


MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 34A-33 (COR)

Introduced by:

T.R. Muña Barnes 

1 AN ACT TO ADD A NEW SUB-ARTICLE 1 TO
2 ARTICLE 24, CHAPTER 12, TITLE 10 OF GUAM
3 CODE ANNOTATED, RELATIVE TO ADDING
4 HOME CULTIVATION PROVISION TO THE
5 JOAQUIN (KC) CONCEPCION COMPASSIONATE
6 CANNABIS USE ACT OF 2013.
7

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

9 **Section 1.** A new sub-article 1 is hereby added to Article 24, of Chapter 12
10 Title 10 Guam Code Annotated to be read as follows:

11 **“SUB-ARTICLE 1**
12 **HOME CULTIVATION**

13 **§122408. Home Cultivation Permits.**

14 **§122409. Exemption from Criminal and Civil Penalties for the Home**
15 **Cultivation of Cannabis for Medical Use.**

16 **§122410. Department Responsibilities.**

17 **§122411. Required Reporting for Designated Caregivers.**

18 **§122412. Revocation of Home Cultivation Permit.**

19 **§122413. Seizure of Cannabis Plants.**

20
21 **§122408. Home Cultivation Permits.**

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1 (a) The Department shall register and issue Home Cultivation Permit to a
2 qualifying patient allowing the patient or the patient's designated
3 caregiver to cultivate six (6) cannabis plants on the premises of the
4 qualifying patient's place of residence.

5 (b) A qualified patient's written certification made by the qualified patient's
6 practitioner shall constitute a valid endorsement to receive a Medical
7 Cannabis Home Cultivation Permit. The Medical Cannabis Home
8 Cultivation Permit shall state the following:

9 (1) The name of the patient;

10 (2) The address of the qualifying patient's residence;

11 (3) The name of the patient's designated caregiver if applicable;

12 (4) The qualified patient's practitioner's

13 i. Name

14 ii. License Number

15 iii. Contact Phone Number

16 iv. Office Address

17 (c) The permit shall be kept in a secure place on the premises of the
18 qualifying patient's residence. The permit must be made available upon
19 request by authorized members of the Department or law enforcement;

20 (d) Cultivation and storage of cannabis shall be in an enclosed, locked
21 location at the qualifying patient's place of residence and away from
22 public view;

23 (e) There shall be one permit per residence and one permit per dwelling in a
24 multi-dwelling residence;

25 (f) The cultivation of medical cannabis shall not take place in common areas
26 of multi-dwelling residence;

1 (g) Landlords reserve the right to restrict cannabis cultivation on their
2 property;

3 (h) Home cultivation sites may not occur within any Drug Free School
4 Zones.

5 (i) It is forbidden for a qualifying patient to cultivate or distribute medical
6 cannabis for another qualifying patient or for a designated caregiver to
7 cultivate or distribute medical cannabis for another qualifying patient on
8 a location that is not the residence of that qualifying patient.

9 **§122409. Exemption from Criminal and Civil Penalties for the Home**
10 **Cultivation of Cannabis for Medical Use.**

11 (a) Presumption of participation of home cultivation shall exist if the
12 qualifying patient has on the premises of their residence six (6) plants
13 and is acting in accordance with this Act.

14 (b) A qualifying patient possessing a Home Cultivation Permit issued by
15 the Department of Public Health and Social Services and the
16 qualifying patient’s primary caregiver are not subject to arrest,
17 prosecution, civil or criminal penalty or denial of any right or
18 privilege for possessing cannabis if the amount of cannabis possessed
19 collectively is not more than the allowable amount and six (6) plants
20 at the qualifying patient’s residence.

21 (c) A practitioner shall not be subject to arrest or prosecution, to be
22 penalized in any manner, or denied any right or privilege for
23 recommending the medical use of cannabis or providing written
24 certification for the medical use of cannabis pursuant to this Section.

25 **§122410. Department Responsibilities.**

26 (a) The Department shall maintain a list of Home Cultivation Permits
27 issued and keep this confidential.

1 (b) The Department shall not require the patient’s medical condition or
2 medical information and records when issuing Home Cultivation
3 Permits.

4 (c) The Department may revoke a qualifying patient’s Home Cultivation
5 Permit for violating any condition in the Act or conducting activities not
6 permitted by this Act.

7 (d) The Department shall ensure no home cultivation license will be
8 issued to any qualifying patient who resides in a residence that is the
9 principal residence of a person who has not entered a plea of guilty to,
10 a plea of nolo contendere to, been found guilty of, or been convicted
11 of a felony offense.

12 **§122411. Required Reporting for Designated Caregivers.**

13 All designated caregivers shall immediately report the death of a qualified
14 patient for whom they provide care to the Department. Failure to report the
15 death of the qualified patient within ten (10) days of the date of death shall
16 result in the revocation of the designated caregiver’s Registry Identification
17 Card.

18 **§122412. Revocation of Home Cultivation Permit.**

19 (a) If the qualifying patient or designated caregiver knowingly violates
20 the Act or conducts activities not permitted by this Act, the
21 Department shall provide written notice of intent to revoke a
22 qualified patient’s Home Cultivation Permit forty-eight (48) hours
23 before revoking the Home Cultivation Permit. The notice shall
24 include the specific reason or reasons for the revocation, the process
25 for requesting a hearing of the Department’s decision pursuant to the
26 Department’s procedures.

1 (b) The Department shall revoke Home Cultivation Permits if the qualifying
2 patient has been reported deceased.

3 **§122413. Seizure of Cannabis Plants.**

4 The Department and authorized law enforcement shall destroy all cannabis
5 plants on the qualified patient’s residence or otherwise seize and remove all
6 cannabis plants from the qualified patient’s residence prior to revoking a qualified
7 patient’s Home Cultivation Permit. The Department is authorized to possess and
8 transport cannabis plants for the purpose of carrying out the provisions of this
9 section.”

10 **Section 2. Severability.** *If* any provision of this Act or its application
11 to 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
13 can be given effect without the invalid provisions or application, and to this
14 end the provisions of this Act are severable.

15 **Section 3. Effective date.** The Act *shall* take effect upon enactment
16 into law.