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<th>BILL NO.</th>
<th>SPONSOR</th>
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<th>DATE COMMITTEE REPORT FILED</th>
<th>FISCAL NOTES</th>
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<tr>
<td>302‐34</td>
<td>Louise B. Muña</td>
<td>AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICAL CANNABIS UNDER CERTAIN CONDITIONS.</td>
<td>6/18/18 2:49 p.m.</td>
<td>6/21/18</td>
<td>Committee on Health, Tourism, Military Affairs and Senior Citizens</td>
<td>8/14/18 5:00 p.m.</td>
<td>9/7/18 2:45 p.m.</td>
<td>Fiscal Note Request 6/21/18 Fiscal Note 7/9/18</td>
<td>As substituted and amended on the Floor.</td>
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<th>SESSION DATE</th>
<th>TITLE</th>
<th>DATE PASSED</th>
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<th>DUE DATE</th>
<th>PUBLIC LAW</th>
<th>DATE SIGNED</th>
<th>NOTES</th>
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<td>10/1/18</td>
<td>AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICAL CANNABIS UNDER CERTAIN CONDITIONS.</td>
<td>10/4/18</td>
<td>10/5/18 1:08 p.m.</td>
<td>10/17/18</td>
<td>34-125</td>
<td>10/9/18</td>
<td>Received: 10/10/18 Mess and Comm. Doc. No. 34GL-18-2403.</td>
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October 9, 2018

Honorable Therese M. Terlaje
Acting Speaker
I Mina’trentai Kuåttro Na Lihesluracion Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Madame Speaker:

Attached is Bill No. 302-34 entitled “An Act to Add a New § 122530 to Article 25 of Chapter 12, Title 10, Guam Code Annotated, Relative to Permitting the Home Cultivation of Medical Cannabis Under Certain Conditions,” which I have signed into law today as Guam Public Law No. 34-125.

Sincerely,

EDDIE BAZA CALVO
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA’LÄHEN GUÅHAN

This is to certify that Substitute Bill No. 302-34 (COR), “AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICAL CANNABIS UNDER CERTAIN CONDITIONS,” was on the 4th day of October 2018, duly and regularly passed.

Therese M. Terlaje
Acting Speaker

Attested:

Regine Bisco Lee
Legislative Secretary

This Act was received by I Maga’låhen Guåhan this 5th day of October, 2018, at 1:08 o'clock P.M.

Assistant Staff Officer
Maga’låhi’s Office

APPROVED:

EDWARD G.B. CALVO
I Maga’låhen Guåhan

Date: 09 2018

Public Law No. 34-125
AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICAL CANNABIS UNDER CERTAIN CONDITIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 122530 is added to Article 25 of Chapter 12, Title 10, Guam Code Annotated, to read as follows:


(a) Upon written certification as provided by § 122526 of this Article and the completion of the requirements in § 122530(c) of this Article, the Department shall issue a permit for a qualified patient or a patient’s designated caregiver to
cultivate cannabis at home if there is no operational dispensary for medical cannabis products.

(b) For the purposes of this Section:

(1) Qualified patient shall have the same meaning as § 122503(aa) of this Article.

(2) Patient's designated caregiver means a resident of Guam who is at least twenty-one (21) years of age who is registered with the DPHSS, and who has been designated by the qualified patient as being necessary to assist the qualified patient in the cultivation of medical cannabis in accordance with the provisions of this Section, and who so agrees to assist the qualified patient. A patient’s designated caregiver is prohibited from consuming cannabis obtained for the personal and medical use of the qualified patient. For purposes of this Section, a qualified patient may designate no more than one (1) person as the patient’s designated caregiver to assist in the cultivation of medical cannabis.

(3) Multiple patients’ designated caregiver means any person who is a patient’s designated caregiver as defined in § 122530(b)(2) who assists in the cultivation of medical cannabis for more than one (1) qualified patient.

(c) The qualified patient and/or patient’s designated caregiver shall submit the following to be eligible for a cannabis home cultivation permit:

(1) the application fee; and

(2) an application, which shall include:

(A) the name, mailing address, residential address, and date of birth of the qualified patient;

(B) the name, address, and telephone number of the qualified patient’s practitioner;
(C) the name, mailing address, residential address, and date of birth of the qualified patient's designated caregiver, if any;

(D) the physical address of the residence where the medical cannabis will be cultivated, and the name of the person who owns or possesses said residence;

(E) a statement signed by the qualified patient pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this Article;

(F) a signed statement from the patient's designated caregiver, if any, agreeing to be the patient's designated caregiver and pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this Article;

(G) a signed statement from the patient's designated caregiver that he or she is at least twenty-one (21) years of age; and

(H) the patient's designated caregiver must register with the Department.

(d) A qualified patient, patient's designated caregiver, or multiple patients' designated caregiver authorized to grow cannabis for medical purposes under this Section is subject to the following:

(1)(A) the qualified patient may possess no more than six (6) flowering mature plants and no more than twelve (12) juvenile plants at any given time;

(B) the patient's designated caregiver may possess no more than six (6) flowering mature plants and no more than twelve (12) juvenile plants at any given time; or

(C) the multiple patients' designated caregiver may possess no more than six (6) flowering mature plants and no more than twelve (12)
juvenile plants per qualified patient at any given time. The multiple
patients’ designated caregiver may operate only a single cultivation
site. A multiple patients’ designated caregiver who cultivates medical
cannabis at the qualified patient’s residence shall not be deemed as
operating an additional cultivation site. Any multiple patients’
designated caregiver who cultivates medical cannabis for more than
three (3) qualified patients shall comply with the requirements for a
Commercial Cultivation License, as defined by this Article, except that
the annual business license fee shall be Ten Dollars ($10.00) per
qualified patient per year. Any multiple patients’ designated caregiver
who cultivates medical cannabis for more than five (5) qualified
patients shall obtain and comply with the requirements for a
Commercial Cultivation License, as defined by this Article, and all
applicable licenses and fees shall apply.

(2) Nothing herein shall be deemed to prohibit a qualified patient
from acting as a patient’s designated caregiver or a multiple patients’
designated caregiver subject to the limits of § 122530(d)(1).

(3) Cannabis plants must be cultivated indoors and not be visible
from any public location; and, such cannabis plants must be secured in a room
with a lockable door.

(4) The Department may inspect the area(s) where cannabis is
cultivated; provided, that twenty-four (24) hour notice of the inspection is
given.

(5) A patient’s designated caregiver may cultivate cannabis on
behalf of a qualified patient in the event that the patient is unable to cultivate
cannabis.
(6) Harvested cannabis must be stored in a secure area and not accessible to persons other than the qualified patient or patient's designated caregiver.

(7) Cannabis shall not be cultivated in the common areas of any multi-family complex.

(8) Medical cannabis may be grown only at one (1) of the following locations, and that location must be identified in the application required in § 122530(c):

(A) the residence of the qualified patient;

(B) the residence of the patient's designated caregiver; or

(C) another site that is either owned or possessed by the qualified patient or the patient's designated caregiver.

(e) A qualified patient or patient's designated caregiver is not authorized to cultivate cannabis if the patient's or caregiver's landlord or homeowner's association prohibits such practice.

(f) The fee for the permit herein shall be Fifteen Dollars ($15.00) per year.

(g) The Department may revoke a permit for failure to adhere to the provisions of this Section.

(h) Nothing herein is to be construed or interpreted as to prevent or prohibit any person from providing a patient or caregiver advice on the methods or techniques of cultivation or the administering/dosing of cannabis.

(i) The Department shall maintain a list of online cannabis safe growing resources on its website for the period of time that home cultivation is permitted. The list does not have to be exhaustive or authoritative but shall be updated as new resources become known to the Department.

(j) The Department shall maintain links to sites such as, but not limited to, the United States Department of Agriculture (USDA), the Guam Department of
Agriculture, the United States Environmental Protection Agency (USEPA), and the
Guam Environmental Protection Agency that provide information on dangerous or
potentially dangerous pesticides, fertilizers, and other substances, chemicals, or
compounds that are not recommended or are prohibited in the cultivation of crops,
including cannabis. The list does not have to be exhaustive or authoritative but shall
be updated as new resources become known to the Department.

(k) Only food grade and tobacco grade pesticides, fertilizers, and other
substances, chemicals, and compounds that are recognized as safe by the USDA and
USEPA for such purposes may be used for home cultivation pursuant to this Section.

(l) The Department may establish rules for destroying, disposing, and
reporting the disposal of medical cannabis, prepared medical cannabis, and medical
cannabis product. 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 personnel may be authorized to possess cannabis for the purpose
of secure destruction and disposal. The individual permitted to cultivate cannabis
under this Section shall submit a video recording of the destruction and disposal of
the medical cannabis, prepared medical cannabis, or medical cannabis product, and
attach the recording with the report. A report of the destruction of cannabis shall
include, but is not limited to:

(1) the amount, in weight, destroyed or disposed of;
(2) the method of destruction or disposal;
(3) the time and date of destruction or disposal;
(4) the reason for destruction or disposal; and
(5) any other information the DPHSS deems necessary.”

Section 2. Effective Date. This Act shall become effective upon enactment.