

*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
327-34 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND § 122510(a) APPLICATION AND LICENSING PROCESS FOR MEDICAL CANNABIS BUSINESS AND § 122508 (b) LICENSE CLASSIFICATION OF ARTICLE 25, PART 2, CHAPTER 12, MEDICAL PRACTICES, TITLE 10 HEALTH AND SAFETY, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT OF 51 PERCENT LOCAL OWNERSHIP IN A MEDICAL CANNABIS TESTING LABORATORY.	7/19/18 3:57 p.m.						

**MINA' TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN  
2018 (SECOND) Regular Session**

Bill No. 327-34 (CVR)

Introduced by:

Dennis G. Rodriguez, Jr. 

**AN ACT TO AMEND § 122510(a) APPLICATION AND LICENSING PROCESS FOR MEDICAL CANNABIS BUSINESS AND § 122508 (b) LICENSE CLASSIFICATION OF ARTICLE 25, PART 2, CHAPTER 12, MEDICAL PRACTICES, TITLE 10 HEALTH AND SAFETY, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT OF 51 PERCENT LOCAL OWNERSHIP IN A MEDICAL CANNABIS TESTING LABORATORY.**

2018 JUL 19 PM 3: 57 CS

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the inclusion of a requirement for 51% ownership by legal residents of Guam in a medical cannabis testing laboratory caused the incorporation of the “The Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013” to stall, as no legal resident was interested in establishing said required laboratory.

Therefore it is the intent of *I Liheslaturan Guahan* to remove this requirement so that the industry may move forward to the successful fulfillment of the “The Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013”.

**Section 2. Section 122508 (b), Article 25, Part 2, Chapter 12 of Title 10 Guam Code Annotated is amended to read:**

**§ 122508. License Classification.**

1 (a) Licenses for medical cannabis businesses are nontransferable.

2 (b) All licensed medical cannabis businesses permitted in this Act  
3 *shall* retain at least fifty-one percent (51%) ownership by legal residents of  
4 Guam who have maintained continuous legal residential address or  
5 addresses on Guam for a period of no less than three (3) years prior to the  
6 application for a medical cannabis business license (not required for Medical  
7 Cannabis Testing Laboratory). The DRT Business License Division *shall*  
8 verify such requirement.

9 **Section 3. Section 122510 (a), Article 25, Part 2, Chapter 12 of**  
10 **Title 10 Guam Code Annotated is amended to read:**

11 **§ 122510. Application and Licensing Process for Medical**  
12 **Cannabis Business.**

13 The DPHSS *shall* govern the manner in which applications for a  
14 medical cannabis business license will be considered according to the  
15 following:

16 (a) Within thirty (30) days of the passage of this Act, the DPHSS *shall*  
17 accept applications for proposed medical cannabis licenses on a form  
18 prescribed by the authorized responsible official and include:

19 (1) the authorized responsible official's:

20 (A) name;

21 (B) mailing address;

22 (C) e-mail address;

23 (D) phone number;

24 (E) A Mayor's verification or document as approved by  
25 the DPHSS to display proof of Guam residency (not required  
26 for Medical Cannabis Testing Laboratory); and

27 (F) clearances from police, court, and Attorney General;

1 (2) the legal name of the proposed medical cannabis business;

2 (3) the physical address of the proposed medical cannabis  
3 business;

4 (4) affirmation that the proposed medical cannabis business is  
5 not within a Drug Free School Zone;

6 (5) proof that the applicant has legal title filed with the  
7 Department of Land Management on which the proposed medical  
8 cannabis business will be located, or has a legal lease agreement with  
9 the property owner that includes consent to operate the proposed  
10 medical cannabis business on that property;

11 (6) proof that the proposed facility is registered with the DRT  
12 and has a business license and Business Privilege Tax Number with  
13 the DRT;

14 (7) clearances from the police, court, and Attorney General for  
15 each owner, responsible official, and board member;

16 (8) affirmation, to include a Mayor's verification of each owner  
17 or responsible official or other form of documentation as approved by  
18 the DPHSS displaying proof of Guam residency, that the proposed  
19 medical cannabis business has a fifty-one percent (51%) ownership by  
20 legal residents of Guam (not required for Medical Cannabis Testing  
21 Laboratory);

22 (9) operating procedures consistent with rules of the DPHSS for  
23 oversight of the proposed medical cannabis business, including,  
24 without limitation:

25 (A) equipment handling and sanitation procedures.

26 (B) procedures to ensure the use of adequate security  
27 measures;

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

2 (D) such other information as the DPHSS may require;

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

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

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

16 (13) a certified letter from the planning DPHSS of the  
17 Department of Land Management stating that the location of the  
18 facility meets all zoning requirements of this Act. Licensed medical  
19 cannabis businesses *shall* be located only in the following zones:

20 (A) Agricultural Zone (A), Commercial Zone (C), Light  
21 Industrial Zone (M1), and Heavy Industrial Zone (M2) for  
22 commercial cannabis cultivation facilities; and

23 (B) Commercial Zone (C), Light Industrial Zone (M1),  
24 and Heavy Industrial Zone (M2) for commercial manufacturing  
25 facilities and medical cannabis dispensaries.

26 (14) A plan for sufficient equipment to monitor temperature,  
27 ventilation, humidity control equipment and any other necessary

1 equipment that preserves the integrity of the medical cannabis,  
2 prepared medical cannabis, medical cannabis product, and the safety  
3 of patients and operations, as determined by the DPHSS's rules and  
4 regulations; and

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

6 **Section 4. Effective Date.** This Act *shall* become immediately  
7 effective upon enactment.