benefit of qualified
14 patients in the treatment of debilitating medical conditions, or the symptoms
15 thereof.

16 (w) *Paraphernalia* means accessories, devices, and other equipment
17 that is necessary or used to assist or facilitate in the consumption of medical
18 cannabis.

19 (x) *Practitioner* means a person licensed in Guam to prescribe and
20 administer drugs that are subject to the Guam Uniform Controlled Substances
21 Act. A practitioner *shall not* be a doctor of veterinary medicine or practice
22 veterinary medicine.

23 (y) *Prepared medical cannabis* means cannabis manufactured or
24 processed and intended for use or consumption through means such as, but
25 not limited to, extracts, oils, tinctures, and suppositories.

26 (z) *Primary caregiver* means a resident of Guam who is at least
27 twenty-one (21) years of age who is registered with the Department, and who

1 has been designated by the qualified patient as being necessary to assist the
2 qualified patient in the medical use of cannabis in accordance with the
3 provisions of this Act, and who so agrees to assist the qualified patient.
4 Primary caregivers are prohibited from consuming cannabis obtained for the
5 personal, medical use of the qualified patient.

6 (aa) *Qualified patient* means a resident of Guam who has been
7 diagnosed by a practitioner as having a debilitating medical condition and has
8 received written certification for the medical use of cannabis.

9 (bb) *Responsible official* means:

10 (1) a president, vice-president, secretary, or treasurer of the
11 corporation in charge of a principal business function, or any other
12 person who performs similar policy or decision-making functions for
13 the corporation;

14 (2) a general partner or sole proprietorship;

15 (3) for a public agency: a principal executive officer, ranking
16 elected official, or an authorized representative as approved by the
17 Director. For the purposes of these rules and regulations, a principal
18 executive officer of a federal agency includes the chief executive
19 officer, commanding officer, or equivalent rank or position, who has
20 responsibility for the overall operations of a principal unit of the
21 agency;

22 (4) a responsible official *shall not* have been convicted in any
23 state or jurisdiction of the United States, including the Commonwealth
24 of the Northern Mariana Islands, for the manufacture or delivery of a
25 controlled substance in Schedule I or Schedule II; and

26 (5) a responsible official *shall* be registered with the
27 Department and hold a registry identification card.

1 (cc) *Weight* means the net weight of medical cannabis, prepared
2 medical cannabis, and medical cannabis product in ounces without any
3 packaging.

4 (dd) *Written certification* means a statement in a qualified patient's
5 medical records or a statement signed by a qualified patient's practitioner that,
6 in the practitioner's professional opinion, the qualified patient has a
7 debilitating medical condition and the practitioner believes that the potential
8 health benefits of the medical use of cannabis would likely outweigh the
9 health risks for the qualified patient. The qualified patient's practitioner *shall*
10 keep a copy of the written certification on file and provide it upon request by
11 the Department or authorized law enforcement personnel. A written
12 certification *shall*:

13 (1) be valid for no more than one (1) year from the date of
14 issuance;

15 (2) include a signed declaration by the qualified patient's
16 practitioner affirming a bona fide practitioner-patient relationship;

17 (3) *not* include the qualified patient's medical condition or
18 any other information relating to the condition; and

19 (4) contain all of the following information:

20 (A) the qualified patient's full name;

21 (B) the qualified patient's date of birth;

22 (C) the qualified patient's address; and

23 (D) the practitioner's:

24 (i) first name; middle name, if applicable; last name;
25 and suffix, if applicable;

26 (ii) Guam Board of Medical Examiners license
27 number, including an identification of the physician

1 license type or the practitioner's license number from
2 their appropriate licensing or regulatory board and the
3 identification of the practitioner's license type;

4 (iii) office address on file with the practitioner's
5 licensing board;

6 (iv) telephone number on file with the practitioner's
7 licensing board;

8 (v) e-mail address; and

9 (vi) authenticated signature.

10 **§ 122504. Exemption from Criminal and Civil Penalties for the**
11 **Medical Use of Cannabis.**

12 (a) A qualified patient is presumed to be engaged in the medical use
13 of cannabis and *shall not* be subject to arrest, prosecution or penalty in any
14 manner for the possession of or the medical use of cannabis if the qualified
15 patient possesses a quantity of cannabis that does not exceed the allowable
16 amount, is acting in accordance with all of the requirements of this Act, and
17 is in possession of a written certification.

18 (b) A qualified patient's primary caregiver is presumed to be
19 engaged in the medical use of cannabis and *shall not* be subject to arrest,
20 prosecution or penalty in any manner for the possession of cannabis for
21 medical use by the qualified patient if the primary caregiver possesses a
22 quantity of cannabis that does not exceed the allowable amount; provided, that
23 the primary caregiver is assisting in the registered qualified patient's medical
24 use of cannabis pursuant to this Act, and is acting in accordance with all of
25 the requirements of this Act.

26 (c) Subsection (a) of this Section *shall not* apply to a qualified
27 patient under the age of eighteen (18) years, unless:

1 (1) the qualified patient's practitioner has explained the
2 potential risks and benefits of the medical use of cannabis to the
3 qualified patient, and to a parent, guardian or person having legal
4 custody of the qualified patient; and

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

7 (A) allow the qualified patient's medical use of
8 cannabis;

9 (B) serve as the qualified patient's primary caregiver;
10 and

11 (C) control the dosage and the frequency of the medical
12 use of cannabis by the qualified patient.

13 (d) A qualified patient or a primary caregiver *shall* be granted the
14 full legal protections provided in this Section if the qualified patient or
15 primary caregiver is in possession of a written certification.

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

20 (f) A licensed possessor or employee of a licensed medical cannabis
21 business *shall not* be subject to arrest, prosecution or penalty, in any manner,
22 for the production, possession, distribution, dispensing, acquisition,
23 cultivation, processing, transferring, transporting, selling, or laboratory
24 testing of cannabis or medical cannabis paraphernalia in compliance with this
25 Act, provided, that they are registered and certified or authorized by the
26 Department and are acting in accordance with this Act.

1 (g) Any property interest that is possessed, owned or used in
2 connection with the medical use of cannabis, or acts incidental to such use,
3 *shall not* be harmed, injured or destroyed while in the possession of state or
4 local law enforcement officials. Any such property interest *shall not* be
5 forfeited under any local law providing for the forfeiture of property *except* as
6 provided in the Special Assets Forfeiture Fund, 10 GCA §§ 79101 - 79105.
7 Cannabis, paraphernalia or other property seized from a qualified patient or
8 primary caregiver in connection with the claimed medical use of cannabis
9 *shall* be returned immediately upon the determination by a court or prosecutor
10 that the qualified patient or primary caregiver is entitled to the protections of
11 the provisions of this Act, as may be evidenced by a failure to actively
12 investigate the case, a decision not to prosecute, the dismissal of charges or
13 acquittal.

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

17 (i) An operator or worker of a facility approved by the Department
18 to conduct laboratory testing *shall not* be subject to arrest, prosecution or
19 penalty, in any manner, or denied any right or privilege for possession,
20 acquisition, transferring, transporting, selling, or laboratory testing of
21 cannabis, prepared medical cannabis, or medical cannabis product for medical
22 use pursuant to this Act.

23 (j) The Department *shall* be authorized to acquire, possess, store,
24 and laboratory test cannabis for medical use pursuant to this Act; and the
25 employees of the Department *shall not* be subject to arrest or prosecution for
26 acquiring, possessing, storing, and/or conducting laboratory tests of cannabis
27 for medical use pursuant to this Act.

1 (k) A person may raise an affirmative defense if the person is found
2 to be in possession of medical cannabis but can show legitimate need for
3 medical cannabis or if the person has a qualifying debilitating medical
4 condition under the provisions set forth by this Act.

5 (l) No qualifying patient or primary caregiver under this Act shall
6 be denied custody of, visitation with, or parenting time with a minor, and there
7 shall be no presumption of neglect or child endangerment, for conduct
8 allowed under this Act; provided, that this Subsection *shall not* apply if the
9 qualifying patient's or primary caregiver's conduct created a danger to the
10 safety of the minor, as established by a preponderance of the evidence.

11 **§ 122505. Prohibitions, Restrictions, and Limitations on the**
12 **Medical Use of Cannabis - Criminal Penalties.**

13 (a) Participation in the medical use of cannabis by a qualified patient
14 or primary caregiver *does not* relieve the qualified patient or primary caregiver
15 from:

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

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

20 (3) criminal prosecution or civil penalty for possession or use
21 of cannabis:

22 (A) in a school bus or public vehicle;

23 (B) on school grounds or property;

24 (C) in the workplace of the qualified patient's or
25 primary caregiver's employment; or

26 (D) at a public park, recreation center, youth center or
27 other public place.

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

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

12 **§ 122506. Medical Cannabis Regulation Commission Created -**
13 **Duties.**

14 (a) There *shall* be established within the Department of Public
15 Health and Social Services a Medical Cannabis Regulation Commission
16 (Commission) consisting of eleven (11) members. Commission members
17 *shall* serve for a term of four (4) years. Appointments to fill vacancies *shall*
18 be appointed no later than thirty (30) calendar days of a resignation or vote of
19 removal of a Commission member by a majority vote of six (6) votes of the
20 other members of the Commission. The members *shall* elect a chairperson of
21 the Commission to coordinate meetings; and the Commission *shall* consist of
22 the following members:

23 (1) the Director of the Department of Public Health and Social
24 Services or his designee;

25 (2) the Chairperson of the Guam Board of Medical Examiners
26 or his designee;

1 (3) the Director of the Department of Agriculture or his
2 designee;

3 (4) the Administrator of the Guam Environmental Protection
4 Agency or his designee;

5 (5) the Chairperson of the Legislative Committee on Health
6 and Human Services or his designee;

7 (6) a member of the public at large appointed by *I Maga'låhi*
8 (the Governor);

9 (7) a member of the public at large appointed by *I Liheslatura*
10 (the Legislature);

11 (8) a qualified patient, caregiver, or patient advocate who
12 *shall* be appointed by the Commission;

13 (9) a licensed possessor who *shall* be appointed by the
14 Commission; and

15 (10) the remaining two (2) members appointed by the
16 Commission *shall* be practitioners representing the field of oncology,
17 neurology, psychiatry, or pain management, who *shall* be board-
18 certified in his or her area of specialty and knowledgeable about the
19 medical use of cannabis. A quorum of said Commission *shall* consist
20 of six (6) members.

21 (b) The Commission *shall*:

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

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

1 (3) convene at least twice per year to conduct public hearings
2 and to evaluate petitions (which *shall* be maintained as confidential
3 personal health information), to add medical conditions, medical
4 treatments or diseases to the list of debilitating medical conditions that
5 qualify for the medical use of cannabis;

6 (4) recommend quantities of cannabis that are necessary to
7 constitute an allowable amount for qualified patients and primary
8 caregivers;

9 (5) advise the Department on the development of standards
10 and regulations pursuant to this Article, including best practices and
11 guidelines to ensure qualified patients have adequate access to medical
12 cannabis and medical cannabis products; and

13 (6) submit policy recommendations to the legislative
14 committee on health and human services.

15 **§ 122507. Department Protocols; Registry Identification Cards.**

16 (a) The Department *shall* govern the manner in which it will
17 consider applications for registry identification cards and for the renewal of
18 identification cards for qualified patients, primary caregivers, responsible
19 officials, and designated couriers.

20 (b) Notwithstanding any other provision of law, the sum of One
21 Hundred Thousand Dollars (\$100,000) from the Healthy Futures Fund,
22 codified at 11 GCA § 26603, is hereby appropriated to assist the Department
23 to timely execute its mandate under this Section to implement the purpose of
24 this Act. The fees generated from revenues collected from this program will
25 reimburse the Healthy Futures Fund up to One Hundred Thousand Dollars
26 (\$100,000).

1 (c) The Department *shall* issue registry identification cards to a
2 qualified patient, and to the primary caregiver for that qualified patient, if any,
3 who submit the following:

4 (1) a written certification;

5 (2) the name, address, and date of birth of the qualified
6 patient;

7 (3) the name, address, and telephone number of the qualified
8 patient's practitioner;

9 (4) the name, address, and date of birth of the qualified
10 patient's primary caregiver, if any; and

11 (5) a police clearance and court clearance of the primary
12 caregiver.

13 (d) The Department *shall* issue registry identification cards to a
14 responsible official or employee who submits the following:

15 (1) the name of the employee or responsible official;

16 (2) the mailing address of the licensed medical cannabis
17 business of the employee's place of employment or responsible official
18 owns;

19 (3) the physical address of the licensed medical cannabis
20 business of the employee's place of employment or responsible official
21 owns;

22 (4) e-mail address;

23 (5) the phone number of the licensed medical cannabis
24 business of the employee's place of employment or responsible official
25 owns;

26 (6) clearances from the police, court, and Attorney General;

1 (7) Mayor's verification or document as approved by the
2 Department to display proof of Guam residency;

3 (8) the job title, duties, and responsibilities;

4 (9) the application fee, as set forth by this Act; and

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

6 (e) The Department *shall* verify the information contained in an
7 application submitted pursuant to Subsection (c) or Subsection (d) of this
8 Section, and *shall* approve or deny an application within thirty (30) calendar
9 days of receipt. The Department may deny an application only if the applicant
10 did not provide the information required pursuant to Subsections (c) or (d) of
11 this Section, or if the Department determines that the information provided is
12 false.

13 (1) The Department *shall* provide written notification to the
14 applicant of the reason for denial of the application within forty-eight
15 (48) hours.

16 (2) A person whose application has been denied and given
17 notice of the reason for denial *shall* have ten (10) working days to
18 appeal or comply.

19 (3) If the person does not come into compliance, the person
20 *shall not* reapply for six (6) months from the date of the denial unless
21 otherwise authorized by the Department.

22 (f) The Department *shall* issue a registry identification card within
23 five (5) days of approving an application, and the card *shall* expire one (1)
24 year after the date of issuance.

25 (1) A registry identification card for a qualified patient and
26 primary caregiver *shall* contain:

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

3 (B) the date of issuance and expiration date of the
4 registry identification card;

5 (C) the registry identification type; and

6 (D) any other information that the Department may
7 require, except the qualified patient's debilitating illness or any
8 medical condition.

9 (2) A registry identification card for a responsible official and
10 employee *shall* contain:

11 (A) the name of the employee or responsible official;

12 (B) the date of issuance and expiration date of the
13 registry identification card;

14 (C) the physical address of the licensed medical
15 cannabis business of the employee's place of employment
16 or responsible official owns;

17 (D) the name of the responsible official of the licensed
18 medical cannabis business;

19 (E) the registry identification type; and

20 (A) any other information that the Department may
21 require, except the qualified patient's debilitating illness or any
22 medical condition.

23 (g) A person who possesses a registry identification card *shall* notify
24 the Department of any change in the person's name, address, qualified
25 patient's practitioner, qualified patient's primary caregiver, or change in status
26 of the qualified patient's debilitating medical condition within ten (10)
27 working days of the change.

1 (h) Possession of or application for a registry identification card
2 *shall not* constitute probable cause or give rise to reasonable suspicion for a
3 governmental agency to search the person or property of the person possessing
4 or applying for the card.

5 (i) The Department *shall* maintain a confidential file containing the
6 names and addresses of the persons who have either applied for or received a
7 registry identification card. Individual names on the list *shall* be confidential
8 and *not* subject to disclosure, except:

9 (1) to authorized employees of the Department as necessary
10 to perform the duties of the Department pursuant to the provisions of
11 this Act;

12 (2) to authorized employees of state or local law enforcement
13 agencies for the sole purpose of verifying that a person is lawfully in
14 possession of a registry identification card and is lawfully participating
15 in Guam's medical cannabis program;

16 (3) pursuant to a court order or subpoena issued by a court;

17 (4) as provided in the federal Health Insurance Portability and
18 Accountability Act of 1996, codified at 42 U.S.C. §1320d *et seq.*;

19 (5) with the written permission of the qualified patient or the
20 qualified patient's legal guardian, or a parent or person with legal
21 custody if the qualified patient has not attained eighteen (18) years of
22 age;

23 (6) to a law enforcement official for verification purposes;
24 provided, that the records may not be disclosed further than necessary
25 to verify a qualified patient's participation in the medical cannabis
26 program; or

1 (7) to a qualified patient's treating practitioner and to a
2 qualified patient's primary caregiver for the purpose of carrying out this
3 Act.

4 **§ 122508. License Classification.**

5 Licenses for medical cannabis business are non-transferable. All
6 licensed medical cannabis businesses permitted in this Act *shall* retain at least
7 fifty-one percent (51%) ownership by legal residents of Guam who have
8 maintained continuous legal residential address or addresses on Guam for a
9 period of no less than three (3) years prior to the application for a medical
10 cannabis business license. The Department *shall* issue the following types of
11 medical cannabis business licenses:

12 (a) Type 1 Commercial Cultivation License for cultivation of
13 less than or equal to two thousand five hundred (2,500) square feet of
14 canopy on a single premises;

15 (b) Type 2 Commercial Cultivation License for cultivation of
16 two thousand five hundred one (2,501) to five thousand (5,000) square
17 feet of canopy on a single premises;

18 (c) Type 3 Commercial Cultivation License for cultivation of
19 five thousand one (5,001) to ten thousand (10,000) square feet of
20 canopy on a single premises;

21 (d) Commercial Manufacturing Facility License;

22 (e) Dispensary License; and

23 (f) Medical Cannabis Testing Laboratory License.

24 **§ 122509. Fees.**

25 (a) Registry Identification Card

26 (1) Qualified Patient: \$15

27 (2) Primary Caregiver: \$100

- 1 (3) Responsible Official: \$1,000
- 2 (4) Designated Courier: \$200
- 3 (b) Annual Registry Identification Card Renewal
- 4 (1) Qualified Patient: \$10
- 5 (2) Primary Caregiver: \$75
- 6 (3) Responsible Official: \$750
- 7 (4) Designated Courier: \$175
- 8 (c) Non-refundable Application Fees
- 9 (1) \$2,000 for a Type 1 Cultivation License
- 10 (2) \$5,000 for a Type 2 Cultivation License
- 11 (3) \$10,000 for a Type 3 Cultivation License
- 12 (4) \$5,000 for a Commercial Manufacturing Facility
- 13 (5) \$5,000 for a Dispensary
- 14 (6) \$2,000 for a Medical Cannabis Testing Laboratory
- 15 (d) Initial Licensing Fees
- 16 (1) \$3,000 for a Type 1 Cultivation License
- 17 (2) \$5,000 for a Type 2 Cultivation License
- 18 (3) \$10,000 for a Type 3 Cultivation License
- 19 (4) \$5,000 for a Commercial Manufacturing Facility
- 20 (5) \$5,000 for a Dispensary
- 21 (6) \$2000 for a Medical Cannabis Testing Laboratory
- 22 (e) Annual License Renewal
- 23 (1) \$3,000 for a Type 1 Cultivation License
- 24 (2) \$7,500 for a Type 2 Cultivation License
- 25 (3) \$15,000 for a Type 3 Cultivation License
- 26 (4) \$5,000 for a Commercial Manufacturing Facility
- 27 (5) \$5,000 for a Dispensary

- 1 (6) \$2,000 for a Medical Cannabis Testing Laboratory
- 2 (f) Non-refundable Permit to Application Fee
- 3 (1) \$2,000 for a Type 1 Cultivation Site
- 4 (2) \$5,000 for a Type 2 Cultivation Site
- 5 (3) \$15,000 for a Type 3 Cultivation Site
- 6 (4) \$5,000 for a Commercial Manufacturing Facility
- 7 (5) \$5,000 for a Dispensary
- 8 (6) \$2,000 for a Medical Cannabis Testing Laboratory
- 9 (g) Permit to Operate Annual Fee
- 10 (1) \$2,000 for a Type 1 Cultivation Site
- 11 (2) \$5,000 for a Type 2 Cultivation Site
- 12 (3) \$15,000 for a Type 3 Cultivation Site
- 13 (4) \$5,000 for a Commercial Manufacturing Facility
- 14 (5) \$5,000 for a Dispensary
- 15 (6) \$2,000 for a Medical Cannabis Testing Laboratory
- 16 (h) Department Authentication of Written Certification: \$1.00

17 **§ 122510. Application and Licensing Process for Medical**
18 **Cannabis Business.**

19 The Department *shall* govern the manner in which applications for a
20 medical cannabis business license will be considered according to the
21 following:

- 22 (a) Within thirty (30) days of the passage of this Act, the
23 Department *shall* accept applications for proposed medical cannabis
24 business licenses on a form prescribed by the Department. The
25 application *shall* be submitted by the authorized responsible official
26 and include:

- 27 (1) the authorized responsible official's:

- 1 (A) name;
- 2 (B) mailing address;
- 3 (C) e-mail address;
- 4 (D) phone number;
- 5 (E) A Mayor's verification or document as
- 6 approved by the Department to display proof of Guam
- 7 residency; and
- 8 (F) clearances from police, court, and Attorney
- 9 General;
- 10 (2) the legal name of the proposed medical cannabis
- 11 business;
- 12 (3) the physical address of the proposed medical
- 13 cannabis business;
- 14 (4) affirmation that the proposed medical cannabis
- 15 business is not within a Drug Free School Zone pursuant to
- 16 Chapter 48 of Title 17, Guam Code Annotated;
- 17 (5) proof that the applicant has legal title filed with the
- 18 Department of Land Management on which the proposed
- 19 medical cannabis business will be located, or has a legal lease
- 20 agreement with the property owner that includes consent to
- 21 operate the proposed medical cannabis business on that property;
- 22 (6) proof that the proposed facility is registered with the
- 23 Department of Revenue and Taxation and has a business license
- 24 and Business Privilege Tax Number with the Department of
- 25 Revenue and Taxation;
- 26 (7) clearances from the police, court, and Attorney
- 27 General for each owner, responsible official, and board member;

1 (8) affirmation, to include a Mayor's verification of
2 each owner or responsible official or other form of
3 documentation as approved by the Department displaying proof
4 of Guam residency, that the proposed medical cannabis business
5 has a fifty-one percent (51%) ownership by legal residents of
6 Guam;

7 (9) operating procedures consistent with rules of the
8 Department for oversight of the proposed medical cannabis
9 business, including, without limitation:

10 (A) equipment handling and sanitation
11 procedures.

12 (B) procedures to ensure the use of adequate
13 security measures;

14 (C) the use of inventory control system; and

15 (D) such other information as the Department
16 may require;

17 (10) a certified statement that none of the persons who
18 are proposed to be owners, officers, or board members of the
19 proposed medical cannabis business have served as an owner,
20 officer or board member for a licensed medical cannabis business
21 that has had its license revoked within three (3) years of the
22 current application date;

23 (11) proof that none of the persons who are proposed to
24 be owners, officers, or board members of the proposed licensed
25 medical cannabis business are under twenty-one (21) years of
26 age;

1 (12) declaration that the proposed licensed medical
2 cannabis business will *not* knowingly employ a person who was
3 convicted of a felony offense, is under the age of twenty-one
4 (21), or who may have a conflict of interest as a practitioner
5 providing written certification to a qualified patient for the use
6 of medical cannabis;

7 (13) a certified letter from the planning department of the
8 Department of Land Management stating that the location of the
9 facility meets all zoning requirements of this Act. Licensed
10 medical cannabis businesses *shall* be located only in the
11 following zones:

12 (A) Agricultural Zone (A), Commercial Zone
13 (C), Light Industrial Zone (M1), and Heavy Industrial
14 Zone (M2) for commercial cannabis cultivation facilities;
15 and

16 (B) Commercial Zone (C), Light Industrial Zone
17 (M1), and Heavy Industrial Zone (M2) for commercial
18 manufacturing facilities and dispensaries.

19 (14) A plan for sufficient equipment to monitor
20 temperature, ventilation, humidity control equipment and any
21 other necessary equipment that preserves the integrity of the
22 medical cannabis, prepared medical cannabis, medical cannabis
23 product, and the safety of patients and operations, as determined
24 by the Department's rules and regulations; and

25 (15) The application fee, as set forth in this Act.

26 (b) The Department *shall* verify the information contained in
27 an application submitted pursuant to Subsection (a) of this Section, and

1 *shall* approve or deny an application within thirty (30) calendar days of
2 receipt. The Department *shall* deny an application only if the applicant
3 did not provide the information required pursuant to Subsection (a) of
4 this Section, or if the Department determines that the information
5 provided is false.

6 (c) The Department *shall* provide written notification to the
7 responsible official of an incomplete application within seven (7) days
8 of the Department's determination and specify where the application is
9 incomplete. The responsible official *shall* be given fourteen (14) days
10 to complete and resubmit the application.

11 (d) The Department *shall* reject any application that does not
12 comply with this Act. The Department *shall* provide the responsible
13 official with a written notification within seven (7) days of rejection
14 and specify the reason for rejection.

15 (e) The Department *shall* issue a license if the application is
16 complete and in accordance with this Act. The certificate *shall* include
17 the following:

- 18 (1) the medical cannabis business'
 - 19 (A) legal name;
 - 20 (B) physical address; and
 - 21 (C) phone number;
- 22 (2) the responsible official's
 - 23 (A) name;
 - 24 (B) mailing address;
 - 25 (C) email address;
 - 26 (D) phone number;
- 27 (3) a random alphanumeric identification number;

- 1 (4) the date of issue;
- 2 (5) the date of expiration;
- 3 (6) the date the licensed medical cannabis business
- 4 must reapply; and
- 5 (7) any other information the Department deems
- 6 necessary.

7 (f) Other than a medical cannabis testing laboratory, no
8 person, responsible official, board member, business, stakeholder,
9 principals, or entity of one (1) licensed medical cannabis business shall
10 own or have financial interest in more than one (1) licensed medical
11 cannabis business at any given time; provided that:

12 (1) for a commercial cultivation facility

13 (A) responsible officials, board members,
14 businesses, stakeholders, principals, or entities of
15 commercial cultivation facilities are not prohibited from
16 holding separate commercial manufacturing facility
17 licenses or dispensary licenses, so long as the provisions
18 for the application of the separate cultivation,
19 manufacturing, or dispensary licenses set forth in this Act
20 are completed in full by the applicant;

21 (B) responsible board members, businesses,
22 stakeholders, principals, or entities of commercial
23 cultivation facilities will apply for licensing separately
24 from commercial manufacturing facilities and
25 dispensaries; and

26 (C) commercial cultivators may possess *no more*
27 *than one* (1) commercial cultivation license at any given

1 time. Commercial cultivators are prohibited from holding
2 financial interest or partial ownership of more than one (1)
3 commercial cultivation facility at any given time.
4 Ownership of an entity's current commercial cultivation
5 license must be surrendered immediately upon acceptance
6 of a new commercial cultivation license, whether or not
7 the new commercial cultivation license represents a
8 change in location or an increase, decrease, or the current
9 level of commercial cultivation allowed to the entity.

10 (2) for a commercial manufacturing facility

11 (A) responsible officials, board members,
12 businesses, stakeholders, principals, or entities of
13 commercial manufacturing facilities are not prohibited
14 from holding separate commercial cultivation facility
15 licenses or dispensary licenses, so long as the provisions
16 for the application of the separate cultivation,
17 manufacturing, or dispensary licenses set forth in this Act
18 are completed in full by the applicant;

19 (B) responsible officials, board members,
20 businesses, stakeholders, principals, or entities of
21 commercial manufacturing facilities will apply for
22 licensing separately from commercial cultivation facilities
23 and dispensaries; and

24 (C) responsible officials, board members,
25 businesses, stakeholders, principals, or entities of a
26 commercial manufacturing facility may possess *no more*
27 *than one* (1) commercial cultivation license at any given

1 time. Commercial manufacturing facilities are prohibited
2 from holding financial interest or partial ownership of
3 more than one (1) commercial cultivation facility at any
4 given time. Ownership of an entity's current commercial
5 manufacturing facility license must be surrendered
6 immediately upon acceptance of a new commercial
7 cultivation license, whether or not the new commercial
8 cultivation license represents a change in location or an
9 increase, decrease, or the current level of commercial
10 cultivation allowed to the entity.

11 (3) for a dispensary

12 (A) responsible officials, board members,
13 businesses, stakeholders, principals, or entities of a
14 dispensary are not prohibited from holding separate
15 commercial cultivation facility licenses or commercial
16 manufacturing facility licenses, so long as the provisions
17 for the application of the separate cultivation,
18 manufacturing, or dispensary licenses set forth in this Act
19 are completed in full by the applicant;

20 (B) responsible officials, board members,
21 businesses, stakeholders, principals, or entities of a
22 dispensary will apply for licensing separately from
23 commercial cultivation facilities and commercial
24 manufacturing facilities; and

25 (C) responsible officials, board members,
26 businesses, stakeholders, principals, or entities of a
27 dispensary may possess no more than one (1) commercial

1 cultivation facility license at any given time. Dispensaries
2 are prohibited from holding financial interest or partial
3 ownership of more than one (1) commercial cultivation
4 facility at any given time. Ownership of an entity's current
5 commercial cultivation facility license must be
6 surrendered immediately upon acceptance of a new
7 commercial cultivation facility license, whether or not the
8 new commercial cultivation facility license represents a
9 change in location or an increase, decrease, or the current
10 level of commercial cultivation allowed to the entity.

11 (g) A medical cannabis testing laboratory and its responsible
12 officials, board members, business stakeholders, principals, or entities
13 of a medical cannabis testing laboratory are prohibited from owning or
14 having any financial stake in commercial cultivation facilities,
15 commercial manufacturing facilities, dispensaries, and medical
16 establishments that recommend the use of medical cannabis, or other
17 medical cannabis testing laboratories.

18 **§ 122511. Permit to Operate.**

19 The Department *shall* govern the manner in which applications for a
20 Medical Cannabis Permit to Operate will be considered. The Department
21 *shall* inspect the facilities of a licensed medical cannabis business prior to
22 issuing a Permit to Operate. The Permit to Operate must be displayed inside
23 the licensed medical cannabis business. No medical cannabis, prepared
24 medical cannabis, or medical cannabis product can be sold or transferred by
25 a licensed medical cannabis business to any licensed medical cannabis
26 business, medical cannabis testing laboratory, qualified patient, qualified
27 patient's primary caregiver, or qualified patient's legal guardian without the

1 licensed medical cannabis business being in possession of a Permit to
2 Operate. The application and the Permit to Operate *shall* include:

3 (a) the name, address, and license number of the medical
4 cannabis business;

5 (b) the responsible official's name;

6 (c) the date of issue;

7 (d) the date of expiration;

8 (e) the date the licensed medical cannabis business must
9 reapply;

10 (f) the type of medical cannabis license; and

11 (g) any other information deemed necessary by the
12 Department.

13 **§ 122512. Operation Standards.**

14 (a) Each facility will comply with all local building, health, fire, and
15 zoning requirements and other applicable requirements and *shall not* be in
16 violation of Guam's building and zoning laws.

17 (b) All licensed medical cannabis businesses that prepare, package,
18 store, sell, distribute, or dispense cannabis-infused edible food products *shall*
19 comply with Title 10 GCA, Chapters 21, 22, 23, 24, and 40, and applicable rules
20 and regulations, to ensure proper food safety.

21 (c) Commercial cultivation may only occur on the property for
22 which the commercial cultivation license was obtained.

23 (d) Commercial cultivation *shall not* be in public view. All
24 commercial cultivation structures *shall* be fully surrounded by a fence or wall
25 at least ten (10) feet in height with a locking gate or door. No cannabis plant
26 shall be taller than the height of the wall, fence, or gate.

1 (e) The cultivation area and storage areas of medical cannabis,
2 prepared medical cannabis, medical cannabis product must be adequately
3 secured to prevent unauthorized entry.

4 (f) If supplemental gasses are used for cultivation purposes, the
5 facility will be equipped with working carbon monoxide detectors.

6 (g) Licensed medical cannabis businesses *shall* develop a plan for
7 and cooperate with local health, water, building, and fire authorities to ensure
8 adequate ventilation and air filtration, plumbing and drainage requirements,
9 electrical safety, and proper disposal of wastewater according to Guam
10 Environmental Protection Agency and Department of Agriculture
11 requirements when applicable.

12 (h) A sample of each lot of every medical cannabis crop produced
13 by the commercial cultivator *shall* be laboratory tested by a licensed medical
14 cannabis testing laboratory before distribution to a licensed possessor.

15 (i) A sample of each batch of each prepared medical cannabis or
16 medical cannabis product produced by a commercial manufacturing facility
17 *shall* be laboratory tested by a licensed medical cannabis testing laboratory
18 before distribution to a licensed possessor.

19 (j) The licensed medical cannabis business *shall* attach a
20 Department approved chain of custody form that includes a detailed report of
21 the laboratory testing results from the lot of the cannabis crop origination,
22 based on minimum requirements set by the Department.

23 (k) All laboratory tested cannabis determined to be unusable or
24 contaminated according to the minimum laboratory testing requirements set
25 by this Act must be destroyed and/or disposed of in accordance with local law
26 within twenty-four (24) hours of determination. Disposal *shall* be recorded

1 and reported to the Department within forty-eight (48) hours of disposal
2 pursuant to this Act.

3 (l) The licensed medical cannabis business *shall* develop standard
4 operating procedures, protocols, and training for the safe handling and
5 dispensing of medical cannabis to include:

- 6 (1) storage protocols;
- 7 (2) reasonable security protocols;
- 8 (3) inventory control; and
- 9 (4) distribution systems.

10 (m) The use of butane for any extraction method for medical
11 marijuana concentrates is hereby banned in Guam.

12 **§ 122513. Storage of Cannabis.**

13 To reduce contamination of cannabis products, all cannabis products
14 *shall* be stored and displayed in inconspicuous air-tight and tamper proof
15 containers. If applicable, the product may be stored in child-proof containers.
16 Storage and display areas must maintain relative humidity between fifty
17 percent (50%) and seventy percent (70%).

18 **§ 122514. Transport of Cannabis.**

19 (a) Medical cannabis, prepared medical cannabis, and
20 medical cannabis product *shall* only be transported by designated
21 couriers of a licensed medical cannabis business, a qualified patient, a
22 qualified patient's primary caregiver, or a qualified patient's legal
23 guardian.

24 (b) The designated courier *shall* be registered with the
25 Department.

26 (c) The designated courier authorized by the licensed medical
27 cannabis business *shall*:

- (1) *not* use a vehicle with any cannabis identification;
- (2) ensure the cannabis is not visible; and
- (3) store cannabis in air-tight, tamper proof packaging.

§ 122515. Labeling and Packaging.

Labels and packages of prepared medical cannabis product *shall* meet the following requirements:

(a) Medical cannabis packages and labels *shall not* be made to be attractive to children, to include cartoons; symbols or celebrities that are commonly used to market products to minors; or similar to existing packaging labels of any product available on the market that currently markets towards children.

(b) All prepared medical cannabis and medical cannabis product labels *shall* include the following information, prominently displayed and in a clear and legible font:

(1) the manufacture date, identification, batch, and lot number as applicable;

(2) the statement “KEEP OUT OF REACH OF CHILDREN AND ANIMALS” in bold print;

(3) the statement “FOR MEDICAL USE ONLY”;

(4) the statement, only on edibles “WHEN EATEN OR SWALLOWED, THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS”;

(5) the statement “THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION”;

(6) a warning if nuts or other known allergens or gluten containing products are used;

1 (7) a list of pharmacologically active ingredients,
2 including, but not limited to, delta-9-tetrahydrocannabinol
3 (THC) and cannabidiol (CBD) in percentage, the THC and CBD
4 milligrams per serving, servings per package, and the THC and
5 CBD and other cannabinoid amount in milligrams for the
6 package total for prepared cannabis, as applicable;

7 (8) clear indication, in bold type, that the product
8 contains medical cannabis;

9 (9) total net weight of prepared cannabis and medical
10 cannabis product, as applicable; and

11 (10) any other requirement set by the Department.

12 (c) All packaging information required by this Section *shall*
13 be in no less than eight (8) point font, regardless of individual package
14 size.

15 (d) Packaging *shall* be in an inconspicuous and tamper-
16 evident packaging.

17 **§ 122516. Inspections.**

18 The Department *shall* establish standard operating procedures for
19 inspecting a licensed medical cannabis business facility. Authorized members
20 of the Department or law enforcement, the Guam Fire Department, or
21 Department of Public Works may conduct inspections as needed during
22 business hours to ensure compliance with the local laws, and the Guam
23 Environmental Protection Agency and the Guam Department of Agriculture.
24 The Department *shall* provide a twenty-four (24) hour notice of inspections.
25 If deficiencies in operational standards are discovered, the facility will be
26 notified in writing, and the Department *shall* suspend the licensed medical
27 cannabis business' Permit to Operate. The licensed medical cannabis business

1 *shall* be given ten (10) business days to correct the deficiencies. The facility
2 may submit a request for reasonable extension to correct deficiencies if the
3 facility can show that the corrections cannot be made within ten (10) business
4 days. The Department *shall* review and grant or deny the written request for
5 extension within three (3) business days. Failure to correct the deficiencies in
6 the allotted time will result in a notice of closure, and revocation of permit to
7 operate.

8 **§ 122517. Expiration and Renewal of License and Permit to**
9 **Operate.**

10 All licenses and Permits to Operate are valid for a term of one (1) year
11 from the issue date. The Department *shall* accept applications to renew on a
12 form prescribed by the Department. All applications or annual renewals for a
13 license or Permit to Operate must be submitted to the Department sixty (60)
14 days prior to the date of expiration. The Department *shall* notify businesses to
15 renew or reapply within seven (7) days of the sixtieth (60th) day.

16 Failure to submit an application to renew in the prescribed time frame
17 will result in the forfeiture of medical cannabis, prepared medical cannabis,
18 and medical cannabis product. The licensed medical cannabis business *shall*
19 be given a twenty-four (24) hour notice by the Department of the expiration
20 of the license. On the date of expiration, the Department *shall* revoke the
21 business' Permit to Operate and the Department is authorized to seize all
22 forfeited cannabis. The medical cannabis business may destroy all cannabis
23 prior to the expiration and provide the required documentation of the
24 destruction and disposal of cannabis pursuant to § 122521 of this Act.

25 **§ 122518. Suspension of Permit to Operate and Revocation of**
26 **License.**

1 The Department may suspend the Permit to Operate of any licensed
2 cannabis business that is found to be in violation of this Act. The Department
3 *shall* provide a written notice to the licensed medical cannabis business that
4 includes the specific reason or reasons for the revocation and the process for
5 requesting a hearing of the Department’s decision pursuant to the
6 Department’s procedures. The licensed medical cannabis business *shall* be
7 given no more than thirty (30) calendar days to be in compliance. Failure to
8 comply will result in revocation of a licensed medical cannabis business
9 license and forfeit of the cannabis on its premises. The Department is
10 authorized to seize and destroy all forfeited cannabis products in accordance
11 with § 122521 of this Act. After all cannabis is seized, the Department *shall*
12 revoke the license.

13 **§ 122519. Chain of Custody Form.**

14 All sales or transfers of medical cannabis, prepared medical cannabis,
15 and medical cannabis product from licensed medical cannabis business to
16 licensed medical cannabis business *shall* be tracked via a Department
17 prescribed chain of custody form to include, but not be limited to:

- 18 (a) Commercial cultivation facility to a laboratory:
- 19 (1) the lot number of medical cannabis crop or batch
20 number of prepared medical cannabis or medical cannabis
21 product, if applicable;
- 22 (2) the date the medical cannabis was harvested;
- 23 (3) the net weight and gross weight of cannabis sold or
24 transferred;
- 25 (4) the name, address, and license number of the
26 commercial cultivation facility from which the crop originated;

1 (5) the signature of the person who received and
2 verified the shipment;

3 (6) the time and date when the receiving party took
4 custody of the shipment; and

5 (7) any other information deemed necessary by the
6 Department.

7 (b) Licensed medical cannabis business to licensed medical
8 cannabis business:

9 (1) the lot number of the medical cannabis crop;

10 (2) the batch number of the prepared medical cannabis
11 and medical cannabis product, if applicable;

12 (3) the date the cannabis was harvested;

13 (4) the name, address, and license number of the
14 licensed medical cannabis business from which the crop
15 originated;

16 (5) the name, address, and license number of the
17 licensed medical cannabis business from which the medical
18 cannabis product originated;

19 (6) the net weight and gross weight of medical
20 cannabis, prepared medical cannabis, and medical cannabis
21 product sold or transferred;

22 (7) the laboratory test results and report;

23 (8) a declaration from the laboratory that the product
24 meets the minimum laboratory testing requirements set by the
25 Department;

1 (9) a declaration from the licensed medical cannabis
2 business that all information in the chain of custody form is true
3 and correct;

4 (10) the name, address, and license number or registry
5 identification number of the receiving party;

6 (11) the signature of the person who received and
7 verified the shipment;

8 (12) the time and date when receiving party took custody
9 of the shipment;

10 (13) the travel plan as specified in § 122514 of this Act;
11 and

12 (14) any other information deemed necessary by the
13 Department.

14 (c) Medical Cannabis Testing Laboratory to Licensed
15 Medical Cannabis Business:

16 (1) a Chain of Custody report as specified in Subsection
17 (a) of this Section;

18 (2) a Chain of Custody report as specified in Subsection
19 (b) of this Section, if applicable;

20 (3) laboratory testing results and report;

21 (4) net weight and gross weight of amount of any
22 unused, untested medical cannabis, prepared medical cannabis,
23 or medical cannabis product returned to the licensed medical
24 cannabis business;

25 (5) a declaration from the licensed medical cannabis
26 business that all information in the Chain of Custody form is true
27 and correct;

1 (6) the name, address, and license number or registry
2 identification number of the receiving party;

3 (7) the signature of the person who received and
4 verified the shipment;

5 (8) the time and date when receiving party took custody
6 of the shipment; and

7 (9) any other information deemed necessary by the
8 Department.

9 **§ 122520. Loss of Cannabis.**

10 Any loss of medical cannabis, prepared medical cannabis, or medical
11 cannabis product over one (1) ounce due to theft or natural disaster *shall* be
12 reported to the Department and the Guam Police Department within twenty-
13 four (24) hours, along with the associated Chain of Custody forms for the lost
14 medical cannabis, prepared medical cannabis, or medical cannabis product.
15 The report *shall* include the amount of cannabis in weight that was lost.

16 **§ 122521. Destruction and Disposal of Cannabis.**

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

1 (a) the name and license number of the licensed medical
2 cannabis business the cannabis originated from;

3 (b) the name of the authorized licensed medical cannabis
4 business employee or authorized Department or law enforcement
5 official performing the destruction or disposal;

6 (c) the Chain of Custody Report, if applicable;

7 (d) the amount, in weight, destroyed or disposed of;

8 (e) the method of destruction or disposal;

9 (f) the time and date of destruction or disposal;

10 (g) the reason for destruction or disposal; and

11 (h) any other information the Department deems necessary.

12 **§ 122522. Cessation of Business Operations.**

13 The licensed medical cannabis business *shall* report to the Department
14 of its intent to cease business operations before the expiration of the medical
15 cannabis business' license or permit to operate. The licensed medical cannabis
16 business *shall* provide written notification to the Department thirty (30)
17 business days prior to the actual date of cessation. Notification will warrant a
18 forfeiture of all cannabis. The Department is authorized to revoke the
19 business' Permit to Operate and begin the process of seizing all cannabis. The
20 notification *shall* include:

21 (a) the reason for cessation;

22 (b) the date of cessation;

23 (c) a plan to dispose and destroy cannabis located on the
24 business premises before cessation of business operations;

25 (d) the signature of the responsible official; and

26 (e) any other information deemed necessary by the
27 Department.

1 **§ 122523. Compassionate Cannabis Use Fund.**

2 (a) There is established a non-lapsing revolving fund, hereafter
3 referred to as the “Compassionate Cannabis Use Fund” (Fund), which *shall*
4 be maintained separate and apart from any other fund of the government of
5 Guam, and *shall* be administered by the Department of Public Health and
6 Social Services. Independent records and accounts *shall* be maintained in
7 connection therewith. All fees, reimbursements, assessments, fines, and other
8 funds collected or received pursuant to this Act *shall* be deposited in this Fund
9 and used for the administration and implementation of this Act, including
10 purchase of equipment and payment of the operational costs of the
11 Department.

12 (b) The Department *shall* submit to *I Liheslaturan Guåhan* and *I*
13 *Maga'låhen Guåhan* an annual report no later than the end of each fiscal year
14 that does not disclose any identifying information about cardholders, medical
15 cannabis dispensaries or attending physicians, but contains all of the following
16 information:

- 17 (1) the number of registry identification card applications and
18 renewals;
- 19 (2) the number of qualifying patients and designated
20 caregivers;
- 21 (3) the nature of the debilitating medical conditions of the
22 qualifying patients;
- 23 (4) the number of registry identification cards issued, renewed
24 and revoked;
- 25 (5) the number of physicians providing written certifications
26 for qualifying patients;
- 27 (6) the number of registered medical cannabis dispensaries;

1 (7) the number of registered medical cannabis dispensary
2 agents; and

3 (8) the number of registered medical cannabis businesses
4 approved, denied, or revoked for licenses and permits.

5 **§ 122524. Registry Card Optional.**

6 Notwithstanding any other provision of law, rule, or regulation, registry
7 cards for qualified patients *shall* be optional. A written recommendation *shall*
8 be a valid endorsement for participation in the medical cannabis program. The
9 registration of medical cannabis business employees is optional, except for
10 the registration of a responsible official, and designated courier.

11 **§ 122525. Confidential Database.**

12 (a) The Department *shall* create and maintain a confidential database
13 for the consistent and accurate online tracking of the provisions of this Act.
14 The Department *shall* use best available practices to ensure the confidentiality
15 of a qualified patient's status and records from the general public, and be
16 guided by all HIPAA rules and regulations. The confidential database will
17 include:

18 (1) a tracking system for licenses granted to commercial
19 cultivators, commercial manufacturers, and dispensaries;

20 (2) a tracking system that includes the names and addresses of
21 qualified patients and the qualified patient's primary caregivers to
22 ensure compliance with the provisions of this Act; and

23 (3) the names and addresses of the persons who have either
24 applied for or received a registry identification card.

25 (b) This confidential database *shall not* include the medical records
26 or medical condition of the qualified patient.

1 (c) Medical conditions of qualified patients *shall not* be requested
2 or required by the Department.

3 (d) The Department *shall* provide medical cannabis dispensaries
4 with the means to electronically verify the valid status and expiration date of
5 a qualified patient's written certification or patient caregiver's registration via
6 the confidential database to ensure that a person is lawfully in possession of a
7 valid written certification or registration according to the following
8 guidelines:

9 (1) This information will be provided by the Department on
10 an as needed basis.

11 (2) At no time will a dispensary be given access to the
12 confidential database in its entirety.

13 (3) All new patients will be verified by dispensaries via the
14 confidential database before provision of services.

15 (4) A record of the expiration date of the qualified patient's
16 written certification or primary caregiver's registration will be
17 kept by the dispensary.

18 (5) Dispensaries *shall not* provide services to a person whose
19 written Certification or registration has expired until proof of
20 renewal of the written certification or registration is obtained
21 from the Department.

22 (e) Records maintained by the Department that identify qualified
23 patients, primary caregivers, and qualified patient's practitioners are
24 confidential and *shall not* be subject to disclosure, except:

25 (1) to authorized employees or agents of the Department as
26 necessary to perform the duties of the Department pursuant to the
27 provisions of this Act;

1 (2) to authorized employees of state or local law enforcement
2 agencies, but only for the purpose of verifying participation in Guam's
3 medical cannabis program;

4 (3) pursuant to a court order or subpoena issued by a court;

5 (4) as provided in the federal Health Insurance Portability and
6 Accountability Act of 1996, codified at 42 U.S.C. §1320d *et seq.*;

7 (5) with the written permission of the qualified patient or the
8 qualified patient's legal guardian, or a parent or person with legal
9 custody if the qualified patient has not attained eighteen (18) years of
10 age;

11 (6) to a law enforcement official for verification purposes.
12 The records may not be disclosed further than necessary to verify a
13 qualified patient's participation in the medical cannabis program; and

14 (7) to a qualified patient's treating practitioner and to a
15 qualified patient's primary caregiver for the purpose of carrying out this
16 Act. This confidential database *shall not* include the medical records or
17 medical condition of the qualified patient.

18 (8) Medical conditions of qualified patients *shall not* be
19 requested or required by the Department.

20 **§ 122526. Written Certification.**

21 (a) Practitioners who provide a written certification for a qualified
22 patient to use medical cannabis will transmit the written certification to the
23 Department via fax, secure e-mail, or courier within twenty-four (24) hours
24 after certifying the qualified patient.

25 (b) The qualified patient *shall* validate the practitioner's written
26 certification in person and submit a copy of the qualified patient's written
27 certification in person to the Department with a copy of a valid Guam driver's

1 license, valid Guam identification card as approved by the Director of the
2 Department, or any form of identification as approved by the Director of the
3 Department to verify the qualified patient's identification. The Department
4 *shall* authenticate the patient's written certification by affixing the
5 Department's seal on the patient's written certification. The qualified patient
6 *shall* carry their written certification at all times.

7 (c) The qualified patient's primary caregivers *shall* register directly
8 with the Department. This registration will be valid for one (1) year. A copy
9 of the qualified patient's valid written certification will be included with the
10 qualified patient's primary caregiver's registration.

11 (1) A qualified primary caregiver may register with up to five
12 (5) qualified patients. Violation of this provision is punishable by a civil
13 fine of Five Thousand Dollars (\$5,000).

14 (2) A primary caregiver must keep a copy of their Department
15 approved registration identification card when handling or transporting
16 medical cannabis.

17 (3) A qualified patient may designate no more than one (1)
18 person as a primary caregiver. Violation of this provision is subject to
19 a fine of Two Hundred Fifty Dollars (\$250) for each individual
20 violation.

21 **§ 122527. Dispensing Medical Cannabis.**

22 (a) The Department *shall* provide medical cannabis dispensaries
23 with the means to electronically verify the valid status and expiration date of
24 a qualified patient's written certification or a qualified patient's primary
25 caregiver's registration via the confidential database to ensure that a person is
26 lawfully in possession of a valid written certification or registry identification
27 card according to the following guidelines:

1 (1) This information will be provided by the Department on
2 an as needed basis.

3 (2) At no time will a dispensary be given access to the
4 confidential database in its entirety.

5 (3) All new qualified patients will be verified by dispensaries
6 via the confidential database before provision of services.

7 (A) A record of the expiration date of the qualified
8 patient's written certification or primary caregiver's registration
9 will be kept by the dispensary.

10 (B) Dispensaries *shall not* provide services to a person whose
11 written certification or registration has expired until proof of
12 renewal of the written certification or registration is obtained
13 from the Department.

14 (b) Any licensed medical cannabis business that dispenses, sells, or
15 distributes cannabis and cannabis products to a qualified patient or a qualified
16 patient's primary caregiver *shall*:

17 (1) verify the qualified patient is in possession of a written
18 certification or the qualified patient's primary caregiver is in possession
19 of a registry identification card at the time of the purchase;

20 (2) verify proof of identification with a valid Guam driver's
21 license, a valid Guam identification card as approved by the Director of
22 the Department, or any other form of identification as approved by the
23 Director of the Department;

24 (3) verify the qualified patient is not receiving more than the
25 allowable amount. Verification *shall* be made by written
26 documentation signed by the qualified patient or the qualified patient's
27 primary caregiver stating that the qualified patient and qualified

1 patient's primary caregiver will not possess more than the allowable
2 amount and will not divert medical cannabis.

3 **§ 122528. Testing Laboratories for Medical Cannabis.**

4 (a) The Department *shall* license one (1) or more independent
5 medical cannabis testing laboratories to laboratory test medical cannabis,
6 prepared medical cannabis, and medical cannabis products that are to be sold
7 on Guam for medical use. A licensed testing laboratory *shall* be completely
8 independent from all licensed medical cannabis business that will cultivate,
9 manufacture, or dispense medical cannabis.

10 (b) At a minimum, such a testing laboratory must be able to test
11 samples of medical cannabis, prepared medical cannabis, and medical
12 cannabis products to accurately determine the following:

- 13 (1) the concentration of delta-9-tetrahydrocannabinol
14 (THC) and cannabidiol (CBD);
- 15 (2) the presence and identification of molds and fungus;
- 16 (3) the presence of fertilizers and other nutrients;
- 17 (4) the presence of heavy metals and other
18 contaminants, including pesticides; and
- 19 (5) active ingredient identification.

20 (c) The Department *shall* establish rules for acceptable amounts of
21 molds and fungus, heavy metals, and other contaminants in the cannabis;
22 determine operational standards and protocols for testing, retesting, rejecting,
23 and destroying batches of cannabis that do not meet the acceptable amounts;
24 and certifying private and independent testing laboratories to test medical
25 cannabis, prepared cannabis, and medical cannabis products that are sold by
26 a licensed medical cannabis business.

1 (d) Such medical cannabis testing laboratory must be
2 certified/accredited by a third-party, nonprofit, impartial organization.

3 (e) The testing laboratory may acquire and possess unlimited
4 amounts of testing samples for the purposes of laboratory testing medical
5 cannabis.

6 (f) The commercial cultivation facility and commercial
7 manufacturing facility must sort medical cannabis into identical lots according
8 to the cannabis crop and prepared medical cannabis and medical cannabis
9 products into identical batches. The commercial cultivation facility and
10 commercial manufacturing facility *shall* quarantine a lot or batch of medical
11 cannabis, prepared medical cannabis, or medical cannabis product from being
12 handled and sold until after the results of the laboratory testing has been
13 completed and submitted to the Department and the commercial cultivation
14 facility or commercial manufacturing facility. An employee of a medical
15 cannabis testing laboratory *shall* select a random sample from each batch to
16 be tested by the laboratory.

17 (g) Cannabis being transported to and from a testing laboratory must
18 be labeled "For Testing Purposes Only."

19 (h) Cannabis in the possession of a testing laboratory or in the
20 process of testing, transport or analysis must be housed and stored in a manner
21 to prevent diversion, theft and loss.

22 (i) If the laboratory testing results indicate unacceptable amounts of
23 contaminants in a medical cannabis, prepared medical cannabis, or medical
24 cannabis product, the testing laboratory *shall* notify the Department and the
25 responsible official of the licensed medical cannabis business from which the
26 medical cannabis, prepared medical cannabis, or medical cannabis product
27 originated. The responsible official of the licensed medical cannabis business

1 *shall* immediately quarantine the products. The responsible official of the
2 licensed medical cannabis business may request for medical cannabis or
3 medical cannabis product to be retested. A lot of medical cannabis or batch of
4 prepared medical cannabis or medical cannabis product *shall* only be tested at
5 most three (3) times. The responsible official *shall* document the destruction
6 or disposal of the quarantined medical cannabis or medical cannabis product
7 that has been tested to be unacceptable in accordance with this Section.

8 (j) All excess medical cannabis, prepared medical cannabis, or
9 medical cannabis product possessed by a testing laboratory must be returned
10 to the source or destroyed. The testing laboratory *shall* create and maintain
11 records of any exchange of cannabis, as well as any disposal of cannabis, and
12 of any hazardous chemicals used by the testing laboratory.

13 (k) The testing laboratory *shall* issue written reports of the full
14 analysis and results from the tested batch of cannabis to the licensed medical
15 cannabis business that requested the test and the Department. Written reports
16 of the full analysis and results from the tested batch of medical cannabis,
17 prepared medical cannabis, and medical cannabis products *shall* be made
18 available to the public by request.

19 (l) A licensed medical cannabis business may request for a retest of
20 any lot or batch of cannabis or batch of cannabis product.

21 (m) The licensed medical cannabis business selling or distributing
22 cannabis must place a label in a conspicuous area on the product's packaging
23 stating the CBD and THC levels in percentage or milligrams, as applicable,
24 and a statement that the cannabis product has been tested and has met the
25 acceptable standards determined by the Department.

26 (n) This Section *does not* prohibit a commercial cultivation site,
27 commercial manufacturing site, or dispensary from operating a laboratory

1 within their business. However, all medical cannabis must be laboratory tested
2 at an independent medical cannabis testing laboratory that has been licensed
3 by the Department.

4 **§ 122529. Record Keeping.**

5 All records required in this Act *shall* be confidential and *shall* be kept
6 by a licensed medical cannabis business for a period of at least five (5) years.
7 Upon reasonable notice, the Director of the Department of Public Health and
8 Social Service may request access to a licensed medical cannabis business for
9 inspection and copying. Upon cessation of business operations, records
10 required under this Act *shall* be submitted in an electronic format to the
11 Department of Public Health and Social Services on a portable device.”

12 **Section 3. Severability.** If any provision of this Act or its application to
13 any person or circumstance is found to be invalid or contrary to law, such invalidity
14 *shall not* affect other provisions or applications of this Act that can be given effect
15 without the invalid provisions or application, and to this end the provisions of this
16 Act are severable.

17 **Section 4. Effective Date.** This Act *shall* take effect upon enactment into
18 law.

