I MINA' TRENTI DOS NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 343 -33 (COR)

Introduced By: T.R. Muña Barnes

AN ACT TO *REPEAL* AND *REENACT* ARTICLE 24 OF CHAPTER 12, TITLE 10 GUAM CODE ANNOTATED; RELATIVE TO STRENGTHEN THE PROVISIONS OF THE JOAQUIN ("KC") CONCEPCION, II COMPASSIONATE CANNABIS USE ACT OF 2013.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Article 24 of Chapter 12, Title 10 Guam Code Annotated is hereby *amended* to read:

"ARTICLE 25

THE JOAQUIN ("KC") CONCEPCION, II COMPASSIONATE CANNABIS USE ACT OF 2013.

§122501. Title. This Act *shall* be known and *shall* be cited as the ***'The Joaquin ("KC") Concepcion, II Compassionate Cannabis Use Act of 2013.'***

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

(a) **§122503. Definitions.** As used in this Act:

(A) ~~*Adequate supply*~~ *Allowable Amount* means an amount of cannabis, in any form approved by the ~~Department~~ Department, possessed by a qualified patient or collectively possessed by a qualified patient and the qualified

patient's primary caregiver ~~that is determined by rule of the Department~~ to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of ~~three (3) months~~ fourteen (14) days that is derived solely from an intrastate source, the allowable amount *shall:*

(1) consist of an amount not to exceed (2.5) ounces of prepared cannabis or the equivalent in concentrate or topical form. The patient may request for an increased allowable amount of medical cannabis from the Department on a Department provided form, provided the qualifying patient provides valid reason for legitimate need supported by a doctor recommendation and peer reviewed medical journal;

(2) in consideration of the dispensed amount, not cause the registered qualifying patient to exceed the limit on obtaining no more than two-and a half (2.5) ounces of Cannabis during any fourteen-day period;

(3) in consideration of cannabis-infused products, consist of the weight of the cannabis before being used in making the cannabis-infused product, this pre-mixed weight shall apply toward the limit on the total amount of medical cannabis a registered qualifying patient may possess at any one time;

(4) be reviewed by the Advisory Board. The Director *may* change the allowable amount based on the recommendation of the Advisory Board;

(b) *Cannabis* means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including Cannabis concentrate. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds

of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with Cannabis to prepare topical or oral administrations, food, drink, or other products.

(c) "Debilitating medical condition" means:

(1) cancer;

(2) glaucoma;

(3) multiple sclerosis;

(4) damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;

(5) epilepsy;

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

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

(8) post-traumatic stress disorder;

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

(10) any other medical condition, medical treatment or disease ~~as approved by the Department~~ for which the patient's practitioner has determined that the use of Medical Cannabis may provide relief;

(d) "Department" means the Department of Public Health and Social Services.

(e) "Hospice care" means palliative care for the terminally and seriously ill provided in a hospital, nursing home, or private residence.

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

(g) "Medical use" means the acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, ~~or~~ administration, or laboratory testing of cannabis, as well as the possession of cannabis paraphernalia, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.

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

(i) "Primary caregiver" means a resident of Guam who is at least ~~eighteen (18)~~ twenty-one (21) years of age and who has been designated by the qualified patient as being necessary to assist the patient in the medical use of cannabis in accordance with the provisions of this Act, and who so agrees to assist the patient. Primary caregivers are prohibited from consuming cannabis obtained for the personal, medical use of the qualified patient.

(j) "Qualified patient" means a resident of Guam who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification ~~and a registry identification card issued pursuant to this Act~~ for the medical use of cannabis.

(k) "Written certification" means a statement in a patient's medical records or a statement signed by a patient's practitioner that, in the practitioner's professional opinion, the patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the patient. ~~A written certification is not valid for more than one (1) year from the date of issuance.~~ The qualified patient's practitioner shall keep a copy of the written certification on file and provide it upon request by the Department or authorized law enforcement. A written certification:

(1) is not valid for more than one (1) year from the date of issuance;

(2) shall not include the patient's medical condition or any other information relating to the condition; and

(3) will contain all of the following information:

a. the patient's full name;

b. the patient's date of birth;

c. the patient's address;

d. The Physician's:

(i) First name; middle name, if applicable; last name; and suffix, if applicable;

(ii) Guam Board of Medical Examiners license number including an identification of the physician license type;

(iii) Office address on file with the physician's licensing board,

(iv) Telephone number on file with the physician's licensing board; and

(v) E-mail address.

(l) "Batch" means a specific processed product produced by a Medical Cannabis Commercial Manufacturer that is produced at the same time, in the same facility, using the same method and the same ingredients or extraction methods.

(m) "Canopy" means the total combined canopy area of vegetative Medical Cannabis growth for all locations on a single contiguous property. Canopy area does not include areas of the property that are not being used for cultivation.

(n) "Chain of Custody form" means a form, approved by the Department, to track the movement of Medical Cannabis as it is transferred from business to business.

(o) "Commercial Cultivation Facility" means a licensed business that plants, grows, harvests, dries, cures, grades, and trims Medical Cannabis for qualified patients.

(m) "Commercial Manufacturing Facility" means a licensed person or licensed organization that conducts the production, preparation, propagation, or compounding of manufactured Medical Cannabis, as described in this Act, or Medical Cannabis products either directly or indirectly or by extraction methods at a fixed location that packages or repackages Medical Cannabis or Medical Cannabis products or labels or relabels its container.

(n) "Crop" means a specific complete harvest of Medical Cannabis grown from one or more seeds or cuttings that are planted of the same genetic strain, that are planted and grown in the same facility using the same exact methods.

(o) "Dispensary" means a licensed facility where Medical Cannabis, Medical Cannabis products, or devices for the use of Medical Cannabis

or Medical Cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, Medical Cannabis and Medical Cannabis products as part of a retail sale.

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

(q) "Licensed Medical Cannabis Business" means any person or association of persons within Guam that the Department determines to be qualified to laboratory test, cultivate, manufacture or dispense Medical Cannabis pursuant to this Act, and that is licensed by the Department to do so. No practitioner providing written certification for the medical use of cannabis shall own or be employed by a licensed medical cannabis business.

(r) "Lot" means the flowers from one or more Medical Cannabis plants of the same strain, in a quantity that weighs five (5) pounds or less or the leaves or other plant matter from one or more Medical Cannabis plants, other than full female flowers, in a quantity that weighs fifteen (15) pounds or less.

(s) 'Responsible official' means:

(1) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, the designated responsible official shall hold fifty-one (51%) controlling stake;

(2) For a partnership or sole proprietorship: A general partner, in which one partner owns at least fifty-one (51%)or the proprietor, respectively;

(3) For a municipality, state, federal, or other public agency: A principal executive officer, ranking elected official, or an authorized representative as approved by the Director. For the purposes of these rules and regulations, a principal executive officer of a federal agency includes the chief executive officer, commanding officer, or equivalent rank or position, and has responsibility for the overall operations of a principal unit of the agency;

(4) A Responsible Official shall not have been convicted in any state or jurisdiction of the United States, including the Commonwealth of the Northern Marianas Islands, for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years of the date of application.

(5) A responsible official shall be registered with the Department and hold a registration identification card.

(s) Licensed Medical Cannabis Business Agent means a Responsible Official, or employee of a licensed medical cannabis business who is 21 years of age or older and who has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense. All licensed medical cannabis business agents must apply for a registration identification card unless the agent already carries a registration identification card as a responsible official.

(t) Designated Courier means a responsible official or employee of a licensed medical cannabis business who is 21 years of age or older and who

has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense. Designated couriers shall be designated by the licensed medical cannabis business to possess and transport cannabis for medicinal purposes. Designated couriers shall apply for a registration identification card unless the agent already carries a registration identification card as a responsible official or licensed medical cannabis business Agent.

§122504. Exemption from Criminal and Civil Penalties for the Medical use of Cannabis.

(A) A qualified patient is presumed to be engaged in the medical use of Cannabis and *shall not* be subject to arrest, prosecution or penalty in any manner for the possession of or the medical use of cannabis if the qualified patient possesses a quantity of cannabis that does not exceed ~~an adequate supply.~~ the allowable amount and is acting in accordance with all requirements of this law and is in possession of a written certification.

(B) A qualified patient's primary caregiver is presumed to be engaged in the medical use of Cannabis and *shall not* be subject to arrest, prosecution or penalty in any manner for the possession of cannabis for medical use by the qualified patient if the primary caregiver possesses a quantity of cannabis that does not exceed ~~an adequate supply.~~ the allowable amount, provided the the primary caregiver is assisting the registered qualifying patient's medical use of cannabis pursuant to this act and is acting in accordance with all requirements of this Act.

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

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

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

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

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

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

(D) A qualified patient or a primary caregiver *shall* be granted the full legal protections provided in this section if the patient or caregiver is in possession of a written certificate.

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

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

(G) A licensed ~~producer~~ possessor *shall not* be subject to arrest, prosecution or penalty, in any manner, for the production, possession, distribution, ~~or~~ dispensing, acquisition, cultivation, processing, transferring, transporting, selling, distribution, dispensing or testing of cannabis in compliance with this Act~~.~~, provided they are registered and certified or authorized by the Department and are acting in accordance with this Act.

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

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

(J) An operator or worker of a facility approved by the Department to conduct laboratory testing *shall not* be subject to arrest, prosecution or penalty, in any manner or denied any right or privilege for acquiring, possessing, storing, or laboratory testing of cannabis for medical use pursuant to this Act.

(K) The Department shall be authorized to acquire, possess, store, or Laboratory test cannabis for medical use pursuant to this Act and the employees of the Department *shall not* be subject to arrest or prosecution for acquiring, possessing, storing, or conducting laboratory tests of cannabis for medical use pursuant to this Act.

(L) A qualified patient may raise an affirmative defense if the qualifying patient can show legitimate need for medical cannabis or if the qualifying patient has a qualifying condition under the provisions set forth by this Act; or

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

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

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

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

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

(a) in a school bus or public vehicle;

(b) on school grounds or property;

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

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

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

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

§122506. Advisory Board Created—Duties. There *shall* be established an advisory board consisting of ~~nine (9)~~ eleven (11) members. The members *shall* elect a chairman of the board to coordinate meetings. The Board *shall* consist as follows:

(a) the Director of the Department of Public Health and Social Services or his designee;

(b) the Chairperson of the Guam Board of Medical Examiners or his designee;

(c) the Director of the Department of Agriculture or his designee;

(d) The authorized designee for the Consumer Protection Counsel Department of the Attorney General of Guam;

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

(f) a member of the public at large, a qualifying patient, primary caregiver, and a licensed possessor. These members shall volunteer to participate on the Board and shall be appointed by the Director; and finally, the remaining ~~four~~ members of said advisory board *shall* be a practitioners ~~representing the fields of~~ oncology, neurology, psychiatry, ~~and~~ or pain management, ~~respectively, all of whom~~ and *shall* be board-certified in ~~their~~ his area of specialty and knowledgeable about the medical use of cannabis and a hospice care worker. A quorum of said advisory board *shall* consist of ~~five~~ six members. The board *shall*:

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

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

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

(4) Recommend quantities of cannabis that are necessary to constitute an adequate ~~supply~~ allowable amount for qualified patients and primary caregivers.

§122507. Department Rules; Registry Identification Cards.

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

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

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

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

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

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

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

(a) Cannabis production facilities within Guam housed on secured grounds and operated by licensed producers; and

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

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

(8) be revised and updated as necessary; and

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

(B) Notwithstanding any other provision of law, the sum of One Hundred Thousand ($100,000.00) from the Healthy Future Funds, codified at 11 GCA §26603, is hereby appropriated to assist the Department to timely execute its mandate under Section 122507(A) to promulgate rules to implement the purpose of this Act.

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

(1) a written certification;

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

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

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

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

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

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

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

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

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

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

(G) Possession of or application for a registry identification card *shall not* constitute probable cause or give rise to reasonable suspicion for a

governmental agency to search the person or property of the person possessing or applying for the card.

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

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

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

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

§122508. License Classification.

(a) Commercial Cultivation Facilities licensing classification pursuant to this Act are as follows:

a. Type 1 – Facilities utilizing a canopy area up to 2500 square feet and no more than 50 plants

b. Type 2 –Facilities utilizing a canopy area of 2501 to 5000 square feet

c. Type 3 – Facilities utilizing a canopy area of 5001 to 10000 square feet

i. The number of Type 3 Commercial Cultivation licenses shall be limited by the Board to no more than three (3).

(b) Commercial Manufacturing Facility License

(c) Dispensary License

§122509. Fees.

(a) Registration Identification Card

a. Patient: $15

b. Designated Caregiver: $100

c. Responsible Official: $1,000

d. Licensed Medical Cannabis Business Agent: $200

e. Designated Courier: $200

(b) Commercial Cultivation Site Fees

a. Non-refundable application fees for Commercial Cultivation License are as follows:

i. $2,000 for a Type 1 Cultivation license

ii. $5,000 for a Type 2 cultivation license

iii. $10,000 for a Type 3 cultivations license.

b. Upon approval of applications License fees are as follows:

i. $3,000 for a Type 1 cultivation license

ii. $5,000 for a Type 2 cultivation license

iii. $10,000 for a Type 3 cultivation license.

c. Annual renewal fees for each licensing type are as follows:

i. $3,000 for a Type 1 cultivation license

ii. $7,500 for a Type 2 cultivation license

iii. $15,000 for a Type 3 cultivation license.

d. Non-refundable Permit to Operate a Commercial Cultivation Site fees are as follows:

i. $2,000 for a Type 1 Cultivation Site

ii. $5,000 for a Type 2 Cultivation Site

iii. (3) $15,000 for a Type 3 Cultivation Site

(c) Commercial Manufacturing Facility

a. Non-refundable Application Fee - $5,000

b. Upon Approval of applications, Licensing Fee - $5,000

c. Annual Renewal Fee: $5,000

d. Permit to Operate: $5,000

(d) Dispensary:

a. Non-refundable Application fee - $5,000

b. Upon Approval of applications, Licensing Fee - $5,000

c. Annual Renewal Fee: $5,000

d. Permit to Operate: $5,000

§122510. Application and Licensing Process for Medical Cannabis Business.

The Department shall govern the manner in which applications for Medical Cannabis Business License will be considered according to the following:

(a) Within thirty (30) days of the passage of this act, the Department will accept applications for proposed medical cannabis business licenses on a form prescribed by the Department. The application *shall* include:

a. The Authorized Responsible Officials:

i. Name;

ii. Mailing Address;

iii. Email Address;

iv. Phone Number;

v. Proof of Guam Residency;

vi. Clearances from Police, Court, and Attorney General.

b. The legal name of the proposed medical cannabis business;

c. The physical address of the proposed medical cannabis business;

d. Affirmation that the proposed medical cannabis business is not within a Drug Free School Zone pursuant to Chapter 48, Title 17 of the Guam Code Annotated;

e. Proof that the applicant controls liquid assets for at least six (6) months of operational costs during the start-up period;

f. Proof that the applicant owns the property on which the proposed medical cannabis business will be located or has the written permission of the property owner to operate the proposed medical cannabis business on that property;

g. Proof that the proposed facility is registered and has a business license and Business Privilege Tax Number with the Department of Revenue and Taxation;

h. Clearances from the police, court, and Attorney General's office for each owner, responsible official, and board member;

i. Operating procedures consistent with rules of the Department for oversight of the proposed medical cannabis business, including, without limitation:

    i. Equipment handling & sanitation procedures.

    ii. Procedures to ensure the use of adequate security measures; and

    iii. The use of inventory control system;

j. Such other information as the Department may require by regulation;

k. A certified statement that none of the persons who are proposed to be owners, officers, or board members of the proposed licensed medical cannabis business have been convicted of a felony offense;

l. A certified statement that none of the persons who are proposed to be owners, officers, or board members of the proposed medical cannabis business have served as an owner, officer or board member for a Commercial Cultivation Facility that has had its Commercial Cultivation Facility license revoked within 3 years of the current application date;

m. Proof that none of the persons who are proposed to be owners, officers, or board members of the proposed Commercial Cultivation Facility are under 21 years of age;

n. Declaration that the proposed medical cannabis business will not knowingly employ a person convicted of a felony offense, under the age of 21, or who may have a conflict of interest as a physician providing written certification to a qualified patient for the use of medical cannabis;

o. A certified letter from the Planning Department of the Department of Land Management stating that the location of the facility meets all zoning requirements of this Act.

    i. Licensed medical cannabis businesses shall be located only in the following:

        1. A – Agricultural Zone; for commercial cannabis cultivation facilities

        2. C – Commercial; for commercial manufacturing facilities and dispensaries

p. Proof of sufficient equipment ventilation, humidity control equipment and any other necessary equipment that preserves the integrity of the Medical Cannabis or Medical Cannabis Products and the safety of patients and operations;

q. The application fee, as set forth in this Act;

(b) Not later than sixty (60) days after receiving a completed application for a medical cannabis business, the Department shall register the medical cannabis business and issue a medical cannabis business license certificate provided they have met the requirements of subsection (a) of this section and the requirements of this Act. The certificate shall include the following:

a. The Medical Cannabis Business'

i. Legal Name;

ii. Address of Cannabis Business;

iii. Phone Number

b. The Responsible Officials:

i. Name;

ii. Mailing Address;

iii. Email Address;

iv. Phone Number;

c. A random alphanumeric identification number;

d. The Date of Issue;

e. The Date of Expiration;

f. The Date of Reapplication;

g. Any other information the Department deems necessary.

(c) The Department *shall* not process an incomplete application. An application is considered incomplete if the Department determines the application is missing requirements specified in subsection a of this section. The Department *shall* provide written notification to the Responsible Official of an incomplete application within seven (7) days of the Department's determination and specify where the application is

incomplete. The Responsible Official *shall* be given fourteen (14) days to complete the application.

(d) The Department *shall* reject any application that does not comply with this Act. The Department *shall* provide the Responsible Official with written notification within seven (7) days of rejection and specify reason for rejection.

(e) Type 3 Commercial Cultivation Facility applications *shall* be reviewed according to the Department's time-stamped date of when the application was submitted to the Department. If the application is determined to be incomplete by the Department, the Department *shall* provide written notification to the Responsible Official of an incomplete application within seven (7) days of the Department's determination and specify where the application is incomplete. The Responsible Official *shall* be given fourteen (14) days to complete the application. The Department *shall* reject any application that does not meet the requirements of this Act. The Department shall approve at most three (3) Type 3 Commercial Cultivation Facility.

§122511. Permit to Operate.

The Department shall govern the manner in which applications for Medical Cannabis Permit to Operate will be considered. A permit to operate is given to any licensed medical cannabis business to commence operation of their business. No cannabis can be sold or transferred to any licensed medical cannabis business, designated laboratory, qualifying patient, qualifying patient's designated caregiver, or qualifying patient's legal guardian without a permit to operate. Permit to operate shall include:

(1) Name, Address, and license number of the Medical Cannabis Business;

(2) Responsible Official's name

(3) Date of Issue;

(4) Date of Expiration;

(5) Date of reapplication;

(6) Type of Medical Cannabis License;

(7) Any other information deemed necessary by the Department.

§122412. Operation Standards.

a. Each facility will comply with all local building, health, fire and zoning requirements and other applicable requirements;

b. All Licensed medical cannabis business that prepare, package, store, sell, distribute, or dispense cannabis-infused edible food products shall comply with Title 10 GCA, Chapters 21, 22, 23, 24 and 40 and applicable rules and regulations to ensure proper food safety.

c. The structure or structures used for medical cannabis businesses shall not be in violation of the Territory's Building and Zoning Ordinances.

d. Commercial Cultivation may only occur on the parcel for which the Commercial Cultivation License was obtained;

e. Commercial Cultivation shall not be in public view, and shall not be accessible to minors under the age of 18 years. All Commercial Cultivation Structures shall be fully surrounded by a fence or wall at least ten (10) feet in height with a locking gate or door. No Cannabis plant shall be taller than the height of the wall or gate.

f. The cultivation area and storage areas of medical cannabis must be adequately secure to prevent unauthorized entry and keep the area out of reach of minors.

g. If supplemental gasses are used for cultivation purposes, the facility will be equipped with working carbon monoxide detectors.

h. Licensed medical cannabis businesses *may* develop a plan for and cooperate with local health, water, building and fire authorities to ensure adequate ventilation and air filtration, plumbing and drainage requirements, electrical safety and proper disposal of waste water according to Guam EPA and Department of Agriculture requirements when applicable.

i. A sample of each lot of every medical cannabis crop produced by the Commercial Cultivator shall be laboratory tested by a Department designated testing laboratory before distribution to a licensed possessor.

j. A sample of each batch of every medical cannabis product produced by a commercial manufacture facility shall be laboratory tested by a Department designated testing laboratory before distribution to a licensed possessor.

k. The licensed medical cannabis business *shall* attach a Department approved chain of custody form that includes a detailed report of the laboratory testing results, based on minimum requirements set by the Department, from the lot the cannabis crop origination;

l. All laboratory tested cannabis determined to be unusable according to the minimum laboratory testing requirements set by this Act must be destroyed and/or disposed of in accordance with local law within twenty-four (24) hours of determination. Disposal *shall* be recorded and reported to the Department within forty-eight (48) hours of disposal pursuant to ___ of the Act.

§ 122513 . Storage of Cannabis

To reduce contamination of Cannabis products, all cannabis products shall be stored and displayed in inconspicuous air-tight and tamper proof containers. If applicable, the product *may* be stored in child-proof containers. Storage and display areas must maintain relative humidity between 50% and 70%.

§122514. Transport of Cannabis.

(A) Medical cannabis *shall* only be transported by designated couriers of a licensed medical cannabis business, a qualifying patient, a qualifying patient's caregiver, or a qualifying patient's legal guardian.

(B) The designated courier shall be registered with the Department.

(C) The designated courier authorized by the licensed medical cannabis business *shall* transport medical cannabis between licensed medical cannabis businesses and the designated testing laboratory.

i. The designated courier shall complete a trip plan and provide a copy, prior to the start of the trip, to the designated Agent who will receive the cannabis products. The trip plan shall be kept on the designated courier transporting the cannabis product at all times during transport. The trip plan *shall* be kept as a record

and be provided to the Department upon request. The trip plan *shall* include:

1. The designated courier's name
2. The Date and start time of the trip
3. A description of cannabis products being transported
4. The anticipated route of transportation

ii. The designated official *shall:*

1. not use a vehicle with any medical Cannabis identification;
2. ensure the Cannabis is not visable;
3. store Cannabis in air-tight, tamper proof packaging.

§122515. Labeling and Packaging.

Labels and packages of Medical Cannabis products shall meet the following requirements:

(8) Medical Cannabis packages and labels shall not be made to be attractive to children or similar to existing packaging labels of any product available on the market that currently markets towards children;

(9) All Medical Cannabis product labels shall include the following information, prominently displayed and in a clear and legible font:

(a) Manufacture date, identification, batch and lot number as applicable;

(b) The statement "KEEP OUT OF REACH OF CHILDREN AND ANIMALS" in bold print;

(c) The statement "FOR MEDICAL USE ONLY.";

(d) The statement "THE INTOXICATING EFFECTS OF THIS PRODUCT MAY BE DELAYED BY UP TO TWO HOURS.";

(e) The statement "THIS PRODUCT MAY IMPAIR THE ABILITY TO DRIVE OR OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.";

(f) A warning if nuts or other known allergens or gluten containing products are used;

(g) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving, servings per package, and the THC and other cannabinoid amount in milligrams for the package total;

(h) Clear indication, in bold type, that the product contains medical Cannabis;

(i) Whether any pesticides were used for the cultivation of the Medical Cannabis crop contained in the product;

(j) Total weight of cannabis product;

(k) Recommended serving size;

(l) Any other requirement set by the Department.

(10) All packaging information required by this section shall be in no less than 8 point font, regardless of individual package size.

(11) Packaging *shall* be in an inconspicuous and tamper-proof packaging.

§122516. Inspections.

Authorized members of the Department or law enforcement, fire department or Department of Public Works may conduct inspections as needed during business hours to ensure compliance with the local laws, Guam EPA and the Guam Department of Agriculture. The Department *shall* provide twenty-four (24) hour notice of inspections. If deficiencies in operational standards are discovered, the facility will be notified in writing and given ten (10) business days to correct the deficiencies. The facility may submit a request for reasonable extension to correct deficiencies if the facility can show that the corrections cannot be made within ten (10) business days. The Department *shall* review and grant or deny the written request for extension within 3 business days. Failure to correct the deficiencies in the allotted time will result in a notice of closure, revocation of permit to operate.

§122517. Expiration and Application to Renew License and Permit to Operate.

All licenses and Permits to Operate are valid for a term of one (1) year from the issue date. All applications to renew a license or permit to operate must be submitted to the Department sixty (60) working days prior to the date of expiration. The Department *shall* notify businesses to renew or reapply within seven (7) days of the sixtieth day.

(A) If a Permit to Operate is set to expire, the licensed Medical Cannabis Business *shall* cease operations but keep cannabis products on the premises as long as the medical cannabis business holds a medical

cannabis business license and continues to apply for a renewal prior to the expiration of their license.

(B) If a Medical Cannabis Business License is set to expire, failure to submit Application to renew in the prescribed time frame will result in forfeiture of medical cannabis. The license medical cannabis business shall be given twenty-four hour notice by the Department of the expiration of license. On the date of expiration, the Department *shall* revoke the business' permit to operate and the Department is authorized to seize all forfeited cannabis. The medical cannabis business may destroy all cannabis prior to the expiration and provide the required documentation of the destruction and disposal of cannabis pursuant to section 122521 of this Act.

§122518. Revocation of License and Forfeit and Seizure of Cannabis

The Department *shall* revoke any license or permit of any licensed cannabis business that is found to be in violation of any rules and regulations or the Act. The Department *shall* provide written notification to the licensed medical cannabis of violations and revoke a licensed medical cannabis business' permit to operate. The licensed medical cannabis business *shall* be given no more than thirty (30) calendar days to be in compliance. Failure to comply will result in a licensed medical cannabis business forfeiting cannabis on premise. The Department is authorized to seize all forfeited cannabis products. After all cannabis is seized, the Department *shall* revoke license. The cannabis business *may* reapply after a term of one (1) year.

§122519. Chain of Custody Form.

(A) All sales or transfers of Medical Cannabis and Medical Cannabis products from business to business shall be tracked via a Department prescribed chain of custody form according to the following process:

(1) A laboratory shall receive medical cannabis from a commercial cultivation facility with the lot number, the date the cannabis was grown, the amount of cannabis received, the name of the commercial cultivation facility, and a travel plan specified in section ___ of the Act.

(2) Medical cannabis shall not leave a commercial cultivation facility or be accepted at another commercial cultivation facility, laboratory, commercial manufacturing facility, dispensary, or to a qualifying patient and/or a qualifying patient's caregiver without a Department prescribed Chain of Custody form that includes, but not limited to, the following:

a. Lot Number of the Cannabis Crop;
b. Date the cannabis was cultivated;
c. Name, Address, and License Number of the Commercial Cultivation Facility the crop originated from;
d. Amount of Cannabis in weight being released;
e. Date the lot was submitted for laboratory testing;
f. Date the lot was laboratory tested;
g. Laboratory Test Results and Report;
h. Declaration from the Laboratory that the product meets minimum laboratory testing requirements set by the Department;
i. Declaration from the commercial cultivation facility that all information in the chain of custody form is true and correct; and
j. Transaction date;
k. Travel Plan as specified in ____ of the Act.

l. Any other information deemed necessary by the Department.

(3) Medical Cannabis product shall not leave a commercial manufacturing facility or be accepted at another commercial manufacturing facility, laboratory, dispensary, or to a qualifying patient and/or a qualifying patient's caregiver without a Department prescribed Chain of Custody form in section (c) of this section, verifying the amount of cannabis received, and a form that includes, but not limited to, the following:

a. Date the lot was accepted at the commercial manufacturing facility;
b. Date the cannabis was processed;
c. Ingredients listing;
d. THC and/or CBD percentage in the batch;
e. Amount of cannabis used in the batch;
f. Recommended serving size and servings per package;
g. Instructions for consumption/usage;
h. Declaration by the commercial manufacturing facility that all information is true and correct;
i. Transaction Date;
j. Travel Plan as specified in section __ - of the Act.
k. Any other information deemed necessary by the Department.

(4) Medical Cannabis product shall not leave a Dispensary or be accepted at a commercial manufacturing, laboratory, another dispensary, or to a qualifying patient and/ or a qualifying patient's designated caregiver without a Department prescribed Chain of

Custody form in section (c), verifying amount of cannabis received, and Section (d), if applicable, of this section and the following information:

a. Date the batch was accepted at the dispensary site;

b. Ingredients listing;

c. All strains of cannabis in a serving;

d. THC and/or CBD percentage in a serving;

e. Amount of cannabis in a serving;

f. Declaration by the Dispensary that all information is true and correct;

g. Transaction Date;

h. Any other information deemed necessary by the Department.

(5) Any additional laboratory testing shall be documented and a written report and results of the test shall be attached to the chain of custody form.

§122520 . Loss of Cannabis.

Any loss of Medical cannabis or Medical cannabis products over one (1) oz due to theft, cannabis deemed unusable, or natural disaster *shall* be reported to the Department and the Guam police department within 24 hours along with the associated chain of custody forms for the lost Medical Cannabis or Medical Cannabis products. The report *shall* include the amount of cannabis in weight that was loss.

§122521 . Destruction and Disposal of Cannabis.

The Department *shall* establish rules for destroying and disposing cannabis. No destruction *shall* occur in public or in a manner that will expose the public unknowingly to cannabis. If necessary, the Department and authorized law

enforcement is authorized to possess cannabis for destruction and disposal. A report of the destruction of cannabis *shall* include:

(12) The Name of the Licensed Medical Cannabis Business the cannabis originated from;

(13) The Name of the Licensed Medical Cannabis Business performing the destruction or disposal;

(14) The Chain of Custody Report, if applicable;

(15) The amount, in weight, destroyed or disposed of;

(16) The method of destruction or disposal;

(17) The Time and Date of Destruction or Disposal;

(18) The reason for Destruction or Disposal;

(19) A video recording of the destruction;

(20) Any other information the Department deems necessary.

§122522. Cessation of Business Operations.

The licensed medical cannabis business *shall* report to the Department of intent to cease business operations before the expiration of the licensed medical cannabis business' cannabis license or permit to operate. The licensed medical cannabis business shall provide written notification to the Department thirty (30) business days prior to the actual date of cessation. The notification shall include:

(1) Reason for cessation;

(2) Date of cessation;

(3) Plan to dispose and destroy cannabis located on the business premises before cessation of business operations;

(4) Signature of the Responsible Official;

(5) Any other information deemed necessary by the Department.

§122523. Compassionate Cannabis Use Fund.

There is established a non-lapsing, revolving fund, hereafter referred to as the "Compassionate Cannabis Use Fund" which shall be maintained separate and apart from any other funds of the Government of Guam, and shall be administered by the Attorney General of Guam. Independent records and accounts shall be maintained in connection therewith. All fees, reimbursements, assessments, fines, and other funds collected or received pursuant this Act shall be deposited in this Fund and used for the administration and implementation of this Article, including purchase of equipment and payment of personnel costs of the Department. The balance of the Fund may be used to fund the following:

(1) Up to fifty percent (50%) of the balance for the General Fund;

(2) Programs supporting cancer screening, treatment, support services, cancer education, and outreach program;

(3) Public safety and social programs that enforce alcohol and substance abuse regulations, reduce underage drinking, support traffic safety, reduce drug-related violence and drug abuse;

(4) Community-based drug and substance abuse prevention programs;

(5) Matters pertinent to the items, supra, as deemed appropriate by I Liheslaturan Guahan, with preference given to programs directed towards youth, low-income or at-risk persons and families; drug, alcohol, tobacco and substance prevention, cessation, and treatment; preventative health care, and chronic disease management; and the construction and maintenance of facilities to provide a venue to promote a healthy lifestyle;

(6) To the Department of Public Health and Social Services for health promotion and disease prevention programs that attempt to reduce resources spent on treating preventable illness and functional impairment,

enhance the quality of life, and/or reduce disparities in the health status of populations; and

(7) To the Guam Behavioral Health and Wellness Center for tobacco prevention and cessation programs that attempt to reduce tobacco consumption;

(8) To support educational training, cultural enhancement and sports opportunities, and identify drug-free adult and youth leaders who will mentor other adolescents to live alcohol, tobacco, and drug-free lifestyles.

§ 122524. Registry Card Optional.

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

§ 122525. Confidential Database.

(A) The Department shall create and maintain a confidential database for the consistent and accurate online tracking of the provisions of this Act. The Department shall use best available practices to ensure the confidentiality of a Qualified Patient's status and records from the general public and abide by all HIPPA rules and regulations. The confidential database will include:

1. A tracking system for licenses granted to Commercial Cultivators, Commercial Manufacturers and Dispensaries.
2. A tracking system that includes the names and addresses of Qualified Patients and Patient

Caregivers to ensure compliance with the provisions of this Act.

3. The names and addresses of the persons who have either applied for or received a registry identification card.

(B)Practitioners who provide a Written Certification for a Qualified Patient to use Medical Cannabis will transmit the Written Certification to the Department via fax, secure email or courier within 24 hours after certifying the patient.

(C)The patient *shall* validate and submit the patient copy of the Written Certification in person to the Department.

(D) Patient Caregivers will register directly with the Department within 24 hours after being designated by a Qualified Patient. This registration will be valid for one (1) year. A copy of the Qualified Patient's valid Written Certification will be included with the Patient Caregiver's registration.

a. A Primary Caregiver may register with up to five (5) Qualified Patients without requiring licensing as a Commercial Cultivator, Commercial Manufacturer, or Dispensary.

b. A Primary Caregiver who registers with more than five (5) patients shall be classified as a Commercial Medical Cannabis Business and shall be required to possess a valid commercial license. Violation of this provision is punishable by a civil fine of twice the amount of the current registration fee for the cited commercial activity.

c. A Primary Caregiver must keep a copy of their Department approved registration when handling or transporting Medical Cannabis.

d. A Qualified Patient may designate no more than one (1) person as a Primary Caregiver. Violation of this provision is subject to a fine of $1,000 for each individual violation.

(E)This confidential database shall not include the medical records or medical condition of the qualified patient.

(F)Medical conditions of Qualified Patients shall not be requested or required by the Department.

(G) The Department shall provide Medical Cannabis Dispensaries with the means to electronically verify the valid status and expiration date of a Qualified Patient's Written Certification or Patient Caregiver's registration via the confidential database to ensure that a person is lawfully in possession of a valid Written Certification or registration according to the following guidelines:

a. This information will be provided by the Department on an as needed basis.

b. At no time will a Dispensary be given access to the confidential database in its entirety.

c. All new patients will be verified by Dispensaries via the confidential database before provision of services.

i. A record of the expiration date of the Qualified Patient's Written Certification or Primary Caregiver's registration will be kept by the Dispensary.

ii. Dispensaries shall not provide services to a person whose Written Certification or registration has expired until

proof of renewal of the Written Certification or registration is obtained from the Department.

(H) Records maintained by the Department that identify patients, primary caregivers, and patient's physicians are confidential and *shall* not be subject to disclosure, except:

a. To authorized employees or agents of the Department as necessary to perform the duties of the Department pursuant to the provisions of this act;

b. To authorized employees of state or local law enforcement agencies, but only for the purpose of verifying participation in Guam's Medical Cannabis Program;

c. Pursuant to a court order or subpoena issued by a court;

d. As provided in the federal Health Insurance Portability and Accountability Act of 1996, codified at 42 U.S.C. §1320d *et seq.*;

e. With the written permission of the patient or the patient's legal guardian, or a parent or person with legal custody if the patient has not attained 18 years of age;

f. To a law enforcement official for verification purposes.

i. The records may not be disclosed further than necessary to verify a patient's participation in the Medical Cannabis program;

g. To a patient's treating physician and to a patient's caregiver for the purpose of carrying out this Act.

§122526. Testing laboratories for Medical Cannabis.

(a) The Department shall identify and designate one or more independent from a licensed medical cannabis business testing laboratories to

laboratory test Cannabis, edible Cannabis products and Cannabis-infused products that are to be sold in the Territory of Guam.

(b) Such a testing laboratory must be able to determine accurately, with respect to Cannabis, edible Cannabis products and Cannabis-infused products that are sold in this Territory for medicinal purposes, but is not limited to the following:

(1) The concentration therein of THC and cannabidiol (CBD);

(2) The presence and identification of molds and fungus;

(3) The presence and concentration of fertilizers and other nutrients;

(4) The presence of heavy metals and other contaminants including pesticides;

(5) Active ingredient identification.

(c) The Department shall establish standards for acceptable amounts of molds and fungus, and heavy metals and other contaminants in the cannabis and determine protocols for retesting, rejecting, and destroying batches of cannabis that does not meet the acceptable amounts.

(d) The Designated Testing Laboratory *may* create fees for testing medical cannabis;

(e) The Testing Laboratory may acquire and possess up to eight (8) pounds of prepared Cannabis and unlimited amounts of testing samples for the purposes of testing for the cannabinoid profile and for contaminants, including, but not limited to, mold, mildew, heavy metals, toxins, plant growth regulators and nonorganic pesticides.

(f) The licensed possessor authorized to distribute and sell medical cannabis must sort cannabis into identical lots according to the

Cannabis strain, time grown, and time harvested. An employee of a designated Laboratory shall select a random sample from each batch to be tested by the laboratory.

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

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

(i) All excess Cannabis possessed by a testing laboratory must be returned to the source or destroyed. The testing laboratory shall create and maintain records of any exchange of Cannabis as well as any disposal of Cannabis and of any hazardous chemicals used by the testing laboratory.

(j) The testing laboratory *shall* issue written reports of the full analysis and results from the tested batch of Cannabis to the licensed possessor that requested the test.

(k) The licensed medical cannabis business selling or distributing cannabis shall make available to licensed possesors all reports and analysis of results from the tested batch of Cannabis.

(l) The licensed possessor may request for a retest for a retest of any lot of cannabis or batch of cannabis product;

(m) The licensed possessor selling or distributing cannabis must place a label in a conspicuous area on the product's packaging stating the CBD and THC levels in the cannabis and a label that states the Cannabis product has been tested and has met the acceptable standards determined by the Department;

(n) No employee or owner of a designated medical cannabis testing laboratory shall own a stake of a licensed medical cannabis business or be employed by a medical cannabis business.

§122527. Testing Laboratories Unidentified.

(A) Notwithstanding any provision of law or rule and regulation, if the Department does not identify and designate one or more testing laboratories after sixty (60) days of the enactment of the rules and regulations pursuant to this Act, all licensed possessors must place a label on a conspicuous area on the packaging in clear and legible font stating the following:

a. Name of the Commercial Cultivation Facility where the medical cannabis was produced;
b. Name of the Commercial Manufacturing Facility the cannabis product was manufactured;
c. Name of the Dispensary where the medical cannabis was dispensed;
d. Date the medical cannabis was cultivated;
e. Date the cannabis was manufactured;
f. Date the medical cannabis was dispensed;
g. The Statement in Bold print, "This medical cannabis product has not been tested by a testing laboratory facility approved by the Department of Public Health and Social Services";
h. The Statement in Bold print, "**Consume at your own risk**";"

(B) A licensed Medical Cannabis Business *may* conduct laboratory testing on medical cannabis and medical cannabis products in a laboratory facility located on the premise of the licensed medical

cannabis business. In addition to the label requirement in (A) of this section, the licensed medical cannabis business *may* display the following on the packaging: "This Medical Cannabis Product has been Laboratory-Tested in a in-house facility."

§ 122528. Record Keeping.

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

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

Section 4. Effective date. The Act *shall* take effect upon enactment into law.