

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

		TITLE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
<p align="center"><b>PUBLIC LAW 32-237</b></p>	<p>The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237</p>	<p align="center">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, TO BE KNOWN AS THE "JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013."</p>	<p align="center">02/16/15</p>	<p align="center">32-237</p>	<p align="center"><b>Doc No. 33GL-15-0154</b></p>

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

## **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, TO BE KNOWN AS THE "JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013."**

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

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

### **"ARTICLE 24**

#### **THE JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013**

7           § 122401. Title.

8           § 122402. Purpose of Act.

9           § 122403. Definitions.

10          § 122404. Exemption from Criminal and Civil Penalties for  
11 Medical Use of Cannabis.

12          § 122405. Prohibitions, Restrictions and Limitations on the  
13 Medical Use of Cannabis - Criminal Penalties.

14          § 122406. Advisory Board Created - Duties.

15          § 122407. Department Rules; Registry Identification Cards.

16          **§ 122401. Title.** This Act *shall* be known and *shall* be cited as the  
17 "*Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013.*"

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           **§ 122402. Purpose of Act.** The purpose of this Act is to allow the  
2 beneficial use of medical cannabis in a regulated system for alleviating symptoms  
3 caused by debilitating medical conditions and their medical treatments.

4           **§ 122403. Definitions.** As used in this Act:

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

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

20           (c) *Debilitating medical condition* means:

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

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

- 1                   (5)    epilepsy;
- 2                   (6)    positive status for human immunodeficiency virus or
- 3                   acquired immune deficiency syndrome;
- 4                   (7)    admitted into hospice care in accordance with rules
- 5                   promulgated under this Act;
- 6                   (8)    post-traumatic stress disorder;
- 7                   (9)    rheumatoid arthritis or similar chronic autoimmune
- 8                   inflammatory disorders; or
- 9                   (10)  any other medical condition, medical treatment or disease
- 10                  as approved by the Department;
- 11                  (d)    *Department* means the Department of Public Health and Social
- 12                  Services.
- 13                  (e)    *Hospice care* means palliative care for the terminally and
- 14                  seriously ill provided in a hospital, nursing home, or private residence.
- 15                  (f)    *Licensed producer* means any person or association of persons
- 16                  within Guam that the Department determines to be qualified to
- 17                  produce, possess, distribute and dispense cannabis pursuant to this
- 18                  Act, and that is licensed by the Department.
- 19                  (g)    *Medical use* means the acquisition, cultivation, possession,
- 20                  processing, (including development of related products such as food,
- 21                  tinctures, aerosols, oils, or ointments), transfer, transportation, sale,
- 22                  distribution, dispensing, or administration of cannabis, as well as the
- 23                  possession of cannabis paraphernalia, for the benefit of qualifying
- 24                  patients in the treatment of debilitating medical conditions, or the
- 25                  symptoms thereof.

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           (h) *Practitioner* means a person licensed in Guam to prescribe and  
2           administer drugs that are subject to the Guam Uniform Controlled  
3           Substances Act.

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

11          (j) *Qualified patient* means a resident of Guam who has been  
12          diagnosed by a practitioner as having a debilitating medical condition,  
13          and has received written certification and a registry identification card  
14          issued pursuant to this Act.

15          (k) *Written certification* means a statement in a patient's medical  
16          records or a statement signed by a patient's practitioner that, in the  
17          practitioner's professional opinion, the patient has a debilitating  
18          medical condition and the practitioner believes that the potential  
19          health benefits of the medical use of cannabis would likely outweigh  
20          the health risks for the patient. A written certification is *not* valid for  
21          more than one (1) year from the date of issuance.

## 22          **§ 122404. Exemption from Criminal and Civil Penalties for the** 23          **Medical Use of Cannabis.**

24          (a) A qualified patient *shall not* be subject to arrest, prosecution or  
25          penalty in any manner for the possession of or the medical use of

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           cannabis if the quantity of cannabis does not exceed an adequate  
2           supply.

3           (b) A qualified patient's primary caregiver *shall not* be subject to  
4           arrest, prosecution or penalty in any manner for the possession of  
5           cannabis for medical use by the qualified patient if the quantity of  
6           cannabis does not exceed an adequate supply.

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

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

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

15                           (A) allow the qualified patient's medical use of  
16                           cannabis;

17                           (B) serve as the qualified patient's primary caregiver;  
18                           and

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

21           (d) A qualified patient or a primary caregiver *shall* be granted the  
22           full legal protections provided in this Section if the patient or  
23           caregiver is in possession of a registry identification card.

24           (e) A qualified patient who fails to register and receive a registry  
25           identification card from the Department but who nevertheless has

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1 received a written certification from their physician for the medical  
2 use of cannabis may be subject to arrest or prosecution but may raise  
3 an affirmative defense at trial.

4 (f) A practitioner *shall not* be subject to arrest or prosecution,  
5 penalized in any manner or denied any right or privilege for  
6 recommending the medical use of cannabis or providing written  
7 certification for the medical use of cannabis pursuant to this Act.

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

11 (h) Any property interest that is possessed, owned or used in  
12 connection with the medical use of cannabis, or acts incidental to such  
13 use, *shall not* be harmed, injured or destroyed while in the possession  
14 of state or local law enforcement officials. Any such property interest  
15 *shall not* be forfeited under any local law providing for the forfeiture  
16 of property, *except* as provided in the Special Assets Forfeiture Fund,  
17 10 GCA §§ 79101 - 79105. Cannabis, paraphernalia or other property  
18 seized from a qualified patient or primary caregiver in connection  
19 with the claimed medical use of cannabis *shall* be returned  
20 immediately upon the determination by a court or prosecutor that the  
21 qualified patient or primary caregiver is entitled to the protections of  
22 the provisions of this Act, as may be evidenced by a failure to actively  
23 investigate the case, a decision not to prosecute, the dismissal of  
24 charges or acquittal.

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

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

4           **§ 122405. Prohibitions, Restrictions and Limitations on the Medical**  
5           **Use of Cannabis - Criminal Penalties.**

6           (a) Participation in the medical use of cannabis by a qualified  
7           patient or primary caregiver *does not* relieve the qualified patient or primary  
8           caregiver from:

9                   (1) criminal prosecution or civil penalties for activities *not*  
10                  permitted by this Act;

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

14                  (3) criminal prosecution or civil penalty for possession or  
15                  use of cannabis:

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

17                           (B) on school grounds or property;

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

20                           (D) at a public park, recreation center, youth center or  
21                           other public place.

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



## Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           (c) If a licensed producer sells, distributes, dispenses or transfers  
2 cannabis to a person not permitted to participate in the medical use of  
3 cannabis under this Act, or obtains or transports cannabis outside Guam in  
4 violation of federal law, the licensed producer shall be subject to arrest,  
5 prosecution and civil or criminal penalties in accordance with Guam law.

6           **§ 122406. Advisory Board Created - Duties.** There *shall* be established  
7 an advisory board consisting of nine (9) members, as follows: (1) the Director of  
8 the Department of Public Health and Social Services or his designee; (2) the  
9 Chairperson of the Guam Board of Medical Examiners or his designee; (3) the  
10 Director of the Department of Agriculture or his designee; (4) the Chairperson of  
11 the Legislative Committee on Health and Human Services or his designee; (5) a  
12 member of the public at large; and, finally, the remaining four members of said  
13 advisory board *shall* be practitioners representing the fields of oncology,  
14 neurology, psychiatry, and pain management, respectively, all of whom *shall* be  
15 board-certified in their area of specialty and knowledgeable about the medical use  
16 of cannabis. A quorum of said advisory board *shall* consist of five members. The  
17 board *shall*:

18           (a) review and recommend to the Department for approval  
19 additional debilitating medical conditions that would benefit from the  
20 medical use of cannabis;

21           (b) accept and review petitions to add medical conditions, medical  
22 treatments or diseases to the list of debilitating medical conditions that  
23 qualify for the medical use of cannabis;

24           (c) convene at least twice per year to conduct public hearings and  
25 to evaluate petitions, which shall be maintained as confidential personal

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1 health information, to add medical conditions, medical treatments or  
2 diseases to the list of debilitating medical conditions that qualify for the  
3 medical use of cannabis; and

4 (d) recommend quantities of cannabis that are necessary to  
5 constitute an 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  
8 after consultation with the advisory board, the Department *shall* promulgate  
9 rules in accordance with the Administrative Adjudication law, 5 GCA §  
10 9100 *et seq.*, to 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 (2) define the amount of cannabis that is necessary to  
15 constitute an adequate supply, including amounts for topical  
16 treatments;

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

23 (4) set forth additional medical conditions, medical  
24 treatments or diseases to the list of debilitating medical conditions that

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           qualify for the medical use of cannabis as recommended by the  
2           advisory board;

3                   (5)   identify requirements and fees associated for the  
4           licensure of producers and cannabis production facilities and set forth  
5           procedures to obtain licenses;

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

8                           (A)   cannabis production facilities within Guam housed  
9                           on secured grounds and operated by licensed producers; and

10                           (B)   distribution of medical cannabis to qualified  
11           patients or their primary caregivers to take place at locations  
12           that are designated by the Department and that are not within  
13           one thousand (1,000) feet of any school, church or daycare  
14           center;

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

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

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

20           (b)   Notwithstanding any other provision of law, the sum of One  
21           Hundred Thousand (\$100,000) from the Healthy Future Funds, codified at  
22           11 GCA §26603, is hereby appropriated to assist the Department to timely  
23           execute its mandate under §122407(a) to promulgate rules to implement the  
24           purpose of this Act.

## Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1           (c) The Department *shall* issue registry photo identification cards  
2 to a patient and to the primary caregiver for that patient, if any, who submit  
3 the following, in accordance with the Department's rules:

4                   (1) a written certification;

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

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

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

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

12           (d) The Department *shall* verify the information contained in an  
13 application submitted pursuant to Subsection (c) of this Section and *shall*  
14 approve or deny an application within thirty days of receipt. The Department  
15 may deny an application only if the applicant did not provide the  
16 information required pursuant to Subsection (c) of this Section or if the  
17 Department determines that the information provided is false. A person  
18 whose application has been denied *shall not* reapply for six (6) months from  
19 the date of the denial unless otherwise authorized by the Department.

20           (e) The Department *shall* issue a registry identification card within  
21 five days of approving an application, and a card *shall* expire one year after  
22 the date of issuance. A registry identification card *shall* contain:

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

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

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

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

5                   (f) A person who possesses a registry identification card *shall*  
6                   notify the Department of any change in the person's name, address, qualified  
7                   patient's practitioner, qualified patient's primary caregiver or change in  
8                   status of the qualified patient's debilitating medical condition within ten  
9                   days of the change.

10                  (g) Possession of or application for a registry identification card  
11                  *shall not* constitute probable cause or give rise to reasonable suspicion for a  
12                  governmental agency to search the person or property of the person  
13                  possessing or applying for the card.

14                  (h) The Department *shall* maintain a confidential file containing the  
15                  names and addresses of the persons who have either applied for or received a  
16                  registry identification card. Individual names on the list *shall* be confidential  
17                  and *not* subject to disclosure, *except*:

18                         (1) to authorized employees or agents of the Department as  
19                         necessary to perform the duties of the Department pursuant to the  
20                         provisions of this Act;

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

# Public Law 32-237

The legislative-submitted referendum Proposal 14A, popularly known as the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013", was approved by the voters of Guam during the General Election held on November 4, 2014. Pursuant to P.L. 32-134:6 and Governor's authority under the Organic Act of Guam, the referendum was assigned and designated to be Guam Public Law 32-237.

1                   (3) as provided in the federal Health Insurance Portability  
2                   and Accountability Act of 1996, codified at 42 U.S.C. § 1320d *et*  
3                   *seq.*"

4                   **Section 2.** A new Subsection (g) is *added* to Appendix A of Chapter 67 of  
5 Title 9, Guam Code Annotated, to read as follows:

6                   “(g) The enumeration of marihuana, tetrahydrocannabinols or  
7                   chemical derivatives of these as Schedule I controlled substances does not  
8                   apply to the medical use of cannabis pursuant to the ‘Joaquin (KC)  
9                   Concepcion II Compassionate Cannabis Use Act of 2013.’”

10                  **Section 3. 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 4. Effective Date.** This Act *shall* take effect upon enactment into  
16 law.