

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

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Bill No. 43-32 (COR)

Introduced by:

B.J.F. Cruz
Judith W. W. , Ed.D.

AN ACT TO ADD A NEW (b) (1) AND (2) TO § 67.801; AND
TO ADD A NEW § 67.802 AND § 67.803 TO ARTICLE 8 OF
CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO STRENGTHENING THE PENALTIES FOR
THE POSSESSION, MANUFACTURING, SELLING, OR
DISTRIBUTION OF ANY SYNTHETIC CANNABINOID OR
SALVIA DIVINORUM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 67.801 of Article 8 of chapter 67 of Title 9 of the Guam Code
3 Annotated is hereby *amended* to read:

4 "§ 67.801. **Salvia Divinorum or Salvinorum A.**

5 (a) The possession of the following chemical compounds *shall* be
6 prohibited within Guam:

7 (1) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-

1 (2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol,
2 some trade or other names: HU-210.

3 (2) 1-Pentyl-3-(1-naphthoyl)indole, some trade or other names:
4 JWH-018.

5 (3) 1-Butyl-3-(1-naphthoyl)indole, some trade or other names:
6 JWH-073.

7 (4) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently
8 classified botanically as *salvia divinorum*, whether growing or not, the
9 seeds thereof, any extract from any part of such plant, and every
10 compound, manufacture, salts, derivative, mixture, or preparation of such
11 plant, its seeds or extracts.

12 (b) "Synthetic Cannabinoid" means any chemical compound that is
13 chemically synthesized and either:

14 (1) Has been demonstrated to have binding activity at one or more
15 cannabinoid receptors; or

16 (2) Is a chemical analog or isomer of a compound that has been
17 demonstrated to have a binding activity at one or more cannabinoid
18 receptors."

19 ~~(b)~~ (c) A violation of Subsection (a) *shall* be subject to the same
20 penalties and provisions contained in Chapter 67 of Title 9 of the Guam
21 Code Annotated.

22 **Section 2.** A new § 67.802 is hereby *added* to Article 8 of Chapter 67 of
23 Title 9 Guam Code Annotated to read:

1 **“§ 67.802. Unlawful use or possession of synthetic cannabinoids or**
2 **salvia divinorum.**

3 (1) Effective immediately, it is unlawful for any person to use or
4 possess any amount of any Synthetic Cannabinoid or Salvia Divinorum.

5 (2) A Person who violates any provision of subsection (1) of this
6 section *shall* be subject to the same penalties and provisions contained in
7 Chapter 67 of Title 9 of the Guam Code Annotated.”

8 **Section 3.** A new § 67.803 is hereby *added* to Article 8 of Chapter 67 of
9 Title 9 Guam Code Annotated to read:

10 **“§ 67.803 Unlawful distribution, manufacturing, sale, or of**
11 **synthetic cannabinoids or salvia divinorum.**

12 (1) It is unlawful for any person knowingly to:

13 (a) Manufacture, sell, or distribute, or to possess with intent to
14 manufacture, sell, or distribute, any amount of Synthetic Cannabinoid or
15 Salvia Divinorum;

16 (b) Induce, attempt to induce, or conspire with one or more other
17 persons, to manufacture, sell, distribute, or possess with intent to
18 manufacture, sell, or distribute, any amount of any Synthetic Cannabinoid
19 or Salvia Divinorum

20 (2) A person who violates any provision of subsection (1) of this
21 section *shall* be subject to the same penalties and provisions contained in
22 Chapter 67 of Title 9 of the Guam Code Annotated.

1 (3) Notwithstanding the provisions of subsection (2) of this section, a
2 person who violates any provision of subsection (1) of this section by
3 selling, or distributing any amount of any Synthetic Cannabinoid or Salvia
4 Divinorum *shall* be subject to the same penalties and provisions contained
5 in Chapter 67 of Title 9 of the Guam Code Annotated if the person:

6 (a) Sells, or distributes the Synthetic Cannabinoid or Salvia
7 Divinorum to a minor who is less than eighteen (18) years of age; and

8 (b) Is at least eighteen years of age and at least two years older
9 than said minor.”