

I MINA'TRENTAI QUATRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 8-34(COR)

Introduced by:

Committee on Rules
By request of *I Maga'låhen*
Guåhan, the Governor of
Guam, in accordance with the
Organic Act of Guam.

**AN ACT TO ADD A NEW CHAPTER 8 TO TITLE 11 GUAM
CODE ANNOTATED KNOWN AS “*THE CANNABIS CONTROL
ACT*” RELATIVE TO REGULATING THE USE, PRODUCTION,
SALE, AND TAXATION OF CANNABIS, AND THE
DECLASSIFICATION OF MARIJUANA AS A SCHEDULE I
CONTROLLED SUBSTANCE UNDER THE GUAM UNIFORM
CONTROLLED SUBSTANCES ACT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Liheslaturan Guåhan* finds that in the
interest of promoting the efficient use of law enforcement resources, enhancing
revenue for public purposes, and enhancing individual freedom, the use of
cannabis should be legal for persons twenty-one years of age or older and the
production and sale of cannabis should be regulated for public health, welfare,
safety, and taxation purposes. In the interest of the health and public safety of our

citizenry, *I Liheslaturan Guåhan* further finds and declares that the use, sale, and production of cannabis should be regulated so that:

(a) Individuals will have to show proof of age before purchasing cannabis ;

(b) Selling, distributing, or transferring marijuana to individuals under the age of twenty-one remains illegal, except that nothing in this Act is intended to, or shall be construed as, prohibiting or restricting the possession or medical use of cannabis by qualified patients as permitted by Guam law; Driving under the influence of cannabis remains illegal;

(c) Legitimate, taxpaying business people, and not criminal actors, will conduct sales of cannabis ;

(d) Cannabis produced and sold by regulated business will be packaged, labeled, and tracked subject to additional regulations to prevent access by individuals under the age of twenty-one; to ensure that consumers are informed and protected; and so that cannabis is not diverted outside of Guam to states or jurisdictions where it is illegal.

Section 2. This Chapter shall be known and may be cited as *The Cannabis Control Act*.

Section 3. Definitions. For purposes of this Chapter, the following words and phrases have been defined to mean:

1 (a) “*Board*” means the Cannabis Control Board established by this Act.

2 (b) “*Cannabis*” means all parts of the plant of the genus *cannabis*,
3 whether growing or not, the seeds thereof, the resin extracted from any part of the
4 plant, and every compound, manufacture, salt, derivative, mixture, or preparation
5 of the plant, its seeds, or its resin, including cannabis or marijuana concentrate.
6 “*Cannabis*” does not include the mature stalks of the plant, fiber produced from
7 the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant
8 which is incapable of germination, or the weight of any other ingredient combined
9 with marijuana to prepare topical or oral administrations, food, drink, or other
10 products.

11 (c) “*Cannabis accessories*” means any equipment, products, or materials
12 of any kind that are used, intended for use, or designed for use in planting,
13 propagating, cultivating, growing, harvesting, composting, manufacturing,
14 compounding, converting, producing, processing, preparing, testing, analyzing,
15 packaging, repackaging, storing, vaporizing, or containing marijuana, or for
16 ingesting, inhaling, or otherwise introducing marijuana into the human body.

17 (d) “*Cannabis concentrate*” means any cannabis product or subset of
18 cannabis produced by extracting cannabinoids from cannabis.

19 (e) “*Cannabis cultivation facility*” means an entity licensed to cultivate,
20 prepare, and package cannabis and sell cannabis to retail cannabis stores, to

cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumers.

(f) “*Cannabis establishment*” means a cannabis cultivation facility, cannabis testing facility, a cannabis product manufacturing facility, or a retail cannabis store.

(g) “*Cannabis flower*,” or “*flower*,” means the inflorescence(s) of the mature pistillate (female) cannabis plant.

(h) “*Cannabis-infused product*” means any product that is comprised of cannabis concentrate or cannabis plant material and other ingredients and is intended for use or consumption other than by smoking or vaporizing, including ingestible cannabis-infused products, topical cannabis-infused products, transdermal cannabis-infused products, and transmucosal cannabis-infused products.

(i) “*Cannabis product*” means a finished product intended for human consumption or use that is comprised partially or completely of cannabis. This term is used generally to refer to one or more of the following: cannabis flower, cannabis concentrates, and cannabis-infused products.

(j) “*Cannabis product category*” means a defined group of cannabis products that are in the same form. Cannabis flower, cannabis concentrates, and cannabis-infused products are all cannabis product categories, though the latter

category may be further broken down into sub-categories such as ingestible cannabis-infused products and non-ingestible cannabis-infused products.

(k) *Cannabis product manufacturing facility*” means an entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers. Nothing herein shall be construed to prohibit a cannabis product manufacturing facility from purchasing cannabis or cannabis products from other cannabis product manufacturing facilities.

(l) *“Cannabis testing facility”* means an entity licensed to analyze and certify the safety and potency of cannabis. Only a licensed cannabis testing facility may collect and transport cannabis or cannabis samples to and from a cannabis testing facility.

(m) *“Consumer”* means a person twenty-one years of age or older who purchases cannabis or marijuana products for personal use only, but not for resale to others.

(n) *“Consumption”* means the act of ingesting, inhaling, or otherwise introducing cannabis or marijuana into the human body, including through the use of topicals, ointments, or tinctures.

(o) *“Department”* means the Guam Department of Revenue and

1 Taxation.

2 (p) *Ingestible cannabis-infused product,*” or “*ingestible,*” means a
3 product that contains cannabis and at least one other ingredient, is intended for use
4 or consumption other than by inhalation, is intended to be taken into the body, and
5 is one of the following:

6 1. An “*edible cannabis-infused product,*” or “*edible,*” which is an
7 ingestible cannabis-infused product that is intended to be taken by mouth,
8 swallowed, and is primarily absorbed through the gastrointestinal tract.
9 Edible cannabis-infused products may be psychoactive when used as
10 intended. Without limitation, edible cannabis-infused products may be in the
11 form of a food, beverage, capsule, or tablet; or

12 2. A “*transmucosal cannabis-infused product,*” or “*transmucosal,*”
13 which is an ingestible cannabis-infused product that is intended to be placed
14 in a body cavity and absorbed through the mucosal lining of that cavity, and
15 may be psychoactive when used as intended. Transmucosal cannabis-
16 infused products include but are not limited to cannabis-infused tinctures,
17 anal suppositories, lozenges, and nasal sprays.

18 (q) *Marijuana*” means “*cannabis*” as defined in subsection (b) above.
19 For purposes of this Act, the terms “marijuana” and “cannabis” shall carry the
20 same meaning and shall be used interchangeably.

1 (r) *“Non-ingestible cannabis-infused product,”* or *“non-ingestible,”*
2 means a product that contains cannabis and at least one other ingredient, is
3 intended for use or consumption other than by inhalation, is intended for external
4 use only, and is one of the following:

5 1. A *“topical cannabis-infused product,”* or *“topical,”* which
6 is a non-ingestible cannabis-infused product that produces a non-
7 psychoactive effect when used as intended. Topical cannabis-infused
8 products include but are not limited to cannabis-infused creams, salves,
9 bath soaks, and lotions; or

10 2. A *“transdermal cannabis-infused product,”* or
11 *“transdermal,”* which is a non-ingestible cannabis-infused product that
12 contains at least one skin-permeation-enhancing ingredient to facilitate
13 absorption through the skin into the bloodstream, and may be
14 psychoactive when used as intended. Transdermal cannabis-infused
15 products include but are not limited to cannabis-infused adhesive
16 patches that are applied to the skin surface.

17 (s) *“Retail cannabis store”* means an entity licensed to purchase cannabis
18 and to sell cannabis and cannabis products to consumers. Nothing herein shall be
19 construed to prohibit a licensed retail cannabis store to purchase, sell, or transfer
20 cannabis and cannabis products to another licensed retail cannabis store.

(t) “*Unreasonably impracticable*” means that the measures necessary to comply with this part require such a high investment of risk, money, time, or any other resource or asset that the operation of a cannabis establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Section 4. Personal use of cannabis. Notwithstanding any other provision of law, except as provided in this chapter, the following acts, by persons twenty-one years of age or older, are lawful and shall not be a criminal or civil offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law.

(a) Possessing, using, displaying, purchasing, or transporting cannabis accessories, or one ounce or less of cannabis, or eight grams or less of cannabis concentrate, or any cannabis-infused products containing 800 mg or less of tetrahydrocannabinol;

(b) Possessing, growing, processing, or transporting no more than six (6) cannabis plants, with three or fewer being mature, flowering plants, and possession of the cannabis produced by the plants on the premises where the plants were grown, provided that the growing takes place in an enclosed, locked place, is not conducted openly or publicly, and is not made available for sale.

(c) Transferring one ounce or less of cannabis and immature cannabis plants, or eight grams or less of cannabis concentrate, or any cannabis-infused

products containing 800 mg or less of tetrahydrocannabinol to a person who is twenty-one years of age or older without remuneration;

(d) Consumption of cannabis, except that absent regulations otherwise promulgated by the Cannabis Control Board, nothing in this Chapter shall permit the consumption of marijuana in public; and

(e) Assisting another person who is twenty-one years of age or older in any of the acts described in paragraphs (a) through (d) of this section if such assistance is provided for a non-commercial purpose.

Section 5. Restrictions on personal cultivation, penalty. The personal cultivation of cannabis described in Section 4(b) of this Chapter is subject to the following terms:

(a) Cannabis cultivation for personal use may only occur inside a private residence, inside an accessory structure to a private residence located upon the grounds of a private residence, or within an enclosed locked outdoor space on the grounds of a private residence, provided that: (1) cultivation takes place within a closet, room, greenhouse, or other enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and (2) no more than six (6) plants in total are possessed, cultivated, or processed at a single residence, or upon the grounds of that residence, at one time;

1 (b) Cannabis cultivation for personal use may only occur on property
2 lawfully possessed by the cultivator or with the consent of the person in lawful
3 possession of the property;

4 (c) Cannabis plants shall be cultivated in a location where the plants are
5 not subject to public view without the use of binoculars, aircraft, or other optical
6 aids;

7 (d) A person who cultivates cannabis shall take reasonable precautions to
8 ensure the plants are secure from unauthorized access; and

9 (e) The Board may enact and enforce reasonable regulations for the
10 personal cultivation of cannabis but may not completely prohibit persons from
11 engaging in personal cultivation inside a private residence or inside an accessory
12 structure to a private residence located upon the grounds of a private residence that
13 is fully enclosed and secure.

14 (f) A person who violates this section while otherwise acting in
15 compliance with Section 4(b) of this Chapter is guilty of a violation punishable by
16 a fine of up to \$500.

17 **Section 6. Public consumption banned, penalty.** It is unlawful to
18 consume cannabis openly and in public, unless otherwise permitted by regulations
19 duly promulgated and enacted by the Cannabis Control Board. A person who
20 violates this section is guilty of a fine of up to \$100.

1 **Section 7. False Identification, penalty.**

2 (a) A person who is under twenty-one years of age may not present or
3 offer to a licensed cannabis establishment or the cannabis establishment's agent or
4 employee any written or oral evidence of age that is false, fraudulent, or not
5 actually the person's own, for the purpose of:

6 (1) Purchasing, attempting to purchase, or otherwise procuring or
7 attempting to procure cannabis or cannabis products; or

8 (2) Gaining access or attempting to gain access to a cannabis
9 establishment.

10 (3) A person who violates this Section is guilty of a violation
11 punishable by a fine of up to \$500.

12 (b) A licensee, his agent or employee shall not sell, give, nor permit to be
13 sold, given or served any cannabis or cannabis products to any person under
14 twenty-one years of age. For the purpose of preventing any violation of this
15 Section, any licensee, or his agent or employee, may refuse to sell or serve
16 cannabis or cannabis products to any person who is unable to produce adequate
17 written evidence that he or she has reached the age of twenty-one (21) years. In
18 any criminal prosecution or proceeding for the suspension or revocation of any
19 license and based upon a violation of this Section, proof that the defendant
20 licensee, or his agent or employee, demanded and was shown, before furnishing

1 any alcoholic beverage to a minor, an identification card or other bona fide
2 documentary evidence of majority of such person shall be a defense to such
3 prosecution or proceeding for the suspension or revocation of any license, unless
4 it is demonstrated that a reasonable person would have determined that the
5 identification exhibited was altered or did not accurately describe the person to
6 whom the cannabis or cannabis products were sold or served. Every person who
7 violates this Section shall be guilty of a petty misdemeanor.

8 **Section 8. Cannabis accessories authorized.** Notwithstanding any other
9 provision of law, it is lawful and shall not be an offense under Guam law or be a
10 basis for seizure or forfeiture of assets for persons twenty-one years of age or older
11 to manufacture, possess, or purchase cannabis accessories, or to distribute or sell
12 cannabis accessories to a person who is twenty-one years of age or older.

13 **Section 9. Lawful operation of cannabis-related facilities.**
14 Notwithstanding any other provision of law the following acts, when performed by
15 a retail cannabis store with a current, valid registration, or a person twenty-one
16 years of age or older who is acting in his or her capacity as an owner, employee, or
17 agent of a retail cannabis store, are lawful and shall not be an offense under Guam
18 law or be a basis for seizure or forfeiture of assets under Guam law:

19 (a) Possessing, displaying, storing, or transporting cannabis, cannabis
20 products, or cannabis accessories, except that such items may not be displayed in

1 a manner that is visible to the general public from a public right-of-way;

2 (1) Delivering or transferring cannabis or cannabis products to a cannabis
3 testing facility;

4 (2) Receiving cannabis or cannabis products from a cannabis cultivation
5 facility or cannabis product manufacturing facility;

6 (3) Purchasing cannabis from a cannabis cultivation facility;

7 (4) Purchasing cannabis or cannabis products from a cannabis product
8 manufacturing facility; and

9 (5) Delivering, distributing, or selling cannabis, cannabis products, or
10 cannabis accessories to consumers.

11 (b) Notwithstanding any other provision of law, the following acts,
12 when performed by a cannabis cultivation facility with a current, valid registration,
13 or a person twenty-one years of age or older who is acting in his or her capacity as
14 an owner, employee, or agent of a cannabis cultivation facility, are lawful and shall
15 not be an offense under Guam law or be a basis for seizure or forfeiture of assets
16 under Guam law:

17 (1) Cultivating, harvesting, processing, packaging, transporting,
18 displaying, storing, or possessing cannabis;

19 (2) Delivering or transferring cannabis to a cannabis testing facility;

20 (3) Delivering, distributing, or selling cannabis to a cannabis cultivation

1 facility, a cannabis product manufacturing facility, or a retail cannabis store;

2 (4) Receiving or purchasing cannabis from a cannabis cultivation facility;

3 (5) Receiving cannabis seeds or immature cannabis plants from a person
4 twenty-one years of age or older.

5 (c) Notwithstanding any other provision of law, the following acts,
6 when performed by cannabis product manufacturing facility with a current, valid
7 registration, or a person twenty-one years of age or older who is acting in his or her
8 capacity as an owner, employee, or agent of a cannabis product manufacturing
9 facility, are lawful and shall not be an offense under Guam law or be a basis for
10 seizure or forfeiture of assets under Guam law:

11 (1) Packaging, processing, transporting, manufacturing, displaying, or
12 possessing cannabis or cannabis products;

13 (2) Delivering or transferring cannabis or cannabis products to a cannabis
14 testing facility;

15 (3) Delivering or selling cannabis or cannabis products to a person or
16 establishment authorized to possess, use, display, purchase, or transport
17 cannabis or cannabis products.

18 (d) Notwithstanding any other provision of law, the following acts,
19 when performed by a cannabis testing facility with a current, valid registration, or a
20 person twenty-one years of age or older who is acting in his or her capacity as an

owner, employee or agent of a cannabis testing facility, are lawful and shall not be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

(1) Possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring or delivering cannabis.

(e) Notwithstanding any other provision of law, it is lawful and shall not be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this section.

(f) Nothing in this Section prevents the imposition of penalties upon cannabis establishments for violating this Chapter or rules adopted by the Board created by Section 10 of this Chapter.

(g) The provisions of Section 4 of this Chapter do not apply to cannabis establishments.

Section 10. Cannabis Control Board. (a) There is within the government of Guam the Cannabis Control Board, which shall be composed of five members. Four members shall be appointed by the Governor with the advice and consent of the Guam Legislature. The fifth member shall be the Director of Revenue and Taxation or his designee, who shall serve as the chairperson. Of the members

1 appointed by the Governor, one shall be from the discipline of agriculture or
2 farming, the second shall be from the discipline of health or medicine, and the third
3 and fourth members shall be from the public at large. Of the members first
4 appointed, two members shall be appointed for an initial term of two (2) years
5 each, and the remaining two members shall be appointed for an initial term of one
6 (1) year each. Thereafter, every appointment shall be for a term of three (3) years,
7 commencing from the date of the expiration of the last preceding term.

8 (b) Three members of the Board shall constitute a quorum for the conduct
9 of business. A vote of a majority of the members of the Board shall be required for
10 any action of the Board. In accordance with the Guam Administrative Adjudication
11 Law, the Board shall adopt rules and regulations as necessary to carry out and
12 enforce its powers, duties, and authorities under this Act.

13 **Section 11. Rulemaking.**

14 (a) Not later than one year after the effective date of this Act, the Board
15 shall prescribe forms and adopt such rules and regulations necessary for
16 implementation of this chapter. Such regulations shall not prohibit the operation of
17 cannabis establishments, either expressly or through regulations that make their
18 operation unreasonably impracticable. Such regulations shall include:

- 19 (1) Procedures and grounds for the issuance, renewal, suspension, denial
20 and revocation of a registration to operate a cannabis establishment;

1 (2) A schedule of application, registration and renewal fees, provided,
2 application fees shall not exceed \$5,000, with this upper limit adjusted
3 annually for inflation, unless the Board determines a greater fee is necessary
4 to carry out its responsibilities under this Chapter;

5 (3) Qualifications for registration that are directly and demonstrably
6 related to the operation of a cannabis establishment or security requirements
7 for cannabis establishments, including for the transportation and storage of
8 cannabis by cannabis establishments;

9 (4) Requirements to prevent the sale or diversion of cannabis and
10 cannabis products to persons under the age of twenty-one;

11 (5) Labeling and packaging requirements for cannabis and cannabis
12 products sold or distributed by a cannabis establishment;

13 (6) Health and safety regulations and standards for the manufacture of
14 cannabis products and the cultivation of cannabis;

15 (7) Reasonable restrictions on the advertising and display of cannabis and
16 cannabis products;

17 (8) Reasonable restrictions on the quantity of cannabis and cannabis
18 products purchased at any one time by a consumer so as to effectually
19 prevent the resale of cannabis items;

20 (9) Implementation of a “seed to sale” tracking system;

1 (10) Civil penalties for the failure to comply with regulations made
2 pursuant to this Chapter; and

3 (11) Any other rules the Board considers necessary for the administration
4 of the Cannabis Control Act and implementation and enforcement of this
5 Chapter.

6 (b) In order to ensure that individual privacy is protected, the Board
7 shall not require a consumer to provide a retail cannabis store with personal
8 information other than government-issued identification to determine the
9 consumer's age, and a retail cannabis store shall not be required to acquire and
10 record personal information about consumers.

11 **Section 12. Cannabis establishment registrations.**

12 (a) Each application or renewal application for a registration to operate a
13 cannabis establishment shall be submitted to the Board. A renewal application may
14 be submitted up to ninety days prior to the expiration of the cannabis
15 establishment's registration.

16 (b) The Board shall begin accepting and processing applications to
17 operate cannabis establishments no later than 90 days after the regulations
18 prescribed in Section 11 of this Act become effective. Upon receipt of a license
19 application, the Board shall not unreasonably delay the processing, approval, or
20 rejection of the application, or if the application is approved, the issuance of the

1 license.

2 (c) Within 60 days after receiving an application or 30 days after
3 receiving a renewal application, the Board shall issue an annual registration to the
4 applicant unless the Board finds the applicant is not in compliance with regulations
5 enacted pursuant to Section 11 of this Act.

6 (d) Upon denial of an application, the Board shall notify the applicant in
7 writing of the specific reason for its denial and of the applicant's right to seek
8 administrative and judicial review as provided for under the Guam Administrative
9 Adjudication Law.

10 (e) Every cannabis establishment registration shall specify the location
11 where the cannabis establishment will operate which location shall have defined
12 boundaries. A separate registration shall be required for each location at which a
13 cannabis establishment operates. The Board may require reasonable restrictions for
14 the operation of a licensed cannabis establishment.

15 (f) Cannabis establishments and the books and records maintained and
16 created by cannabis establishments are subject to inspection by the Board with
17 reasonable notice to the owner or agent of the business.

18 **Section 13. Employers, driving, minors, and control of property.**

19 (a) Nothing in this Chapter shall be construed or interpreted to amend,
20 repeal, affect, restrict, or preempt the rights and obligations of public and private

1 employers to maintain a drug and alcohol free workplace or require an employer to
2 permit or accommodate the use, consumption, possession, transfer, display,
3 transportation, sale, or growth of cannabis in the workplace, or affect the ability of
4 employers to have policies prohibiting the use of marijuana by employees and
5 prospective employees, or prevent employers from complying with Guam, state, or
6 federal law.

7 (b) Nothing in this Chapter is intended to require an employer to permit
8 or accommodate the use, consumption, possession, transfer, display, transportation,
9 sale or growing of cannabis in the workplace or to affect the ability of employers to
10 enact and enforce workplace policies restricting the use or consumption of
11 cannabis by employees.

12 (c) Nothing in this Chapter is intended to impair, restrict, or diminish the
13 ability of a government agency to prohibit or restrict any of the actions or conduct
14 otherwise permitted under this Chapter within a building owned, leased, or
15 occupied by the government agency.

16 (d) Nothing in this Chapter is intended to allow driving under the
17 influence of cannabis or to supersede laws related to driving under the influence of
18 cannabis.

19 (e) Nothing in this Chapter is intended to permit the transfer of cannabis,
20 with or without remuneration, to a person under the age of twenty-one.

(f) Nothing in this Chapter shall prohibit a person, employer, school, hospital, recreation or youth center, correction facility, corporation or any other entity who occupies, owns or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in that property.

Section 14. Excise Tax on Cannabis.

(a) A local Guam excise tax is imposed on the sale or transfer of cannabis at the rate of fifteen percent (15%).

(b) The Department of Revenue and Taxation shall establish procedures for the collection of all excise taxes levied. Provided, that after deducting the cost of establishing the Cannabis Control Board, the program established by the *“Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013”* as amended, and any necessary procedures, rules, regulations, or studies, the first forty million dollars (\$40 million) in revenue raised annually from any such excise tax shall be credited to the Guam Memorial Hospital Authority. Provided further, no such excise tax shall be levied upon cannabis intended for sale at medical cannabis centers.

(c) The Board may exempt certain parts of the cannabis plant from the excise tax described in subsection (a), or may establish an alternate rate or tax structure in accordance with the rules and regulations promulgated in accordance

with this Act.

Section 15. Monthly Statements and Payments.

(a) Each cannabis cultivation facility shall send a statement by mail or electronically to the Department on or before the last day of each calendar month. The statement must contain an account of the amount of cannabis sold or transferred to retail cannabis stores and cannabis product manufacturing facilities in Guam during the preceding month, setting out:

(1) The total number of ounces, including fractional ounces sold or transferred;

(2) The names and addresses of each buyer and transferee; and

(3) The weight of cannabis sold or transferred to the respective buyers or transferees.

Section 16. Federal Law, applicability. Nothing in this Act proposes or intends to require any individual or entity to engage in any conduct that violates federal law, or exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

Section 17. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

Section 18. Contracts. No contract shall be void or unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using cannabis or marijuana products is prohibited by federal law.

Section 19. Chapter 67, Title 9 Guam Code Annotated, the *Guam Controlled Substances Act*, is hereby *amended* to exclude and thereby *declassify* marijuana as a Schedule 1 Controlled Substance. Any reference by the *Guam Controlled Substances Act* to marijuana, such as “marihuana,” “tetrahydrocannabinol,” cannabis, and derivatives thereof shall be deemed repealed, null, and void upon passage of this Act.

Section 20. Nothing in this Chapter shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to Guam Public Law 32-237 (the “Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013”), as amended by Public Law 33-220.

Section 21. 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 that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 22. Effective Date. This Act *shall* become effective immediately upon enactment.