

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

**RULES AND REGULATIONS GOVERNING
JOAQUIN (KC) CONCEPCION II
COMPASSIONATE CANNABIS USE
ACT OF 2013**

25 Guam Administrative Rules and Regulations

Chapter 14[1][2]

ECONOMIC IMPACT STATEMENT

1

2

3 *The EIS is still pending completion by DEH.*

1 **“RULES GOVERNING**

2 **JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013**

3 **Title 25**

4 **Chapter 14**

5 **TABLE OF CONTENTS**

6 §14001. Short Title..... 6

7 §14002. Authority. 6

8 §14003. Purpose. 6

9 §14100. ARTICLE 1. GENERAL. 6

10 §14101. Definitions. 6

11 §14102. Fees..... 22

12 §14103. Application Submission. 24

13 §14104. Changing Information on a Registry Identification Card..... 27

14 §14105. Requesting a Replacement Registry Identification Card. 28

15 §14106. Adding a Debilitating Medical Condition. 28

16 §14107. Time Frames for Administrative Approval..... 31

17 §14108. Expiration of a Registry Identification Card or a Dispensary Registration Certificate.

18 37

19 §14109. Notifications and Void Registry Identification Cards..... 38

20 §14200. ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS. .. 40

21 §14201. Debilitating Medical Conditions. 40

22 §14202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated

23 Caregiver. 40

24 §14203. Amending a Qualifying Patient’s or Designated Caregiver’s Registry Identification

25 Card. 55

26 §14204. Renewing a Qualifying Patient’s or Designated Caregiver’s Registry Identification

27 Card. 59

28 § 14205. Denial or Revocation of a Qualifying Patient’s or Designated Caregiver’s Registry

29 Identification Card..... 74

30 §14300. ARTICLE 3. DISPENSARIES, DISPENSARY AGENTS, CULTIVATION SITES,

31 AND CULTIVATION SITE AGENTS..... 76

32 §14301. Dispensary and/or Cultivation Site Responsible Officials..... 76

33 §14302. Dispensary Registration Certificate and/or Cultivation Site Registration Certificate

34 Allocation Process..... 78

1	§14303. Applying for a Dispensary Registration Certificate and/or Cultivation Site	
2	Registration Certificate.....	83
3	§14304. Applying for Approval of a License to Operate a Dispensary or Cultivation Site.	93
4	§14305. Changes to a Dispensary Registration Certificate and/or Cultivation Site Registration	
5	Certificate.....	96
6	§14306. Applying to Change a Dispensary’s and/or Cultivation Site’s Location or Change or	
7	Add a Dispensary’s Cultivation Site or Cultivation Site.....	96
8	§14307. Renewing a Dispensary Registration Certificate and/or Cultivation Site Registration	
9	Certificate.....	99
10	§14308. Inspections.....	102
11	§14309. Administration.....	103
12	§14310. Submitting an Application for a Dispensary Agent or Cultivation Agent Registry	
13	Identification Card.....	107
14	§14311. Submitting an Application to Renew a Dispensary Agent’s and/or Cultivation Site	
15	Agent’s Registry Identification Card.	110
16	§14312. Medical Director.....	113
17	§14313. Dispensing Medical Marijuana.	115
18	§14314. Qualifying Patient Records.	116
19	§14315. Inventory Control System for Dispensaries and Cultivation Sites.....	118
20	§14316. Product Labeling and Analysis.....	122
21	§14317. Laboratory.....	124
22	§14318. Security.....	127
23	§14319. Edible Food Products.	132
24	§14320. Cleaning and Sanitation.....	133
25	§14321. Physical Location.....	135
26	§14322. Denial or Revocation of a Dispensary Registration Certificate and/or Cultivation Site	
27	Registration Certificate.....	136
28	§14323. Denial or Revocation of a Dispensary Agent’s and/or Cultivation Site Agent’s	
29	Registry Identification Card.....	139
30	§14400. ARTICLE 4. ADMINISTRATIVE REQUIREMENTS.....	140
31	§14401. Record Keeping.....	141
32	§14402. Physician Responsibility.....	143
33	§14403. Ceasing of Operations.....	144
34	§14404. Violations.....	144
35	§14405. Administrative Penalties.....	145
36	§14406. Right to Notice, Hearing, and Administrative Process.....	146

1	§14407. Confidentiality.....	147
2	§14408. Effective Date.....	149
3	§14409. Severability.....	149
4		

DRAFT

1 **§14001. Short Title.**

2 These rules and regulations may also be cited as the ‘Medical Marijuana Rules and
3 Regulations.’

4 **§14002. Authority.**

5 Section 122407, Article 24, Chapter 12 of Title 10 Guam Code Annotated (GCA),
6 authorizes the Director of the Department of Public Health and Social Services to promulgate
7 rules to govern the implementation of a medical marijuana program, including Registry
8 Identification Cards, define an adequate supply, criteria for medical conditions, petition process,
9 fees, licensure, establishment of dispensaries, and to determine the duties of the Advisory Board
10 in Guam.

11 **§14003. Purpose.**

12 These rules and regulations are to establish specific standards and procedures for
13 registering medical marijuana patients, designated caregivers, physicians for humans, producers,
14 dispensaries, and to protect the health, safety, and welfare of the residents and patients of Guam,
15 by prescribing the manner in which medical marijuana is regulated.

16 **§14100. ARTICLE 1. GENERAL.**

17 **§14101. Definitions.**

18 Wherever in these rules and regulations and following words appear, they shall have the
19 following definition:

20 (a) ‘*Acquire*’ means to obtain through any type of transaction and from any source.

21 (b) ‘*Act*’ means the Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of
22 2013.

23 (c) ‘*Activities of daily living*’ means ambulating, bathing, dressing, grooming, eating,
24 toileting, and getting in and out of bed.

1 (d) *'Adequate supply'* means an amount of *Cannabis*, in any form approved by the
2 Department, possessed by a qualified patient or collectively possessed by a qualified patient and the
3 qualified patient's primary caregiver that is determined by rule of the Department to be no more than
4 reasonably necessary to ensure the uninterrupted availability of *Cannabis* for a period of three (3)
5 months and that is derived solely from an intrastate source

6 (e) *'Advisory Board'* means the medical marijuana advisory board consisting of nine
7 members, as follows:

- 8 (1) Director of the Department of Public Health and Social Services or designee;
- 9 (2) Chairperson of the Guam Board of Medical Examiners or designee;
- 10 (3) Director of the Department of Agriculture or designee;
- 11 (4) Chairperson of the Legislative Committee on Health and Human Services or
12 designee;
- 13 (5) Member of the public at large; and
- 14 (6) Four (4) practitioners representing the fields of oncology, neurology,
15 psychiatry, and pain management who shall be:

- 16 (A) Board-certified in their area of specialty;
- 17 (B) Knowledgeable about the medical use of *Cannabis*; and
- 18 (C) Practitioners representing the fields of neurology, pain management,
19 medical oncology, psychiatry, infectious disease, family medicine, and gynecology.

20 (f) *'Applicant'* means any person applying for enrollment or re-enrollment in the medical
21 marijuana program as a qualified patient, primary caregiver, licensed producer, dispensary, dispensary
22 agent, cultivation site, cultivation site agent, or any person(s) who submits an application to the
23 Department pursuant to these rules and regulations.

24 (g) *'Batch'* means a specific lot of medical marijuana grown from one or more seeds
25 or cuttings that are planted and harvested at the same time.

1 (h) ‘*Batch number*’ means a unique numeric or alphanumeric identifier assigned to a
2 batch by a dispensary when the batch is planted.

3 (i) ‘*Calendar day*’ means each day, not including the day of the act, event, or default
4 from which a designated period of time begins to run, but including the last day of the period
5 unless it is a Saturday, Sunday, government of Guam furlough day, or legal holiday, in which
6 case the period runs until the end of the next day that is not a Saturday, Sunday, government of
7 Guam furlough day, or legal holiday.

8 (j) ‘*Cannabis*’ or ‘*Marijuana*’ means all parts of the plant of the genus *Cannabis sp.*,
9 whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and
10 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or
11 its resin, including marijuana concentrate. *Cannabis sp.* does not include the mature stalks of the
12 plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized
13 seed of the plant which is incapable of germination, or the weight of any other ingredient
14 combined with marijuana to prepare topical or oral administrations, food, drink, or other
15 products.

16 (k) ‘*Cardholder*’ means a qualifying patient, a designated caregiver, dispensary,
17 dispensary agent, cultivation site, or cultivation site agent who has been issued and possesses a
18 valid Registry Identification Card.

19 (l) ‘*CHAA*’ means a Community Health Analysis Area, a geographic area based on
20 population, established by the Department for use by public health programs. The CHAA will
21 be divided as follows:

22 (1) The Northern CHAA will consist of the villages of Yigo and Dededo;

23 (2) The Central CHAA will consist of the villages of Tamuning, Barrigada,

24 Mangilao, Hagatna, Agana Heights, Chalan Pago - Ordot , Mongmong-Toto-Maite, and

25 Sinajana; and

1 (3) The Southern CHAA will consist of the villages of Asan, Piti, Yona, Santa
2 Rita, Agat, Talofofu, Umatac, Inarajan, and Merizo.

3 (m) ‘*Change*’ or ‘*Amend*’ means adding or deleting information on an individual’s
4 Registry Identification Card that does not affect the individual’s ability to perform or delegate a
5 specific act or function.

6 (n) ‘*Complete*’ means, in reference to an application, that the application contains all
7 of the required information, as determined by the Director, necessary for processing the
8 application.

9 (o) ‘*Compliance plan*’ means a plan which includes a description of how a dispensary
10 and/or cultivation site proposes to comply with all applicable requirements of these rules and
11 regulations, and includes a schedule of compliance and a schedule under which the dispensary
12 and/or cultivation site will submit progress reports to the Department, as determined by the
13 Director.

14 (p) ‘*Cultivation site*’ means a business that:

15 (1) Is approved and registered with the Department; and

16 (2) Acquires, possesses, cultivates, delivers, transfers, transports, supplies or
17 sells marijuana and related supplies to:

18 (A) Medical marijuana dispensaries;

19 (B) Facilities approved by the Department for the production of edible
20 marijuana products or marijuana-infused products; or

21 (C) Other cultivation sites where marijuana may be cultivated, infused,
22 or prepared for sale by and for a dispensary.

23 (q) ‘*Cultivation site agent*’ means a responsible official, employee, or volunteer of a
24 cultivation site who is at least 21 years of age and who has not been convicted of an excluded
25 felony offense.

1 (r) 'Current photograph' means an image of an individual, taken no more than 60
2 calendar days before the submission of the individual's application, in a Department approved
3 electronic format capable of producing an image that:

4 (1) Has a resolution of at least 600 x 600 pixels but not more than 1200 x
5 1200 pixels;

6 (2) Is 2 inches by 2 inches in size;

7 (3) Is in natural color;

8 (4) Is a front view of the individual's full face, without a hat or headgear that
9 obscures the hair or hairline, or sunglasses, or any other apparatus worn on the face or
10 head that would make identification of the individual difficult as determined by the
11 Department;

12 (5) Has a plain white or off-white background; and

13 (6) Has between 1 and 1 3/8 inches from the bottom of the chin to the top of
14 the head.

15 (s) 'DEA' means the U.S. Drug Enforcement Administration.

16 (t) 'Debilitating medical condition' means one or more of the following:

17 (1) Cancer;

18 (2) Glaucoma;

19 (3) Multiple sclerosis;

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

22 (5) Epilepsy;

23 (6) Positive status for human immunodeficiency virus or acquired immune
24 deficiency syndrome;

25 (7) Admitted into hospice care;

- 1 (8) Post-traumatic stress disorder;
- 2 (9) Rheumatoid arthritis or similar chronic autoimmune inflammatory
- 3 disorders;
- 4 (10) Any other medical condition, medical treatment or disease as approved by
- 5 the Department.

6 (u) *'Denial'* means the Department's final decision not to issue a Registry

7 Identification Card, a Dispensary Registration Certificate, a Cultivation Site Registration

8 Certificate, or an approval of a change of dispensary, a dispensary's cultivation site, or a

9 cultivation site's location, to an applicant because the applicant or the application does not

10 comply with the applicable requirements in these rules and regulations.

11 (v) *'Department'* means the Department of Public Health and Social Services.

12 (w) *'Designated caregiver'* means the same as "primary caregiver" and is a person

13 who:

- 14 (1) Is at least eighteen (18) years of age;
- 15 (2) Has significant responsibility for managing the well-being of a person
- 16 diagnosed with a debilitating medical condition;
- 17 (3) Has agreed to assist with a patient's medical use of marijuana;
- 18 (4) Has not been convicted of an excluded felony offense;
- 19 (5) Assists no more than five qualifying patients with the medical use of
- 20 marijuana; and
- 21 (6) Is a resident of Guam.

22 (x) *'Director'* means the Director of Department of Public Health and Social

23 Services, or his/her authorized designee.

1 (y) ‘*Dispensary*’ means an entity that acquires, possesses, cultivates, manufactures,
2 delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and
3 educational materials to cardholders.

4 (z) ‘*Dispensary agent*’ means a responsible official, employee, or volunteer of a
5 dispensary who is at least 21 years of age and has not been convicted of an excluded felony
6 offense.

7 (aa) ‘*Edible food product*’ means a substance, beverage, or ingredient used or
8 intended for use or for sale in whole or in part for human consumption.

9 (bb) ‘*Emergency*’ means any situation arising from sudden and reasonably
10 unforeseeable events beyond the control of the owner or operator of a dispensary, including *force*
11 *majure*, which situation requires immediate corrective action to restore normal operation, and
12 that causes a dispensary to violate these rules and regulations. An emergency shall not include
13 noncompliance to the extent caused by malfunction of equipment, lack of preventive
14 maintenance, careless or improper operation, or human error.

15 (cc) ‘*Employee*’ means any person, including the owner, operator, manager or other
16 person performing any function or services in a medical marijuana facility, whether for
17 compensation or otherwise.

18 (dd) ‘*Enclosed area*’ when used in conjunction with “enclosed locked facility” means
19 outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone,
20 surrounded by concertina wire that prevents any viewing of the marijuana plants, and a solid 1-
21 inch thick metal gate.

22 (ee) ‘*Enclosed locked facility*’ means a closet, room, greenhouse, building, or other
23 fully enclosed area where all the space between a floor and ceiling is completely enclosed on all
24 sides by solid walls or windows exclusive of doors and passage ways, equipped with locks or
25 other security devices that permit access only by authorized cardholder(s).

1 (ff) 'Entity' means a "person" which includes a corporation, company, partnership,
2 firm, association, or society, as well as a natural person. When the word "person" is used to
3 designate the party whose property may be the subject of a criminal or public offense, the term
4 includes the United States, Guam, or any territory, state or country, or any political subdivision
5 of Guam that may lawfully own any property, or a public or private corporation, or partnership
6 or association. When the word "person" is used to designate the violator or offender of any law,
7 it includes corporation, partnership, or any association of persons.

8 (gg) 'Excluded felony offense' means:

9 (1) A violent crime that was classified as a felony in the jurisdiction where the
10 person was convicted;

11 (2) A violation of a state or federal controlled substance law that was
12 classified as a felony in the jurisdiction where the person was convicted, but does not
13 include:

14 (A) An offense for which the sentence, including any term of
15 probation, incarceration or supervised release, was completed 10 or more years
16 earlier;

17 (B) An offense involving conduct that would be immune from arrest,
18 prosecution or penalty under the Act except that the conduct occurred before the
19 effective date of these rules and regulations or was prosecuted by an authority
20 other than Guam.

21 (hh) 'Facility' means a medical marijuana facility.

22 (ii) 'Federally enforceable' means all laws and regulations which are enforceable by
23 the U.S. Federal Government.

24 (jj) 'FDA' means the U.S. Food and Drug Administration.

1 (kk) *'Finished product'* means a product infused with marijuana that is intended for
2 use, ingestion, or consumption other than by smoking, including but not limited to edible
3 products, ointments, concentrates and tinctures. A finished product does not mean dried
4 marijuana flowers.

5 (ll) *'Generally accepted accounting principles'* means the set of financial reporting
6 standards pursuant to Title 11 GCA and applicable chapters, or another specialized body dealing
7 with accounting and auditing matters.

8 (mm) *'Hospice care'* means palliative care for the terminally and seriously ill provided in a
9 hospital, nursing home, or private residence.

10 (nn) *'Laboratory'* means a registered facility equipped and approved by the Department,
11 general requirements for the competence of testing and calibration laboratories, and relevant medical
12 marijuana testing standard protocols to test the composition and purity, detect potency and
13 contaminant levels in medical marijuana.

14 (oo) *'Laboratory testing'* means the testing standard protocols to ensure quality assurance
15 and testing for contaminants, such as pests, mold, mildew, heavy metals, solvents, and pesticides.
16 Laboratory testing also directly quantifies the total cannabinoid and terpene content of the medical
17 marijuana.

18 (pp) *'Legal guardian'* means an adult who is responsible for a minor:

19 (1) Through acceptance of guardianship of the minor through a testamentary
20 appointment or an appointment by a court, or

21 (2) As a *"custodian"* defined as a person, other than a parent or legal guardian,
22 who stands in *loco parentis* to the child or a person to whom legal custody of the child
23 has been given by order of the juvenile court.

1 (qq) *‘Licensed producer’* means any person or association of persons within Guam that the
2 Department determines to be qualified to produce, possess, distribute and dispense *Cannabis* pursuant
3 to the Act, and who is licensed by the Department.

4 (rr) *‘Macroscopic screening’* means visual observation without the aid of magnifying
5 lens(es).

6 (ss) *‘Microscopic screening’* means visual observation with a minimum magnification of
7 40x.

8 (tt) *‘Medibles’* means food or drink products for human consumption prepared or infused
9 with *Cannabis* as a medical alternative to smoking.

10 (uu) *‘Medical record’* or *‘Adequate medical records’* means legible medical records,
11 produced by hand or electronically, containing, at a minimum, sufficient information to identify
12 the patient, support the diagnosis, justify the treatment, accurately document the results, indicate
13 advice and cautionary warnings provided to the patient, informed consent discussions with the
14 patient, and provide sufficient information for another licensed health care practitioner to assume
15 continuity of the patient's care at any point in the course of treatment, and to continue or modify
16 the treatment plan.

17 (vv) *‘Medical use’* means the acquisition, cultivation, possession, processing, (including
18 development of related products such as food, tinctures, aerosols, oils, or ointments), transfer,
19 transportation, sale, distribution, dispensing, or administration of *Cannabis*, as well as the possession
20 of *Cannabis* paraphernalia, for the benefit of qualifying patients in the treatment of debilitating
21 medical conditions, or the symptoms thereof.

22 (ww) *‘Ordering’* means the act of ordering medical marijuana which is dispensed to or for
23 a qualified patient or authorized qualified patient’s designated caregiver.

24 (xx) *‘Owner’* means a person who owns, operates, controls, or supervises a
25 dispensary.

1 (yy) '*Pesticide*' means any substance or mixture of substances, intended to prevent,
2 destroy, repel, or mitigate a pest.

3 (zz) '*Premises*' means a location approved and registered by the Department under these
4 rules and regulations and includes all areas of the business at the registered location, including offices,
5 kitchens, restrooms and storage rooms; also including all public and private areas where individuals
6 are permitted to be present.

7 (aaa) '*Person*' means any individual, partnership, firm, association, municipality,
8 public or private corporation, subdivision, or agency of Guam, trusts, or instrumentality of the
9 United States and any officer, agent, or employee of such entities; and it shall not be a non-
10 human animal of such entities.

11 (bbb) '*Pesticide*' means any substance or mixture of substances, intended to prevent,
12 destroy, repel, or mitigate a pest.

13 (ccc) '*Practitioner*' or '*physician*' means a person licensed in Guam to prescribe and
14 administer drugs that are subject to the Guam Uniform Controlled Substances Act.

15 (ddd) '*Primary caregiver*' means a resident of Guam who is at least eighteen (18)
16 years of age, and who has been designated by the qualified patient as being necessary to assist
17 the patient in the medical use of *Cannabis* in accordance with the provisions of the Act, and who
18 so agrees to assist the patient. Primary caregivers are prohibited from consuming *Cannabis*
19 obtained for the personal, medical use of the qualified patient.

20 (eee) '*Public place*' means any location, facility, or venue that the public is invited or
21 in which the public is permitted, but is not intended for the regular exclusive use of an individual
22 or a specific group of individuals.

23 (1) '*Public place*' includes, but is not limited to, the following:

24 (A) Airports;

25 (B) Banks;

- 1 (C) Bars;
- 2 (D) Child care facilities;
- 3 (E) Child care group homes during hours of operation;
- 4 (F) Common areas of apartment buildings, condominiums, or other
- 5 multifamily housing facilities;
- 6 (G) Educational facilities;
- 7 (H) Entertainment facilities ;
- 8 (I) Government of Guam offices, buildings, and properties;
- 9 (J) Health care institutions; except as provided in subsection (yy)(2);
- 10 (K) Hotel and motel common areas;
- 11 (L) Laundromats;
- 12 (M) Libraries;
- 13 (N) Office buildings;
- 14 (O) Parking lots;
- 15 (P) Parks;
- 16 (Q) Public transportation facilities;
- 17 (R) Reception areas;
- 18 (S) Restaurants;
- 19 (T) Retail food productions or marketing establishments;
- 20 (U) Retail food establishments;
- 21 (V) Retail stores;
- 22 (W) Schools;
- 23 (X) Shopping malls;
- 24 (Y) Sidewalks;
- 25 (Z) Sports facilities;

1 (AA) Theaters; and

2 (BB) Waiting rooms.

3 (2) 'Public place' does not include the following:

4 (A) Nursing care institutions as defined as a health care institution that
5 provides inpatient beds or resident beds and nursing services to persons who need
6 continuous nursing services but who do not require hospital care or direct daily
7 care from a physician;

8 (B) Hospices as defined as a hospice service agency or the provision of
9 hospice services in an inpatient facility;

10 (C) Assisted living centers as defined as an assisted living facility that
11 provides resident rooms or residential units to eleven or more residents;

12 (D) Assisted living homes as defined as an assisted living facility that
13 provides resident rooms to ten or fewer residents;

14 (E) Adult day health care facilities as defined means a facility that
15 provides adult day health services during a portion of a continuous twenty-four
16 hour period for compensation on a regular basis for five or more adults who are
17 not related to the proprietor;

18 (F) Adult foster care homes as defined as a residential setting that
19 provides room and board and adult foster care services for at least one and no
20 more than four adults in which the sponsor or the manager resides with the
21 residents and integrates the residents who are receiving adult foster care into that
22 person's family; or

23 (G) Private residences.

1 (fff) *‘Qualified patient’* means a resident of Guam who has been diagnosed by a
2 practitioner as having a debilitating medical condition, and has received written certification and a
3 Registry Identification Card issued pursuant to the Act and these rules and regulations.

4 (ggg) *‘Random sample’* means an amount of usable marijuana taken from a batch in which
5 different fractions of the usable marijuana have an equal probability of being represented. *‘Registry*
6 *Identification Card’* means the official card issued by the Department to a qualifying patient,
7 designated caregiver, dispensary, dispensary agent, cultivation site, or cultivation site agent.

8 (hhh) *‘Registry identification number’* means the random alphanumeric identifier generated
9 by the Department, containing as least four numbers and four letters, issued by the Department to a
10 qualifying patient, designated caregiver, dispensary, dispensary agent, cultivation site, or cultivation
11 site agent.

12 (iii) *‘Resident of Guam’* means a person who resides on Guam for a period of time
13 sufficient to be thoroughly examined by a physician in Guam in determining a person’s eligibility as a
14 qualified patient subject to the Act and these rules and regulations

15 (jjj) *‘Responsible official’* means:

16 (1) For a corporation: A president, secretary, treasurer, or vice-president of the
17 corporation in charge of a principal business function, or any other person who performs
18 similar policy or decision-making functions for the corporation, or an authorized
19 representative of such person if the representative is responsible for the overall operation of
20 one (1) or more cultivation, manufacturing, production, distribution, dispensing or operating
21 dispensary applying for or subject to registration;

22 (2) For a partnership or sole proprietorship: A general partner or the proprietor,
23 respectively;

24 (3) For a municipality, state, federal, or other public agency: A principal
25 executive officer, ranking elected official, or an authorized representative as approved by the

1 Director. For the purposes of these rules and regulations, a principal executive officer of a
2 federal agency includes the chief executive officer, commanding officer, or equivalent rank or
3 position, and has responsibility for the overall operations of a principal unit of the agency; or

4 (4) For a medical marijuana dispensary or cultivation site: An individual who
5 owns, operates, otherwise has legal responsibility for a facility and who meets the
6 qualifications established in these rules and regulations and has been approved by the
7 Department.

8 (5) A Responsible Official is accountable for any intentional or unintentional
9 action of its owners, officers, managers, employees or agents, with or without the knowledge
10 of the Responsible Official, who violate the Act or these rules and regulations.

11 (6) A Responsible Official may not have been convicted in any state for the
12 manufacture or delivery of a controlled substance in Schedule I or Schedule II within five
13 years from the date of application..

14 (kkk) '*Revocation*' means the Department's final decision that an individual's Registry
15 Identification Card, a Dispensary Registration Certificate, or a Cultivation Site Registration Certificate
16 is revoked because the individual, the dispensary, or the cultivation site does not comply with the
17 applicable requirements or violates any condition in the Act or these rules and regulations.

18 (III) '*Safe*' means:

19 (1) A metal receptacle with a locking mechanism capable of storing all usable
20 marijuana at a registered facility that:

21 (A) Is rendered immobile by being securely anchored to a permanent
22 structure of the building; or

23 (B) Weighs more than seven hundred fifty (750) pounds.

24 (2) A vault; or

1 (3) A refrigerator or freezer capable of being locked for storing medibles or other
2 finished products that require cold storage that:

3 (A) Is rendered immobile by being securely anchored to a permanent
4 structure of the building; or

5 (B) Weighs more than seven hundred fifty (750) pounds.

6 (mmm) '*School*' means any public institution or private school established for the purposes
7 of offering instruction to pupils in programs for preschool children with disabilities, pre-
8 kindergarten, kindergarten programs or any combination of elementary grades or secondary
9 grades one through twelve and any college or university or educational institution of higher
10 learning.

11 (nnn) '*State*' means the fifty (50) states of the United States (U.S.) of America, the
12 District of Columbia, and four (4) U.S. Territories including Guam, American Samoa, Puerto
13 Rico and the U.S. Virgin Islands.

14 (ooo) '*Vault*' means an enclosed area that is constructed of steel-enforced or block concrete
15 and has a door that contains a multiple-position combination lock or the equivalent, a relocking device
16 or equivalent, and a steel plate with a thickness of at least one-half inch.

17 (ppp) '*Verification system*' means a secure system established and maintained by the
18 Department that is available to law enforcement personnel and dispensary agents for verification of
19 Registry Identification Cards.

20 (qqq) '*Violent crime*' means any criminal act which involves force or threat of force; that
21 includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

22 (rrr) '*Volunteer*' means a person who performs a service or undertaking willingly and
23 without pay.

24 (sss) '*Weights and Measures*' means all weights and measures of every kind, instruments,
25 and devices for weighing and measuring, and any appliance and accessories associated with any or all

1 such instruments and devices, to include any weighing, measuring, metering, or counting device
2 that is used to determine the direct cost of things sold or offered or exposed for sale, or used to
3 establish a fee for service if the cost is based on weight, measure or count, except that it does not
4 include those devices used for in-house packaging, inventory control, or law enforcement
5 purposes.

6 (ttt) ‘*Working day*’ means a Monday, Tuesday, Wednesday, Thursday, or Friday that is
7 not a government of Guam holiday or government of Guam furlough.

8 (uuu) ‘*Written certification*’ means a statement in a patient’s medical records or a statement
9 signed by a patient’s practitioner that, in the practitioner’s professional opinion, the patient has a
10 debilitating medical condition and the practitioner believes that the potential health benefits of the
11 medical use of *Cannabis* would likely outweigh the health risks for the patient. A written certification
12 is not valid for more than one (1) year from the date of issuance.

13 **§14102. Fees.**

14 The following fees shall be applicable for the purposes of these rules and regulations:

15 (a) An applicant submitting an application to the Department shall submit the following
16 nonrefundable fees:

17 (1) **Dispensary Registration Certificate.**

18 (A) New Registration, except as provided in §14302(d): Thirty-Five
19 Thousand Dollars (\$35,000);

20 (B) Renewal: Thirty-Five Thousand Dollars (\$35,000);

21 (C) Change of Location: Thirty-Five Thousand Dollars (\$35,000);

22 (D) Amendment: One Thousand Dollars (\$1,000); and

23 (E) Duplicate: Ten Dollars (\$10);

24 (2) **Cultivation Site Registration Certificate.**

25 (A) New Registration: Thirty-Five Thousand Dollars (\$35,000);

- 1 (B) Renewal: Thirty-Five Thousand Dollars (\$35,000);
- 2 (C) Change of Location: Thirty-Five Thousand Dollars (\$35,000);
- 3 (D) Amendment: One Thousand Dollars (\$1,000); and
- 4 (E) Duplicate: Ten Dollars (\$10);
- 5 (3) **License to Operate a Dispensary or Cultivation Site.**
- 6 (A) New: One Thousand Dollars (\$1,000);
- 7 (B) Renewal: One Thousand Dollars (\$1,000);
- 8 (C) Change of Location: One Thousand Dollars (\$1,000);
- 9 (D) Amendment: Five Hundred Dollars (\$500); and
- 10 (E) Duplicate: Ten Dollars (\$10);
- 11 (4) **Registry Identification Card.**
- 12 (A) New Registry Identification Card.
- 13 (i) Qualifying patient, except as provided in subsection (b):
- 14 One Hundred-Fifty Dollars (\$150);
- 15 (ii) Designated caregiver: Two Hundred Dollars (\$200);
- 16 (iii) Dispensary: Five Hundred Dollars (\$500);
- 17 (iv) Dispensary agent: Five Hundred Dollars (\$500);
- 18 (v) Cultivation site: Five Hundred Dollars (\$500); and
- 19 (vi) Cultivation site agent: Five Hundred Dollars (\$500);
- 20 (B) Renewal Registry Identification Card.
- 21 (i) Qualifying patient, except as provided in subsection (B): One
- 22 Hundred-Fifty Dollars (\$150);
- 23 (ii) Designated caregiver: Two Hundred Dollars (\$200);
- 24 (iii) Dispensary: Five Hundred Dollars (\$500);

1 (iv) Dispensary agent: Five Hundred Dollars (\$500);

2 (v) Cultivation site: Five Hundred Dollars (\$500); and

3 (vi) Cultivation site agent: Five Hundred Dollars (\$500);

4 (C) Amendment of Registry Identification Card: Ten Dollars (\$10.00);

5 and

6 (D) Duplicate: Ten Dollars (\$10.00).

7 (b) A qualifying patient may pay a reduced fee of Seventy Five Dollars (\$75.00) if the
8 qualifying patient submits, with the qualifying patient's application for a new Registry Identification
9 Card or the qualifying patient's application to renew the qualifying patient's Registry Identification
10 Card, a copy of an eligibility notice or electronic benefits transfer card demonstrating current
11 participation in the U.S. Department of Agriculture, Food and Nutrition Services, Supplemental
12 Nutrition Assistance Program.

13 (c) An applicant who fails to submit their application by the established due dates as
14 determined by these rules and regulations shall pay a late processing fee of One Thousand Dollars
15 (\$1,000.00). Payment of the late processing fee shall not apply to qualified patients and their
16 designated caregivers.

17 **§14103. Application Submission.**

18 (a) An applicant submitting an application for a new and renewal Registry Identification
19 Card, Dispensary Registration Certificate and/or a Cultivation Site Registration Certificate, or to
20 amend, change, or replace a Registry Identification Card for a qualifying patient, designated caregiver,
21 dispensary, dispensary agent, cultivation site, or a cultivation site agent, or replace a Dispensary
22 Registration Certificate and/or a Cultivation Site Registration Certificate, shall submit a complete and
23 accurate application in a Department provided format.

1 (b) A residence address or mailing address submitted for a qualifying patient or
2 designated caregiver as part of an application for a Registry Identification Card shall be located in
3 Guam.

4 (c) A mailing address submitted for a responsible official as part of a Dispensary
5 Registration Certificate and/or a Cultivation Site Registration Certificate application or as part of an
6 application for a dispensary agent and/or cultivation site agent Registration Identification Card shall be
7 located in Guam.

8 (d) The Department shall process an application prior to issuing a Registration
9 Identification Card to assure that the application is complete and information provided been verified.

10 (1) If an applicant does not provide all the information required and the
11 application is considered incomplete, the Department shall notify the applicant of the
12 information that is missing, and shall allow the applicant 14 days to submit the missing
13 information.

14 (2) If an applicant does not provide the information necessary to declare an
15 application complete, or to complete the verification process within the timelines established
16 in these rules and regulations, the application shall be rejected as incomplete. An applicant
17 whose application is rejected as incomplete may reapply at any time. If an applicant submits
18 an application fee and the application is subsequently denied or rejected, the application fee
19 shall not be applied toward a new application submitted after an application denial or
20 rejection.

21 (e) The Department may reject an application if the application or supporting documents
22 appear to be altered (for example, writing is whited out). An application shall be denied if an
23 application or supporting documents are determined by the Director to have been falsified.

24 (f) The Department may verify information on each application and accompanying
25 documentation, including:

1 (1) Contacting each applicant by telephone, e-mail, facsimile or by mail. If proof
2 of identity is uncertain, the Department may require a face-to-face meeting and may require
3 the production of additional identification materials to verify applicant identity;

4 (2) Contacting a minor's parent or legal guardian;

5 (3) Contacting the Department's Health Professional Licensing Office to verify
6 that an attending physician is licensed to practice in Guam and is in good standing;

7 (4) Contacting the attending physician to request further documentation to support
8 a finding that the physician is the applicant's attending physician. The Department shall notify
9 the applicant of the intent to review the medical records and request the applicant's
10 authorization to conduct the review. Failure to authorize a review of medical records may
11 result in the application being declared incomplete, or denial of an application.

12 (g) Once the Department has determined that an application is complete it will review an
13 application to the extent necessary to determine compliance with the Act and these rules and
14 regulations.

15 (h) The Department may, in its discretion, prior to acting on an application:

16 (1) Contact the applicant and request additional documentation or information;

17 (2) Inspect the premises of the proposed facility; and

18 (3) Verify any information submitted by the applicant.

19 (i) Prior to making a decision whether to approve, deny or revoke an application the
20 Department must:

21 (1) Ensure that the criminal background check process has been completed and
22 review the results. If an applicant wishes to challenge the accuracy or completeness of
23 information provided in the background check by those agencies reporting the information,

1 those challenges must be made through the reporting agency and not through the contested
2 case process specified by these rules and regulations;

3 (2) Review documentation submitted by the applicant to determine, based on the
4 information provided by the applicant, whether the proposed Dispensary or Cultivation Site is
5 located within 1,000 feet of the real property comprising a school;

6 (3) Review the list of registered facilities to determine whether any registered
7 facilities are within 1,000 feet of the proposed Dispensary or Cultivation Site; and

8 (4) Verify that the business that operates the Dispensary or Cultivation Site is
9 registered and licensed with the Department of Revenue and Taxation.

10 **§14104. Changing Information on a Registry Identification Card.** Except as
11 provided in §14203(b), to make an amendment to a cardholder's name or address on the
12 cardholder's Registry Identification Card, the cardholder shall submit to the Department, within
13 10 working days after the change, a request for the change that includes:

14 (a) The cardholder's name and the registry identification number on the cardholder's
15 current Registry Identification Card;

16 (b) The cardholder's new name or address, as applicable;

17 (c) For a change in the cardholder's name, one of the following with the cardholder's new
18 name:

19 (1) A valid Guam driver's license; or

20 (2) A Guam identification card as approved by the Director; or

21 (3) The photograph page in the cardholder's U.S. passport.

22 (d) For a change in address, the village where the new address is located;

23 (e) The effective date of the cardholder's new name or address; and

24 (f) The applicable fee in §14102 for amending a Registry Identification Card.

1 **§14105. Requesting a Replacement Registry Identification Card.**

2 To request a replacement card for a cardholder's Registry Identification Card that has
3 been lost, stolen, or destroyed, the cardholder shall submit to the Department, within 10 working
4 days after the cardholder's Registry Identification Card was lost, stolen, or destroyed, a request
5 for a replacement card that includes:

6 (1) The cardholder's name and date of birth;

7 (2) If known, the registry identification number on the cardholder's lost, stolen, or
8 destroyed Registry Identification Card;

9 (3) If the cardholder cannot provide the registry identification number on the cardholder's
10 lost, stolen, or destroyed Registry Identification Card, a copy of one of the following documents that
11 the cardholder submitted when the cardholder obtained the Registry Identification Card:

12 (1) A valid Guam driver's license; or

13 (2) A valid Guam identification card as approved by the Director; or

14 (3) Guam Registry Identification Card; or

15 (4) Photograph page in the cardholder's U.S. passport; and

16 (4) The applicable fee in §14102 for requesting a replacement Registry Identification
17 Card.

18 **§14106. Adding a Debilitating Medical Condition.**

19 (a) An entity may request the addition of a medical condition to the list of debilitating
20 medical conditions in §14101(t) by submitting to the Department, at the time specified in subsection
21 (c), the following in writing:

22 (1) The entity's name;

23 (2) The entity's mailing address, name of contact individual, telephone number,
24 and, if applicable, e-mail address;

1 (3) The name of the medical condition the entity is requesting be added;

2 (4) A description of the symptoms and other physiological effects experienced by
3 an individual suffering from the medical condition or a treatment of the medical condition that
4 may impair the ability of the individual to accomplish activities of daily living;

5 (5) The availability of conventional medical treatments to provide therapeutic or
6 palliative benefit for the medical condition or a treatment of the medical condition;

7 (6) A summary of the evidence that the use of marijuana will provide therapeutic
8 or palliative benefit for the medical condition or a treatment of the medical condition; and

9 (7) Articles, published in peer-reviewed scientific journals, reporting the results of
10 research on the effects of marijuana on the medical condition or a treatment of the medical
11 condition supporting why the medical condition should be added.

12 (b) The Department shall:

13 (1) Acknowledge in writing the Department's receipt of a request for the addition
14 of a medical condition to the list of debilitating medical conditions listed in §14101(t) within
15 30 calendar days after receiving the request;

16 (2) Transmit the request and the required supporting documents to the Advisory
17 Board for their review to determine if the requester has provided evidence that:

18 (A) The specified medical condition or treatment of the medical condition
19 impairs the ability of the individual to accomplish activities of daily living, and

20 (B) Marijuana usage provides a therapeutic or palliative benefit to an
21 individual suffering from the medical condition or treatment of the medical condition;

22 (3) Within 90 calendar days after receiving the official decision of the Advisory
23 Board, notify the requester that the Department has determined that the information provided
24 by the requester:

1 (A) Meets the requirements in subsection (b)(2) and the date the
2 Department will conduct a public hearing to discuss the request; or

3 (B) Does not meet the requirements in subsection (b)(2), the specific
4 reason for the determination, and the process for requesting a hearing of the
5 Department's determination pursuant to Title 5 GCA, Chapter 9, Administrative
6 Adjudication Law.

7 (C) Any entity may seek review of any administrative decision resulting
8 from a hearing before the Superior Court of Guam. Such review shall be upon the
9 record established before the Director and not *de novo*. The Superior Court may
10 sustain, modify, or vacate any administrative decision it reviews.

11 (4) If applicable:

12 (A) Public hearing dates shall be held bi-annually in June and
13 December of each calendar year;

14 (B) Schedule a public hearing to discuss the request;

15 (C) Provide public notice of the public hearing by submitting a Notice of
16 Public Hearing for publication in a newspaper of general circulation in Guam at least
17 10 calendar days before the date of the public hearing;

18 (D) Post a copy of the request on the Department's web site for public
19 comment at least 10 calendar days before the date of the public hearing;

20 (E) Hold the public hearing in accordance to subsection (b)(4)(A) after
21 receiving the request; and

22 (5) Within 180 calendar days after receiving the request:

23 (A) Add the medical condition to the list of debilitating medical
24 conditions, or

1 (B) Provide written notice to the requester of the Department's decision to
2 deny the request that includes:

3 (i) The specific reasons for the Department's decision; and

4 (ii) The process for requesting a hearing of the Department's
5 decision pursuant to Title 5 GCA Chapter 9, Administrative Adjudication
6 Law.

7 (iii) Any entity may seek review of any administrative decision
8 resulting from a hearing before the Superior Court of Guam. Such review
9 shall be upon the record established before the Director and *not de novo*. The
10 Superior Court may sustain, modify, or vacate any administrative decision it
11 reviews.

12 (c) The Department shall accept requests for the addition of a medical condition to the list
13 of debilitating medical conditions in §14101(t) in January and July of each calendar year starting in
14 January 2016.

15 **§14107. Time Frames for Administrative Approval.**

16 (a) Within the administrative completeness review time frame for each type of approval in
17 Table 1. (Appendix A), the Department shall:

18 (1) Issue a Registry Identification Card, Dispensary Registration Certificate, or
19 Cultivation Site Registration Certificate;

20 (2) Issue a License to Operate a Dispensary or Cultivation Site;

21 (3) Provide a notice of administrative completeness to an applicant; or

22 (4) Provide a notice of deficiencies to an applicant, including a list of the
23 information or documents needed to complete the application.

1 (b) An application for a License to Operate a Dispensary or a Cultivation Site is not
2 complete until the date the applicant states on a written notice provided to the Department that the
3 dispensary or cultivation site is ready for an inspection by the Department.

4 (c) If the Department provides a notice of deficiencies to an applicant:

5 (1) The administrative completeness review time frame and the overall time frame
6 are suspended from the date of the notice of deficiencies until the date the Department
7 receives the missing information or documents from the applicant;

8 (2) If the applicant does not submit the missing information or documents to the
9 Department within the time frame in Table 1 (Appendix A), the Department shall consider the
10 application withdrawn; and

11 (3) If the applicant submits the missing information or documents to the
12 Department within the time frame in Table 1 (Appendix A), the applicable review time frame
13 begins on the date the Department receives the missing information or documents.

14 (d) Within the applicable review time frame for each type of approval in Table 1
15 (Appendix A), the Department:

16 (1) Shall issue or deny a Registry Identification Card, Dispensary Registration
17 Certificate, or Cultivation Site Registration Certificate;

18 (2) Shall issue or deny a License to Operate a Dispensary or Cultivation Site;

19 (3) May complete an inspection that may require more than one visit to a
20 dispensary or cultivation site, and, if applicable, the dispensary's cultivation site; and

21 (4) May make one written comprehensive request for more information, unless
22 the Department and the applicant agree in writing to allow the Department to submit
23 supplemental requests for information.

1 (e) If the Department issues a written comprehensive request or a supplemental request
2 for information:

3 (1) The applicable review time frame and the overall time frame are suspended
4 from the date of the written comprehensive request or the supplemental request for
5 information until the date the Department receives all of the information requested; and

6 (2) The applicant shall submit to the Department all of the information and
7 documents listed in the written comprehensive request or supplemental request for
8 information within 10 working days after the date of the comprehensive written request or
9 supplemental request for information.

10 (f) If an applicant for an initial Dispensary Registration Certificate or Cultivation Site
11 Registration Certificate is allocated a registration certificate as provided in §14302, the Department
12 shall provide a written notice to the applicant of the allocation of the registration certificate that
13 contains the respective registry identification number.

14 (1) After the applicant receives the written notice of the allocation, the applicant
15 shall submit to the Department for each responsible official for whom fingerprints were
16 submitted:

17 (A) An application for a dispensary agent or cultivation site agent Registry
18 Identification Card that includes:

19 (i) The responsible official's first name; middle initial, if
20 applicable; last name; and suffix, if applicable;

21 (ii) The responsible official's residence address and mailing
22 address;

23 (iii) The village where the responsible official resides;

24 (iv) The responsible official's date of birth;

1 (v) The identifying number on the applicable card or document in
2 subsection (f)(1)(B)(i) through (v);

3 (vi) The name and registry identification number of the dispensary
4 or cultivation site;

5 (vii) One of the following:

6 (aa) A statement that the responsible official does not
7 currently hold a valid Registry Identification Card, or

8 (bb) The assigned registry identification number for each
9 valid Registry Identification Card currently held by the responsible
10 official;

11 (viii) A statement signed by the responsible official pledging not to
12 divert marijuana to any individual who or entity that is not allowed to possess
13 marijuana pursuant to the Act;

14 (ix) An attestation that the information provided in and with the
15 application is true and correct; and

16 (x) The signature of the responsible official and the date the
17 responsible official signed;

18 (B) A copy of the responsible official's:

19 (i) A valid Guam driver's license; or

20 (ii) A valid Guam identification card as approved by the Director;

21 or

22 (iii) Guam Registry Identification Card;

23 (iv) Photograph page in the responsible official's U.S. passport; or

24 (v) One of the following for the responsible official:

- 1 (aa) Birth certificate verifying U.S. citizenship,
- 2 (bb) U.S. Certificate of Naturalization, or
- 3 (cc) U.S. Certificate of Citizenship;
- 4 (C) A current photograph of the responsible official; and
- 5 (D) The applicable fee in §14102 for applying for a dispensary agent or
- 6 cultivation site agent Registry Identification Card.

7 (2) After receipt of the information and documents in subsection (f)(1), the
8 Department shall review the information and documents.

9 (A) If the information and documents for at least one of the responsible
10 officials complies with the Act and these rules and regulations, the Department shall
11 issue:

12 (i) A dispensary agent or cultivation site agent Registry
13 Identification Card to any responsible official whose dispensary agent or
14 cultivation site agent Registry Identification Card application complies with
15 §14303 and these rules and regulations; and

16 (ii) The Dispensary Registration Certificate or the Cultivation Site
17 Registration Certificate.

18 (B) If the information and documents for a dispensary agent or cultivation
19 site agent Registry Identification Card application for any responsible official does
20 not comply with §14303 and these rules and regulations, the Department shall deny
21 the dispensary agent or cultivation site agent Registry Identification Card application
22 and provide notice to the responsible official and to the dispensary or cultivation site
23 that includes:

24 (i) The specific reasons for the denial; and

1 (ii) The process for requesting a hearing of the Department's
2 decision pursuant to 5 GCA Chapter 9, Administrative Adjudication Law.

3 (g) Any entity may seek review of any administrative decision resulting from a hearing
4 before the Superior Court of Guam. Such review shall be upon the record established before the
5 Director and not *de novo*. The Superior Court may sustain, modify, or vacate any administrative
6 decision it reviews

7 (h) The Department shall issue:

8 (1) A Registry Identification Card or a License to Operate a Dispensary or
9 Cultivation Site, as applicable, if the Department determines that the applicant complies with
10 the Act and these rules and regulations. For an applicant for a Registry Identification Card, a
11 denial that includes the reason for the denial and the process for requesting a hearing if:

12 (A) The Department determines that the applicant does not comply with
13 Act and these rules and regulations; or

14 (B) The applicant does not submit all of the information and documents
15 listed in the written comprehensive request or supplemental request for information
16 within 10 working days after the date of the comprehensive written request or
17 supplemental request for information;

18 (2) For an applicant for a Dispensary Registration Certificate or Cultivation Site
19 Registration Certificate, if the Department determines that the Dispensary Registration
20 Certificate or Cultivation Site Registration Certificate application complies with the Act and
21 these rules and regulations but the Department is not issuing a Dispensary Registration
22 Certificate or Cultivation Site Registration Certificate to the applicant because all available
23 Dispensary Registration Certificates or Cultivation Site Registration Certificates have been
24 allocated according to the criteria and processes in §14302, written notice that:

1 (A) The Dispensary Registration Certificate or Cultivation Site
2 Registration Certificate application complies with the Act and these rules and
3 regulations;

4 (B) The applicant was not allocated a Dispensary Registration Certificate
5 or Cultivation Site Registration Certificate according to the criteria and processes in
6 §14302; and

7 (C) The written notice is not a denial and is not considered a final decision
8 of the Department subject to administrative review; or

9 (3) For an applicant for a Dispensary Registration Certificate or Cultivation Site
10 Registration Certificate, a denial that includes the reason for the denial and the process for
11 administrative review if:

12 (A) The Department determines that a Dispensary Registration Certificate
13 or Cultivation Site Registration Certificate application does not comply with the Act
14 and these rules and regulations; or

15 (B) The applicant does not submit all of the information and documents
16 listed in the written comprehensive request or supplemental request for information
17 within 10 working days after the date of the comprehensive written request or
18 supplemental request for information.

19 **§14108. Expiration of a Registry Identification Card or a Dispensary Registration**
20 **Certificate.**

21 (a) Except as provided in subsection (b), a Registry Identification Card issued to a
22 qualifying patient, designated caregiver, dispensary, dispensary agent, cultivation site, or cultivation
23 site agent is valid for one year after the date of issuance.

1 (b) If the Department issues a Registry Identification Card to a qualifying patient,
2 designated caregiver, dispensary, dispensary agent, cultivation site, or cultivation site agent based on
3 a request for a replacement Registry Identification Card or an application to change or amend a
4 Registry Identification Card; the replacement, changed, or amended Registry Identification Card
5 shall have the same expiration date as the Registry Identification Card being replaced, changed,
6 or amended.

7 (c) Except as provided in subsection (d), a Dispensary Registration Certificate or
8 Cultivation Site Registration Certificate is valid for one year after the date of issuance.

9 (d) A License to Operate a Dispensary or Cultivation Site shall have the same expiration
10 date as the Dispensary Registration Certificate or Cultivation Site Registration Certificate
11 associated with the approval to operate the dispensary or cultivation site.

12 **§14109. Notifications and Void Registry Identification Cards.**

13 (a) The Department shall provide written notice that a cardholder's Registry Identification
14 Card is void and no longer valid under the Act and these rules and regulations to a:

15 (1) Qualifying patient when the Department receives notification from:

16 (A) The qualifying patient that the qualifying patient no longer has a
17 debilitating medical condition, or

18 (B) The physician who provided the qualifying patient's written
19 certification that the:

20 (i) Qualifying patient no longer has a debilitating medical
21 condition,

22 (ii) Physician no longer believes that the qualifying patient would
23 receive therapeutic or palliative benefit from the medical use of marijuana, or

1 (iii) Physician believes that the qualifying patient is not using the
2 medical marijuana as recommended,

3 (2) Designated caregiver when:

4 (A) The Department receives notification from the designated caregiver's
5 qualifying patient that the designated caregiver no longer assists the qualifying patient
6 with the medical use of marijuana, or

7 (B) The Registry Identification Card for the qualifying patient that is listed
8 on the designated caregiver's Registry Identification Card is no longer valid, or

9 (3) Dispensary agent when:

10 (A) The Department receives the written notification, required in
11 §14309(a)(9), that the dispensary agent:

12 (i) No longer serves as a responsible official or medical director
13 for the dispensary;

14 (ii) Is no longer employed by the dispensary; or

15 (iii) No longer provides volunteer service at or on behalf of the
16 dispensary; or

17 (B) The Dispensary Registration Certificate for the dispensary that is listed
18 on the dispensary agent's Registry Identification Card is no longer valid.

19 (4) Cultivation site agent when:

20 (A) The Department receives the written notification, required in
21 §14309(a)(9), that the cultivation site agent:

22 (i) No longer serves as a responsible official or medical director
23 for the cultivation site; Is no longer employed by the cultivation site; or

1 (ii) No longer provides volunteer service at or on behalf of the
2 cultivation site; or

3 (B) The Cultivation Site Registration Certificate for the cultivation site that
4 is listed on the cultivation site agent's Registry Identification Card is no longer valid.

5 (b) The Department shall void a qualifying patient's Registry Identification Card:

6 (1) When the Department receives notification that the qualifying patient is
7 deceased; or

8 (2) For a qualifying patient under 18 years of age, when the qualifying
9 patient's designated caregiver's Registry Identification Card is revoked.

10 (c) The written notice required in subsection (a) that a Registry Identification Card is
11 void is not a revocation and is not considered a final decision of the Department subject to a
12 hearing before the Director.

13 **§14200. ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED**
14 **CAREGIVERS.**

15 **§14201. Debilitating Medical Conditions.**

16 An individual applying for a qualifying patient Registry Identification Card shall have a
17 diagnosis from a physician of a debilitating medical condition(s) as defined in §14101(t) of these rules
18 and regulations.

19 **§14202. Applying for a Registry Identification Card for a Qualifying Patient or a**
20 **Designated Caregiver.**

21 (a) Except for a qualifying patient who is under 18 years of age, a qualifying patient is not
22 required to have a designated caregiver.

23 (b) A qualifying patient shall have only one designated caregiver at any given time.

24 (c) Except for a qualifying patient who is under 18 years of age, if the information
25 submitted for a qualifying patient complies with the Act and these rules and regulations but the
Rev. 7/15/2015

1 information for the qualifying patient's designated caregiver does not comply with the Act and these
2 rules and regulations, the Department shall issue the Registry Identification Card for the qualifying
3 patient separate from issuing a Registry Identification Card for the qualifying patient's designated
4 caregiver.

5 (d) If the Department issues a Registry Identification Card to a qualifying patient under
6 subsection (c), the Department shall continue the process for issuing or denying the qualifying
7 patient's designated caregiver's Registry Identification Card.

8 (e) The Department shall not issue a designated caregiver's Registry Identification Card
9 before the Department issues the designated caregiver's qualifying patient's Registry Identification
10 Card.

11 (f) Except as provided in subsection (g), to apply for a Registry Identification Card, a
12 qualifying patient shall submit to the Department the following:

13 (1) An application in a Department provided format that includes:

14 (A) The qualifying patient's:

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

17 (ii) Date of birth; and

18 (iii) Gender;

19 (B) Except as provided in subsection (f)(1)(G), the qualifying patient's
20 residence address and mailing address;

21 (C) The village where the qualifying patient resides;

22 (D) The qualifying patient's e-mail address;

23 (E) The identifying number on the applicable card or document in
24 subsection (f)(2)(A) through (E);

1 (F) The name, address, and telephone number of the physician providing
2 the written certification for medical marijuana for the qualifying patient;

3 (G) If the qualifying patient is homeless, an address and/or email where the
4 qualifying patient can receive communication;

5 (H) An attestation that the information provided in the application is true
6 and correct; and

7 (I) The signature of the qualifying patient and date the qualifying patient
8 signed;

9 (2) A copy of the qualifying patient's:

10 (A) A valid Guam driver's license; or

11 (B) A valid Guam identification card as approved by the Director; or

12 (C) Guam Registry Identification Card; or

13 (D) Photograph page in the qualifying patient's U.S. passport; or

14 (E) A valid photo identification card as approved by the Director, and one
15 of the following for the qualifying patient:

16 (i) Birth certificate verifying U.S. citizenship,

17 (ii) U.S. Certificate of Naturalization, or

18 (iii) U.S. Certificate of Citizenship;

19 (3) A current photograph of the qualifying patient;

20 (4) A statement in a Department provided format signed by the qualifying patient
21 pledging not to divert marijuana to any individual who or entity that is not allowed to possess
22 marijuana pursuant to the Act and these rules and regulations;

23 (5) A physician's written certification in a Department provided format dated
24 within 90 calendar days before the submission of the qualifying patient's application that
25 includes:

1 (A) The physician's:

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

4 (ii) Guam board of professional license number including an
5 identification of the physician license type,

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

7 (iv) Telephone number on file with the physician's licensing
8 board, and

9 (v) E-mail address;

10 (B) The qualifying patient's name and date of birth;

11 (C) A statement that the physician has made or confirmed a diagnosis of a
12 debilitating medical condition as defined in these rules and regulations for the
13 qualifying patient;

14 (D) An identification, initialed by the physician, of one or more of the
15 debilitating medical conditions in §14201 as the qualifying patient's specific
16 debilitating medical condition;

17 (E) If the debilitating medical condition identified in subsection (f)(5)(D)
18 is a condition in §14201;

19 (F) A statement, initialed by the physician, that the physician:

20 (i) Has established a medical record for the qualifying patient, and

21 (ii) Is maintaining the qualifying patient's medical record as
22 required by Guam law;

23 (G) A statement, initialed by the physician, that the physician has
24 conducted an in-person physical examination of the qualifying patient within the
25 previous 90 calendar days appropriate to the qualifying patient's presenting symptoms

1 and the qualifying patient's debilitating medical condition diagnosed or confirmed by
2 the physician;

3 (H) The date the physician conducted the in-person physical examination
4 of the qualifying patient;

5 (I) A statement, initialed by the physician, that the physician reviewed the
6 qualifying patient's:

7 (i) Medical records including medical records from other treating
8 physicians from the previous 12 months,

9 (ii) Response to conventional medications and medical therapies,
10 and

11 (iii) Profile on the Department's Prescription Drug Monitoring
12 Program database;

13 (J) A statement, initialed by the physician, that the physician has
14 explained the potential risks and benefits of the medical use of marijuana to the
15 qualifying patient;

16 (K) A statement, initialed by the physician, that in the physician's
17 professional opinion, the qualifying patient is likely to receive therapeutic or palliative
18 benefit from the qualifying patient's medical use of marijuana to treat or alleviate the
19 qualifying patient's debilitating medical condition;

20 (L) A statement, initialed by the physician, that if the physician has
21 referred the qualifying patient to a dispensary, the physician has disclosed to the
22 qualifying patient any personal or professional relationship the physician has with the
23 dispensary;

24 (M) An attestation that the information provided in the written certification
25 is true and correct; and

1 (N) The physician's signature and the date the physician signed;

2 (6) If the qualifying patient is designating a caregiver, the following in a
3 Department provided format:

4 (A) The designated caregiver's first name; middle initial, if applicable; last
5 name; and suffix, if applicable;

6 (B) The designated caregiver's date of birth;

7 (C) The designated caregiver's residence address and mailing address;

8 (D) The village where the designated caregiver resides;

9 (E) The identifying number on the applicable card or document in
10 subsection (f)(6)(I)(i) through (v);

11 (F) One of the following:

12 (i) A statement that the designated caregiver does not currently
13 hold a valid Registry Identification Card, or

14 (ii) The assigned registry identification number for the designated
15 caregiver for each valid Registry Identification Card currently held by the
16 designated caregiver;

17 (G) An attestation signed and dated by the designated caregiver that the
18 designated caregiver has not been convicted of an excluded felony offense as defined
19 in these rules and regulations;

20 (H) A statement signed by the designated caregiver:

21 (i) Agreeing to assist the qualifying patient with the medical use
22 of marijuana; and

23 (ii) Pledging not to divert marijuana to any individual or entity
24 that is not allowed to possess marijuana pursuant to the Act or these rules and
25 regulations;

- 1 (I) A copy of the designated caregiver's:
- 2 (i) A valid Guam driver's license; or
- 3 (ii) A valid Guam identification card as approved by the Director;
- 4 or
- 5 (iii) Guam Registry Identification Card;
- 6 (iv) Photograph page in the designated caregiver's U.S. passport;
- 7 or
- 8 (v) A valid photo identification card as approved by the Director,
- 9 and one of the following for the designated caregiver:
- 10 (aa) Birth certificate verifying U.S. citizenship,
- 11 (bb) U.S. Certificate of Naturalization, or
- 12 (cc) U.S. Certificate of Citizenship;
- 13 (J) A current photograph of the designated caregiver; and
- 14 (K) For the Department's criminal records check as follows:
- 15 (i) Police clearance;
- 16 (ii) Court clearance;
- 17 (iii) The designated caregiver's fingerprints on a fingerprint card
- 18 that includes the following information of the designated caregiver:
- 19 (aa) First name; middle initial, if applicable; last name and
- 20 suffix, if applicable;
- 21 (bb) Signature;
- 22 (cc) The signature of the individual physically rolling the
- 23 designated caregiver's fingerprints;
- 24 (dd) Residential and mailing address;

1 (ee) If applicable, the designated caregiver's surname
2 before marriage and any names previously used by the designated
3 caregiver;

4 (ff) Date of birth;

5 (gg) Social Security number;

6 (hh) Citizenship status;

7 (ii) Gender;

8 (jj) Ethnicity;

9 (kk) Height;

10 (ll) Weight;

11 (mm) Hair color;

12 (nn) Eye color; and

13 (oo) Place of birth; or

14 (iv) If the designated caregiver's fingerprints and information
15 required in subsection (f)(6)(K)(iii) were submitted to the Department as part
16 of an application for a designated caregiver, dispensary agent, or cultivation
17 site agent Registry Identification Card within the previous six months, the
18 registry identification number on the Registry Identification Card issued to the
19 designated caregiver as a result of the application; and

20 (3)(7) The applicable fees in §14102 for applying for:

21 (A) A qualifying patient Registry Identification Card; and

22 (B) If applicable, a designated caregiver Registry Identification Card.

23 (g) To apply for a Registry Identification Card for a qualifying patient who is under 18
24 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care
25 decisions for the qualifying patient shall submit to the Department the following:

- 1 (1) An application in a Department provided format that includes:
- 2 (A) The qualifying patient's:
- 3 (i) First name; middle initial, if applicable; last name; and suffix,
- 4 if applicable;
- 5 (ii) Date of birth; and
- 6 (iii) Gender;
- 7 (B) The qualifying patient's residence address and mailing address;
- 8 (C) The village where the qualifying patient resides;
- 9 (D) The qualifying patient's custodial parent's or legal guardian's first
- 10 name; middle initial, if applicable; last name; and suffix, if applicable;
- 11 (E) The identifying number on the applicable card or document in
- 12 subsection (g)(5)(A) through (E);
- 13 (F) The qualifying patient's custodial parent's or legal guardian's
- 14 residence address and mailing address and telephone number;
- 15 (G) The village where the qualifying patient's custodial parent or legal
- 16 guardian resides;
- 17 (H) The qualifying patient's custodial parent's or legal guardian's e-mail
- 18 address;
- 19 (I) The name, address, and telephone number of a physician who has a
- 20 physician-patient relationship with the qualifying patient and is providing the written
- 21 certification for medical marijuana for the qualifying patient;
- 22 (J) The name, address, and telephone number of a second physician who
- 23 has conducted a comprehensive review of the patient's medical record maintained by
- 24 other treating physicians, and is providing a written certification for medical marijuana
- 25 for the qualifying patient;

1 (K) The qualifying patient's custodial parent's or legal guardian's date of
2 birth;

3 (L) Whether the individual submitting the application on behalf of the
4 qualifying patient under 18 years of age is the qualifying patient's custodial parent or
5 legal guardian;

6 (M) One of the following:

7 (i) A statement that the qualifying patient's custodial parent or
8 legal guardian does not currently hold a valid Registry Identification Card, or

9 (ii) The assigned registry identification number for the qualifying
10 patient's custodial parent or legal guardian for each valid Registry
11 Identification Card currently held by the qualifying patient's custodial parent
12 or legal guardian;

13 (N) An attestation that the information provided in the application is true
14 and correct; and

15 (O) The signature of the qualifying patient's custodial parent or legal
16 guardian and the date the qualifying patient's custodial parent or legal guardian
17 signed;

18 (2) A current photograph of the:

19 (A) Qualifying patient, and

20 (B) Qualifying patient's custodial parent or legal guardian serving as the
21 qualifying patient's designated caregiver;

22 (3) An attestation in a Department provided format signed and dated by the
23 qualifying patient's custodial parent or legal guardian that the qualifying patient's custodial
24 parent or legal guardian has not been convicted of an excluded felony offense as defined in
25 these rules and regulations;

1 (4) A statement in a Department provided format signed by the qualifying
2 patient's custodial parent or legal guardian who is serving as the qualifying patient's
3 designated caregiver:

4 (A) Allowing the qualifying patient's medical use of marijuana;

5 (B) Agreeing to assist the qualifying patient with the medical use of
6 marijuana; and

7 (C) Pledging not to divert marijuana to any individual who or entity that is
8 not allowed to possess marijuana pursuant to the Act;

9 (5) A copy of one of the following for the qualifying patient's custodial parent or
10 legal guardian:

11 (A) A valid Guam driver's license; or

12 (B) A valid Guam identification card as approved by the Director; or

13 (C) Guam Registry Identification Card;

14 (D) Photograph page in the qualifying patient's custodial parent or legal
15 guardian U.S. passport; or

16 (6) If the individual submitting the application on behalf of a qualifying patient is
17 the qualifying patient's legal guardian, a copy of documentation establishing the individual as
18 the qualifying patient's legal guardian;

19 (7) For the Department's criminal records check as follows:

20 (A) Police clearance;

21 (B) Court clearance;

22 (C) The qualifying patient's custodial parent or legal guardian's
23 fingerprints on a fingerprint card that includes the following information of the
24 qualifying patient's custodial parent or legal guardian:

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

3 (ii) Signature;

4 (iii) If different from the qualifying patient's custodial parent or
5 legal guardian, the signature of the individual physically rolling the qualifying
6 patient's custodial parent's or legal guardian's fingerprints;

7 (iv) Residential and Mailing Address;

8 (v) If applicable, the qualifying patient's custodial parent's or
9 legal guardian's surname before marriage and any names previously used by
10 the qualifying patient's custodial parent or legal guardian;

11 (vi) Date of birth;

12 (vii) Social Security number;

13 (viii) Citizenship status;

14 (ix) Gender;

15 (x) Ethnicity;

16 (xi) Height;

17 (xii) Weight;

18 (xiii) Hair color;

19 (xiv) Eye color; and

20 (xv) Place of birth; or

21 (D) If the qualifying patient's custodial parent's or legal guardian's
22 fingerprints and information required in subsection (g)(7)(C) were submitted to the
23 Department as part of an application for a designated caregiver, dispensary agent, or
24 cultivation site agent Registry Identification Card within the previous six months, the

1 registry identification number on the Registry Identification Card issued to the
2 qualifying patient's custodial parent or legal guardian as a result of the application;

3 (8) A written certification from the physician in subsection (g)(1)(I) and a separate
4 written certification from the physician in (g)(1)(J) in a Department provided format dated
5 within 90 calendar days before the submission of the qualifying patient's application that
6 includes:

7 (A) The physician's:

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

10 (ii) Guam board of professional license number including an
11 identification of the physician license type,

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

13 (iv) Telephone number on file with the physician's licensing
14 board, and

15 (v) E-mail address;

16 (B) The qualifying patient's name and date of birth;

17 (C) An identification of one or more of the debilitating medical conditions
18 in §14201 as the qualifying patient's specific debilitating medical condition;

19 (D) If the debilitating medical condition identified is a condition in
20 §14201;

21 (E) For the physician listed in subsection (g)(1)(I):

22 (i) A statement that the physician has made or confirmed a
23 diagnosis of a debilitating medical condition as defined in the Act and these
24 rules and regulations for the qualifying patient;

25 (ii) A statement, initialed by the physician, that the physician:

1 (aa) Has established a medical record for the qualifying
2 patient, and

3 (bb) Is maintaining the qualifying patient's medical record
4 as required by Guam law;

5 (iii) A statement, initialed by the physician, that the physician has
6 conducted an in-person physical examination of the qualifying patient within
7 the previous 90 calendar days appropriate to the qualifying patient's presenting
8 symptoms and the qualifying patient's debilitating medical condition
9 diagnosed or confirmed by the physician;

10 (iv) The date the physician conducted the in-person physical
11 examination of the qualifying patient;

12 (v) A statement, initialed by the physician, that the physician
13 reviewed the qualifying patient's:

14 (aa) Medical records including medical records from other
15 treating physicians from the previous 12 months,

16 (bb) Response to conventional medications and medical
17 therapies, and

18 (cc) Profile on the Department's Prescription Drug
19 Monitoring Program database; and

20 (vi) A statement, initialed by the physician, that the physician has
21 explained the potential risks and benefits of the use of medical marijuana to
22 the qualifying patient's custodial parent or legal guardian responsible for
23 health care decisions for the qualifying patient;

1 (F) For the physician listed in subsection (g)(1)(J), a statement, initialed by
2 the physician, that the physician conducted a comprehensive review of the qualifying
3 patient's medical records from other treating physicians;

4 (G) A statement, initialed by the physician, that, in the physician's
5 professional opinion, the qualifying patient is likely to receive therapeutic or palliative
6 benefit from the qualifying patient's medical use of marijuana to treat or alleviate the
7 qualifying patient's debilitating medical condition;

8 (H) A statement, initialed by the physician, that if the physician has
9 referred the qualifying patient's custodial parent or legal guardian to a dispensary, the
10 physician has disclosed to the qualifying patient any personal or professional
11 relationship the physician has with the dispensary;

12 (I) An attestation that the information provided in the written certification
13 is true and correct; and

14 (J) The physician's signature and the date the physician signed; and

15 (9) The applicable fees in §14102 for applying for a:

16 (A) Qualifying patient Registry Identification Card, and

17 (B) Designated caregiver Registry Identification Card.

18 (h) For purposes of this Section, "residence address" when used in conjunction with a
19 qualifying patient means:

20 (1) The street address including village and zip code assigned by a local
21 jurisdiction; or

22 (2) For property that does not have a street address assigned by a local
23 jurisdiction, the legal description of the property on the title documents recorded by the
24 assessor of the village in which the property is located.

1 **§14203. Amending a Qualifying Patient’s or Designated Caregiver’s Registry**

2 **Identification Card.**

3 (a) To add a designated caregiver or to request a change of a qualifying patient’s
4 designated caregiver, the qualifying patient shall submit to the Department, within 10 working days
5 after the addition or the change, the following:

6 (1) An application in a Department provided format that includes:

7 (A) The qualifying patient’s name and the registry identification number
8 on the qualifying patient’s current Registry Identification Card;

9 (B) If applicable, the name of the qualifying patient’s current designated
10 caregiver and the date the designated caregiver last provided or will last provide
11 assistance to the qualifying patient;

12 (C) The name of that the individual the qualifying patient is designating as
13 caregiver; and

14 (D) The signature of the qualifying patient and date the qualifying patient
15 signed;

16 (2) For the caregiver the qualifying patient is designating:

17 (A) The designated caregiver’s first name; middle initial, if applicable; last
18 name; and suffix, if applicable;

19 (B) The designated caregiver’s date of birth;

20 (C) The designated caregiver’s residence address and mailing address;

21 (D) The village where the designated caregiver resides;

22 (E) The identifying number on the applicable card or document in
23 subsection (a)(2)(I)(i) through (v);

24 (F) One of the following:

1 (i) A statement that the designated caregiver does not currently
2 hold a valid Registry Identification Card, or

3 (ii) The assigned registry identification number for the designated
4 caregiver for each valid Registry Identification Card currently held by the
5 designated caregiver;

6 (G) An attestation in a Department provided format signed and dated by
7 the designated caregiver that the designated caregiver has not been convicted of an
8 excluded felony offense as defined in these rules and regulations;

9 (H) A statement in a Department provided format signed by the designated
10 caregiver:

11 (i) Agreeing to assist the qualifying patient with the medical use
12 of marijuana; and

13 (ii) Pledging not to divert marijuana to any individual who or
14 entity that is not allowed to possess marijuana pursuant to the Act;

15 (I) A copy the designated caregiver's:

16 (i) A valid Guam driver's license; or

17 (ii) A valid Guam identification card as approved by the Director;

18 or

19 (iii) Guam Registry Identification Card;

20 (iv) Photograph page in the designated caregiver's U.S. passport;

21 or

22 (v) A valid photo identification card as approved by the Director,
23 and one of the following for the designated caregiver:

24 (aa) Birth certificate verifying U.S. citizenship,

- 1 (bb) U. S. Certificate of Naturalization, or
- 2 (cc) U. S. Certificate of Citizenship;
- 3 (J) A current photograph of the designated caregiver; and
- 4 (K) For the Department’s criminal records check as follows:
 - 5 (i) Police clearance;
 - 6 (ii) Court clearance;
 - 7 (iii) The designated caregiver’s fingerprints on a Department
 - 8 approved fingerprint card that includes the following information of the
 - 9 designated caregiver:
 - 10 (aa) First name; middle initial, if applicable; last name and
 - 11 suffix, if applicable;
 - 12 (bb) Signature;
 - 13 (cc) The signature of the authorized individual, as
 - 14 determined by the Department, physically rolling the designated
 - 15 caregiver’s fingerprints;
 - 16 (dd) Residential and mailing address;
 - 17 (ee) If applicable, the designated caregiver’s surname
 - 18 before marriage and any names previously used by the designated
 - 19 caregiver;
 - 20 (ff) Date of birth;
 - 21 (gg) Social Security number;
 - 22 (hh) Citizenship status;
 - 23 (ii) Gender;
 - 24 (jj) Ethnicity;
 - 25 (kk) Height;

- (ll) Weight;
- (mm) Hair color;
- (nn) Eye color; and
- (oo) Place of birth; or

(iv) If the designated caregiver's fingerprints and information required in subsection (a)(2)(K)(iii) were submitted to the Department as part of an application for a designated caregiver, dispensary agent, or cultivation site agent within the previous six months, the registry identification number on the Registry Identification Card issued to the designated caregiver as a result of the application; and

(3) The applicable fee in §14102 for applying for a designated caregiver Registry Identification Card.

(b) To amend a qualifying patient's address on the qualifying patient's Registry Identification Card, the qualifying patient shall submit to the Department, within 10 working days after the change in address, the following:

(1) The qualifying patient's name and the registry identification number on the qualifying patient's current Registry Identification Card;

(2) The qualifying patient's new residential and mailing address;

(3) The village where the new address is located;

(4) The name of the qualifying patient's designated caregiver, if applicable;

(5) The effective date of the qualifying patient's new address; and

(6) The applicable fee in §14102 for applying to amend a qualifying patient's Registry Identification Card.

1 **§14204. Renewing a Qualifying Patient’s or Designated Caregiver’s Registry**

2 **Identification Card.**

3 (a) Except for a qualifying patient who is under 18 years of age, to renew a qualifying
4 patient’s Registry Identification Card, the qualifying patient shall submit the following to the
5 Department at least 30 calendar days before the expiration date of the qualifying patient’s Registry
6 Identification Card:

7 (1) An application in a Department provided format that includes:

8 (A) The qualifying patient’s first name; middle initial, if applicable; last
9 name; and suffix, if applicable;

10 (B) The qualifying patient’s date of birth;

11 (C) Except as provided in subsection (a)(1)(J), the qualifying patient’s
12 residential address and mailing address;

13 (D) The village where the qualifying patient resides;

14 (E) The qualifying patient’s e-mail address;

15 (F) The registry identification number on the qualifying patient’s current
16 Registry Identification Card;

17 (G) The name, address, and telephone number of the physician providing
18 the written certification for medical marijuana for the qualifying patient;

19 (H) If the qualifying patient is homeless, an address where the qualifying
20 patient can receive mail;

21 (I) An attestation that the information provided in the application is true
22 and correct; and

23 (J) The signature of the qualifying patient and the date the qualifying
24 patient signed;

1 (2) If the qualifying patient's name in subsection (a)(1)(A) is not the same name
2 as on the qualifying patient's current Registry Identification Card, one of the following with
3 the qualifying patient's new name:

4 (A) A valid Guam driver's license; or

5 (B) A valid Guam identification card as approved by the Director; or

6 (C) The photograph page in the qualifying patient's U.S. passport;

7 (3) A current photograph of the qualifying patient;

8 (4) A statement in a Department provided format signed by the qualifying patient
9 pledging not to divert marijuana to any individual who or entity that is not allowed to possess
10 marijuana pursuant to the Act;

11 (5) A physician's written certification in a Department provided format dated
12 within 90 calendar days before the submission of the qualifying patient's renewal application
13 that includes:

14 (A) The physician's:

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

17 (ii) Guam board of professional license number including an
18 identification of the physician license type,

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

20 (iv) Telephone number on file with the physician's licensing
21 board, and

22 (v) E-mail address;

23 (B) The qualifying patient's name and date of birth;

1 (C) A statement that the physician has made or confirmed a diagnosis of a
2 debilitating medical condition as defined in the Act and these rules and regulations for
3 the qualifying patient;

4 (D) An identification of one or more of the debilitating medical conditions
5 in §14201 as the qualifying patient's specific debilitating medical condition;

6 (E) If the debilitating medical condition identified in subsection (a)(5)(D)
7 is a condition in §14201;

8 (F) A statement, initialed by the physician, that the physician:

9 (i) Has established a medical record for the qualifying patient, and

10 (ii) Is maintaining the qualifying patient's medical record as
11 required by Guam law;

12 (G) A statement, initialed by the physician, that the physician has
13 conducted an in-person physical examination of the qualifying patient within the
14 previous 90 calendar days appropriate to the qualifying patient's presenting symptoms
15 and the qualifying patient's debilitating medical condition diagnosed or confirmed by
16 the physician;

17 (H) The date the physician conducted the in-person physical examination
18 of the qualifying patient;

19 (I) A statement, initialed by the physician, that the physician reviewed the
20 qualifying patient's:

21 (i) Medical records including medical records from other treating
22 physicians from the previous 12 months,

23 (ii) Response to conventional medications and medical therapies,
24 and

1 (iii) Profile on the Department's Prescription Drug Monitoring

2 Program database;

3 (J) A statement, initialed by the physician, that the physician has
4 explained the potential risks and benefits of the medical use of marijuana to the
5 qualifying patient;

6 (K) A statement, initialed by the physician, that in the physician's
7 professional opinion, the qualifying patient is likely to receive therapeutic or palliative
8 benefit from the qualifying patient's medical use of marijuana to treat or alleviate the
9 qualifying patient's debilitating medical condition;

10 (L) A statement, initialed by the physician, that if the physician has
11 referred the qualifying patient to a dispensary, the physician has disclosed to the
12 qualifying patient any personal or professional relationship the physician has with the
13 dispensary;

14 (M) An attestation that the information provided in the written certification
15 is true and correct; and

16 (N) The physician's signature and the date the physician signed;

17 (6) If the qualifying patient is designating a caregiver or if the qualifying patient's
18 designated caregiver's Registry Identification Card has the same expiration date as the
19 qualifying patient's Registry Identification Card, the following in a Department provided
20 format:

21 (A) The designated caregiver's first name; middle initial, if applicable; last
22 name; and suffix, if applicable;

23 (B) The designated caregiver's date of birth;

24 (C) The designated caregiver's residential address and mailing address;

25 (D) The village where the designated caregiver resides;

1 (E) If the qualifying patient is renewing the designated caregiver's
2 Registry Identification Card, the registry identification number on the designated
3 caregiver's Registry Identification Card associated with the qualifying patient;

4 (F) If the qualifying patient is designating an individual not previously
5 designated as the qualifying patient's designated caregiver, the identification number
6 on and a copy of the designated caregiver's:

7 (i) A valid Guam driver's license; or

8 (ii) A valid Guam identification card as approved by the Director;

9 or

10 (iii) Guam Registry Identification Card;

11 (iv) Photograph page in the designated caregiver's U. S. passport;

12 or

13 (v) A valid photo identification card as approved by the Director,
14 and one of the following for the designated caregiver:

15 (aa) Birth certificate verifying U.S. citizenship,

16 (bb) U. S. Certificate of Naturalization, or

17 (cc) U. S. Certificate of Citizenship;

18 (G) If the qualifying patient is designating an individual not previously
19 designated as the qualifying patient's designated caregiver, one of the following:

20 (i) A statement that the designated caregiver does not currently
21 hold a valid Registry Identification Card, or

22 (ii) The assigned registry identification number for the designated
23 caregiver for each valid Registry Identification Card currently held by the
24 designated caregiver;

25 (H) A current photograph of the designated caregiver;

1 (I) An attestation signed and dated by the designated caregiver that the
2 designated caregiver has not been convicted of an excluded felony offense as defined
3 in these rules and regulations;

4 (J) A statement in a Department provided format signed by the designated
5 caregiver:

6 (i) Agreeing to assist the qualifying patient with the medical use
7 of marijuana; and

8 (ii) Pledging not to divert marijuana to any individual who or
9 entity that is not allowed to possess marijuana pursuant to the Act; and

10 (K) For the Department's criminal records check as follows:

11 (i) Police clearance;

12 (ii) Court clearance;

13 (iii) The designated caregiver's fingerprints on a fingerprint card
14 that includes the following information of the designated caregiver:

15 (aa) First name; middle initial, if applicable; last name and
16 suffix, if applicable;

17 (bb) Signature;

18 (cc) The signature of the individual physically rolling the
19 designated caregiver's fingerprints;

20 (dd) Residential and mailing address;

21 (ee) If applicable, the designated caregiver's surname
22 before marriage and any names previously used by the designated
23 caregiver;

24 (ff) Date of birth;

25 (gg) Social Security number;

- 1 (hh) Citizenship status;
- 2 (ii) Gender;
- 3 (jj) Ethnicity;
- 4 (kk) Height;
- 5 (ll) Weight;
- 6 (mm) Hair color;
- 7 (nn) Eye color; and
- 8 (oo) Place of birth; or

9 (iv) If the designated caregiver's fingerprints and information
10 required in subsection (a)(6)(K)(iii) were submitted to the Department as part
11 of an application for a designated caregiver, dispensary agent, or cultivation
12 site agent Registry Identification Card within the previous six months, the
13 registry identification number on the Registry Identification Card issued to the
14 designated caregiver as a result of the application;

15 (7) If the qualifying patient's designated caregiver's Registry Identification Card
16 has the same expiration date as the qualifying patient's Registry Identification Card and the
17 designated caregiver's name in subsection (a)(6)(A) is not the same name as on the designated
18 caregiver's current Registry Identification Card, one of the following with the designated
19 caregiver's new name:

- 20 (A) A valid Guam driver's license; or
- 21 (B) A valid Guam identification card as approved by the Director; or
- 22 (C) The photograph page in the designated caregiver's U.S. passport; and

23 (8) The applicable fees in §14102 for applying to:

- 24 (A) Renew a qualifying patient's Registry Identification Card; and

1 (B) If applicable, issue or renew a designated caregiver's Registry
2 Identification Card.

3 (b) To renew a Registry Identification Card for a qualifying patient who is under 18 years
4 of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions
5 for the qualifying patient shall submit to the Department the following:

6 (1) An application in a Department provided format that includes:

7 (A) The qualifying patient's:

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

10 (ii) Date of birth;

11 (B) The qualifying patient's residence address and mailing address;

12 (C) The village where the qualifying patient resides;

13 (D) The registry identification number on the qualifying patient's current
14 Registry Identification Card;

15 (E) The qualifying patient's custodial parent's or legal guardian's first
16 name; middle initial, if applicable; last name; and suffix, if applicable;

17 (F) The qualifying patient's custodial parent's or legal guardian's
18 residential address and mailing address;

19 (G) The village where the qualifying patient's custodial parent or legal
20 guardian resides;

21 (H) The qualifying patient's custodial parent's or legal guardian's e-mail
22 address;

23 (I) The registry identification number on the qualifying patient's custodial
24 parent's or legal guardian's current Registry Identification Card;

1 (J) The name, address, and telephone number of a physician who has a
2 physician-patient relationship with the qualifying patient and is providing the written
3 certification for medical marijuana for the qualifying patient;

4 (K) The name, address, and telephone number of a second physician who
5 has conducted a comprehensive review of the qualifying patient's medical record
6 maintained by other treating physicians, and is providing a written certification for
7 medical marijuana for the qualifying patient;

8 (L) A statement in a Department provided format signed by the qualifying
9 patient's custodial parent or legal guardian who is serving as the qualifying patient's
10 designated caregiver:

11 (i) Allowing the qualifying patient's medical use of marijuana;

12 (ii) Agreeing to assist the qualifying patient with the medical use
13 of marijuana; and

14 (iii) Pledging not to divert marijuana to any individual who or
15 entity that is not allowed to possess marijuana pursuant to the Act;

16 (M) An attestation that the information provided in the application is true
17 and correct; and

18 (N) The signature of the qualifying patient's custodial parent or legal
19 guardian and the date the qualifying patient's custodial parent or legal guardian
20 signed;

21 (2) If the qualifying patient's custodial parent's or legal guardian's name in
22 subsection (b)(1)(E) is not the same name as on the qualifying patient's custodial parent's or
23 legal guardian's current Registry Identification Card, one of the following with the custodial
24 parent's or legal guardian's new name:

25 (A) A valid Guam driver's license; or

- 1 (B) A valid Guam identification card as approved by the Director; or
- 2 (C) The photograph page in the qualifying patient's custodial parent's or
- 3 legal guardian's U.S. passport;
- 4 (3) A current photograph of the qualifying patient;
- 5 (4) A written certification from the physician in subsection (b)(1)(J) and a separate
- 6 written certification from the physician in subsection (b)(1)(K) in a Department provided
- 7 format dated within 90 calendar days before the submission of the qualifying patient's renewal
- 8 application that includes:
- 9 (A) The physician's:
- 10 (i) First name, middle name, if applicable, last name; and suffix,
- 11 if applicable,
- 12 (ii) Guam board of professional license number including an
- 13 identification of the physician license type,
- 14 (iii) Office address on file with the physician's licensing board,
- 15 (iv) Telephone number on file with the physician's licensing
- 16 board, and
- 17 (v) E-mail address;
- 18 (B) The qualifying patient's name and date of birth;
- 19 (C) An identification of one or more of the debilitating medical conditions
- 20 in §14201 as the qualifying patient's specific debilitating medical condition;
- 21 (D) If the debilitating medical condition identified in subsection (b)(4)(C)
- 22 is a condition in §14201;
- 23 (E) For the physician listed in subsection (b)(1)(J):

1 (i) A statement that the physician has made or confirmed a
2 diagnosis of a debilitating medical condition as defined in the Act and these
3 rules and regulations for the qualifying patient;

4 (ii) A statement, initialed by the physician, that the physician:

5 (aa) Has established a medical record for the qualifying
6 patient, and

7 (bb) Is maintaining the qualifying patient's medical record
8 as required by Guam law;

9 (iii) A statement, initialed by the physician, that the physician has
10 conducted an in-person physical examination of the qualifying patient within
11 the previous 90 calendar days appropriate to the qualifying patient's presenting
12 symptoms and the qualifying patient's debilitating medical condition
13 diagnosed or confirmed by the physician;

14 (iv) The date the physician conducted the in-person physical
15 examination of the qualifying patient;

16 (v) A statement, initialed by the physician, that the physician
17 reviewed the qualifying patient's:

18 (aa) Medical records including medical records from other
19 treating physicians from the previous 12 months,

20 (bb) Response to conventional medications and medical
21 therapies, and

22 (cc) Profile on the Department's Prescription Drug
23 Monitoring Program database; and

24 (vi) A statement, initialed by the physician, that the physician has
25 explained the potential risks and benefits of the use of medical marijuana to

1 the qualifying patient's custodial parent or legal guardian responsible for
2 health care decisions for the qualifying patient;

3 (F) For the physician listed in subsection (b)(1)(K), a statement, initialed
4 by the physician, that the physician conducted a comprehensive review of the
5 qualifying patient's medical records from other treating physicians;

6 (G) A statement, initialed by the physician, that in the physician's
7 professional opinion the qualifying patient is likely to receive therapeutic or palliative
8 benefit from the qualifying patient's medical use of marijuana to treat or alleviate the
9 qualifying patient's debilitating medical condition;

10 (H) A statement, initialed by the physician, that if the physician has
11 referred the qualifying patient's custodial parent or legal guardian to a dispensary, the
12 physician has disclosed to the qualifying patient's custodial parent or legal guardian
13 any personal or professional relationship the physician has with the dispensary;

14 (I) An attestation that the information provided in the written certification
15 is true and correct; and

16 (J) The physician's signature and the date the physician signed; and

17 (5) A current photograph of the qualifying patient's custodial parent or legal
18 guardian;

19 (6) For the Department's criminal records check as follows:

20 (A) Police clearance;

21 (B) Court clearance;

22 (C) The qualifying patient's custodial parent's or legal guardian's
23 fingerprints on a fingerprint card that includes the following information of the
24 qualifying patient's custodial parent's or legal guardian's:

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

3 (ii) Signature;

4 (iii) The signature of the individual physically rolling the
5 qualifying patient's custodial parent's or legal guardian's fingerprints;

6 (iv) Residential and mailing address;

7 (v) If applicable, the qualifying patient's custodial parent's or
8 legal guardian's surname before marriage and any names previously used by
9 the qualifying patient's custodial parent or legal guardian;

10 (vi) Date of birth;

11 (vii) Social Security number;

12 (viii) Citizenship status;

13 (ix) Gender;

14 (x) Ethnicity;

15 (xi) Height;

16 (xii) Weight;

17 (xiii) Hair color;

18 (xiv) Eye color; and

19 (xv) Place of birth; or

20 (D) If the qualifying patient's custodial parent's or legal guardian's
21 fingerprints and information required in subsection (b)(6)(A) were submitted as part of
22 an application for a designated caregiver, dispensary agent, or cultivation site agent
23 Registry Identification Card to the Department within the previous six months, the
24 registry identification number on the Registry Identification Card issued to the

1 patient's custodial parent or legal guardian serving as the qualifying patient's
2 designated caregiver as a result of the application; and

3 (7) The applicable fees in §14102 for applying to renew a:

4 (A) Qualifying patient's Registry Identification Card, and

5 (B) Designated caregiver's Registry Identification Card.

6 (c) Except as provided in subsection (a)(6), to renew a qualifying patient's designated
7 caregiver's Registry Identification Card, the qualifying patient shall submit to the Department, at least
8 30 calendar days before the expiration date of the designated caregiver's Registry Identification Card,
9 the following:

10 (1) An application in a Department provided format that includes:

11 (A) The qualifying patient's first name; middle initial, if applicable; last
12 name; and suffix, if applicable;

13 (B) The registry identification number on the qualifying patient's current
14 Registry Identification Card;

15 (C) The designated caregiver's first name; middle initial, if applicable; last
16 name; and suffix, if applicable;

17 (D) The designated caregiver's date of birth;

18 (E) The designated caregiver's residential address and mailing address;

19 (F) The village where the designated caregiver resides;

20 (G) The registry identification number on the designated caregiver's
21 current Registry Identification Card;

22 (2) If the designated caregiver's name in subsection (c)(1)(A) is not the same
23 name as on the designated caregiver's current Registry Identification Card, one of the
24 following with the designated caregiver's new name:

25 (A) A valid Guam driver's license; or

- 1 (B) A valid Guam identification card as approved by the Director; or
- 2 (C) The photograph page in the designated caregiver's U.S. passport;
- 3 (3) A current photograph of the designated caregiver;
- 4 (4) A statement in a Department provided format signed by the designated
- 5 caregiver:

- 6 (A) Agreeing to assist the qualifying patient with the medical use of
- 7 marijuana; and

- 8 (B) Pledging not to divert marijuana to any individual or person who is not
- 9 allowed to possess marijuana pursuant to the Act; and

- 10 (5) For the Department's criminal records check as follows:

- 11 (A) Police clearance;

- 12 (B) Court clearance;

- 13 (C) The designated caregiver's fingerprints on a fingerprint card that
- 14 includes the following information of the designated caregiver:

- 15 (i) First name; middle initial, if applicable; last name; and suffix,
- 16 if applicable;

- 17 (ii) Signature;

- 18 (iii) If different from the designated caregiver, the signature of the
- 19 individual physically rolling the designated caregiver's fingerprints;

- 20 (iv) Residential and mailing address;

- 21 (v) If applicable, the designated caregiver's surname before
- 22 marriage and any names previously used by the designated caregiver;

- 23 (vi) Date of birth;

- 24 (vii) Social Security number;

- 25 (viii) Citizenship status;

- 1 (ix) Gender;
- 2 (x) Ethnicity;
- 3 (xi) Height;
- 4 (xii) Weight;
- 5 (xiii) Hair color;
- 6 (xiv) Eye color; and
- 7 (xv) Place of birth; or

8 (D) If the designated caregiver’s fingerprints and information required in
9 subsection (c)(1)(J)(i) were submitted as part of an application for a designated
10 caregiver, dispensary agent, or a cultivation site agent Registry Identification Card to
11 the Department within the previous six months, the registry identification number on
12 the Registry Identification Card issued to the designated caregiver as a result of the
13 application; and

14 (6) The applicable fee in §14102 for renewing a designated caregiver’s Registry
15 Identification Card.

16 **§ 14205. Denial or Revocation of a Qualifying Patient’s or Designated Caregiver’s**
17 **Registry Identification Card.**

18 (a) The Department shall deny a qualifying patient’s application for or renewal of the
19 qualifying patient’s Registry Identification Card if the qualifying patient does not have a debilitating
20 medical condition in §14201.

21 (b) The Department shall deny a designated caregiver’s application for or renewal of the
22 designated caregiver’s Registry Identification Card if the designated caregiver does not meet the
23 definition of “designated caregiver” or “primary caregiver” in the Act and these rules and regulations.

1 (c) The Department may deny a qualifying patient's or designated caregiver's application
2 for or renewal of the qualifying patient's or designated caregiver's Registry Identification Card if the
3 qualifying patient or designated caregiver:

4 (1) Previously had a Registry Identification Card revoked for not complying with
5 the Act and these rules and regulations;

6 (2) Provides false or misleading information to the Department; or

7 (d) The Department shall revoke a qualifying patient's or designated caregiver's Registry
8 Identification Card if the qualifying patient or designated caregiver provides medical marijuana to an
9 individual who is not authorized to possess medical marijuana under the Act.

10 (e) The Department shall revoke a designated caregiver's Registry Identification Card if
11 the designated caregiver has been convicted of an excluded felony offense as defined in these rules
12 and regulations.

13 (f) The Department may revoke a qualifying patient's or designated caregiver's Registry
14 Identification Card if the qualifying patient or designated caregiver knowingly violates the Act or
15 these rules and regulations.

16 (g) If the Department denies or revokes a qualifying patient's Registry Identification Card,
17 the Department shall provide written notice to the qualifying patient that includes:

18 (1) The specific reason or reasons for the denial or revocation; and

19 (2) The process for requesting a hearing of the Department's decision pursuant to
20 Title 5 GCA, Chapter 9, Administrative Adjudication Law.

21 (h) If the Department denies or revokes a qualifying patient's designated caregiver's
22 Registry Identification Card, the Department shall provide written notice to the qualifying patient and
23 the designated caregiver that includes:

24 (1) The specific reason or reasons for the denial or revocation; and

1 (2) The process for requesting a hearing of the Department's decision pursuant to
2 Title 5 GCA Chapter 9, Administrative Adjudication Law.

3 (i) The holder of the revoked qualifying patient's or designated caregiver's Registry
4 Identification Card shall return the said qualifying patient's or designated caregiver's Registry
5 Identification Card to the Department upon receipt of notice.

6 **§14300. ARTICLE 3. DISPENSARIES, DISPENSARY AGENTS,**
7 **CULTIVATION SITES, AND CULTIVATION SITE AGENTS.**

8 **§14301. Dispensary and/or Cultivation Site Responsible Officials.**

9 (a) For the purposes of these rules and regulations, in addition to the individual or
10 individuals identified in the dispensary's and/or cultivation site's by-laws as responsible officials of
11 the dispensary and/or cultivation site, the following individuals are considered responsible officials:

12 (1) If an individual is applying for a Dispensary Registration Certificate or a
13 Cultivation Site Registration Certificate, the individual;

14 (2) If a corporation is applying for a Dispensary Registration Certificate or a
15 Cultivation Site Registration Certificate, two individuals who are officers of the corporation;

16 (3) If a partnership is applying for a Dispensary Registration Certificate or a
17 Cultivation Site Registration Certificate, two of the individuals who are partners;

18 (4) If a limited liability company is applying for a Dispensary Registration
19 Certificate or a Cultivation Site Registration Certificate, a manager or, if the limited liability
20 company does not have a manager, an individual who is a member of the limited liability
21 company;

22 (5) If an association or cooperative is applying for a Dispensary Registration
23 Certificate or a Cultivation Site Registration Certificate, two individuals who are members of
24 the governing board of the association or cooperative;

1 (6) If a joint venture is applying for a Dispensary Registration Certificate or a
2 Cultivation Site Registration Certificate, two of the individuals who signed the joint venture
3 agreement; and

4 (7) If a business organization type other than those described in subsections (a)(2)
5 through (a)(6) is applying for a Dispensary Registration Certificate and/or a Cultivation Site
6 Registration Certificate, two individuals who are members of the business organization.

7 (b) For purposes of these rules and regulations, in addition to the individual(s) identified
8 in the dispensary's or cultivation site's by-laws as board members of the dispensary or cultivation site,
9 the following individuals are considered board members:

10 (1) If a corporation is applying for a Dispensary Registration Certificate or a
11 Cultivation Site Registration Certificate, the officers of the corporation;

12 (2) If a partnership is applying for a Dispensary Registration Certificate or a
13 Cultivation Site Registration Certificate, the partners;

14 (3) If a limited liability company is applying for a Dispensary Registration
15 Certificate or a Cultivation Site Registration Certificate, the members of the limited liability
16 company;

17 (4) If an association or cooperative is applying for a Dispensary Registration
18 Certificate or a Cultivation Site Registration Certificate, the members of the association or
19 cooperative;

20 (5) If a joint venture is applying for a Dispensary Registration Certificate or a
21 Cultivation Site Registration Certificate, the individuals who signed the joint venture
22 agreement; and

23 (6) If a business organization type other than the types of business organizations
24 in subsections (b)(1) through (b)(5), the members of the business organization.

1 (c) When a dispensary or cultivation site is required by these rules and regulations to
2 provide information, sign documents, or ensure actions are taken, the individual(s) in subsection (a)
3 shall comply with the requirement on behalf of the dispensary or cultivation site.

4 **§14302. Dispensary Registration Certificate and/or Cultivation Site Registration**
5 **Certificate Allocation Process.**

6 (a) Each calendar year beginning in 2016, the Department shall review current valid
7 Dispensary Registration Certificates and/or Cultivation Site Registration Certificates to determine if
8 the Department may issue additional Dispensary Registration Certificates and/or Cultivation Site
9 Registration Certificates pursuant to these rules and regulations.

10 (1) If the Department determines the need to issue additional Dispensary
11 Registration Certificates and/or Cultivation Site Registration Certificates, the Department shall
12 post, on the Department's website, the information that the Department is accepting
13 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate
14 applications, including the deadline for accepting the applications.

15 (A) The Department shall post the information in subsection (a)(1) at least
16 30 calendar days before the date the Department begins accepting applications.

17 (B) The deadline for submission of Dispensary Registration Certificate
18 and/or Cultivation Site Registration Certificate applications is 10 working days after
19 the date the Department begins accepting applications.

20 (C) Sixty working days after the date the Department begins accepting
21 applications, the Department shall determine if the Department received more
22 Dispensary Registration Certificate and/or a Cultivation Site Registration Certificate
23 applications that are complete and in compliance with the Act and these rules and
24 regulations to participate in the allocation process than the Department is allowed to
25 issue.

1 (i) If the Department received more Dispensary Registration
2 Certificate and/or Cultivation Site Registration Certificate applications than
3 the Department is allowed to issue, the Department shall allocate any available
4 Dispensary Registration Certificate(s) and/or a Cultivation Site Registration
5 Certificate(s) according to the priorities established in §14302(b).

6 (ii) If the Department is allowed to issue a Dispensary Registration
7 Certificate and/or Cultivation Site Registration Certificate for each Dispensary
8 Registration Certificate and/or a Cultivation Site Registration Certificate
9 application the Department received, the Department shall allocate the
10 Dispensary Registration Certificate and/or a Cultivation Site Registration
11 Certificate to those applicants.

12 (2) If the Department determines that the Department is not allowed to issue
13 additional Dispensary Registration Certificate(s) and/or a Cultivation Site Registration
14 Certificate(s), the Department shall, on the Department's website:

15 (A) Post the information that the Department is not accepting Dispensary
16 Registration Certificate and/or a Cultivation Site Registration Certificate applications,
17 and

18 (B) Maintain the information until the next review.

19 (b) Beginning in 2016, if the Department receives, by 60 working days after the date the
20 Department begins accepting applications, more Dispensary Registration Certificate and/or
21 Cultivation Site Registration Certificate applications that are complete and are in compliance with the
22 Act and these rules and regulations to participate in the allocation process than the Department is
23 allowed to issue, the Department shall allocate the Dispensary Registration Certificate(s) and/or
24 Cultivation Site Registration Certificate(s) according to the following criteria:

1 (1) If Dispensary Registration Certificate and/or Cultivation Site Registration
2 Certificate applications are received for a village that does not contain a dispensary and/or
3 cultivation site:

4 (A) If only one Dispensary Registration Certificate and/or a Cultivation
5 Site Registration Certificate application for a dispensary and/or cultivation site located
6 in the village is received, the Department shall allocate the Dispensary Registration
7 Certificate and/or Cultivation Site Registration Certificate to that applicant; or

8 (B) If more than one Dispensary Registration Certificate and/or
9 Cultivation Site Registration Certificate application for a dispensary and/or cultivation
10 site located in the village is received, the Department shall prioritize and allocate a
11 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate to
12 an applicant whose proposed dispensary and/or cultivation site location will provide
13 services to the most qualifying patients based on:

14 (i) The number of Registry Identification Cards issued to
15 qualifying patients who reside within the CHAA of the applicant's proposed
16 dispensary location, and

17 (ii) The number of dispensaries and/or cultivation site operating
18 within the CHAA of the applicant's proposed dispensary and/or cultivation
19 site location;

20 (2) If there are additional Dispensary Registration Certificates and/or Cultivation
21 Site Registration Certificates available after Dispensary Registration Certificates and/or a
22 Cultivation Site Registration Certificates are allocated according to subsection (b)(1), the
23 Department shall allocate the Dispensary Registration Certificates and/or Cultivation Site
24 Registration Certificates as follows:

1 (A) The Department shall prioritize and assign a Dispensary Registration
2 Certificate and/or Cultivation Site Registration Certificate allocation to a CHAA based
3 on which CHAA has the most Registry Identification Cards issued to qualifying
4 patients who reside within the CHAA;

5 (B) If the Department receives only one Dispensary Registration
6 Certificate and/or Cultivation Site Registration Certificate application for a dispensary
7 and/or cultivation site located in a CHAA assigned a Dispensary Registration
8 Certificate and/or a Cultivation Site Registration Certificate allocation under this
9 subsection, the Department shall allocate the Dispensary Registration Certificate
10 and/or Cultivation Site Registration Certificate to that applicant;

11 (C) If the Department receives more than one Dispensary Registration
12 Certificate and/or Cultivation Site Registration Certificate application for a dispensary
13 and/or cultivation site located in a CHAA assigned a Dispensary Registration
14 Certificate and/or Cultivation Site Registration Certificate allocation under this
15 subsection, the Department shall prioritize and allocate Dispensary Registration
16 Certificate and/or Cultivation Site Registration Certificate to an applicant whose
17 proposed dispensary and/or cultivation site location will provide dispensary services to
18 the most qualifying patients based on:

19 (i) The number of Registry Identification Cards issued to
20 qualifying patients who reside within the CHAA of the applicant's proposed
21 dispensary location, and

22 (ii) The number of dispensaries operating within the CHAA of the
23 applicant's proposed dispensary and/or cultivation site location;

24 (3) If there are additional Dispensary Registration Certificates and/or Cultivation
25 Site Registration Certificates available after Dispensary Registration Certificates and/or

1 Cultivation Site Registration Certificates are allocated according to subsections (b)(1) and (2),
2 for all Dispensary Registration Certificate and/or Cultivation Site Registration Certificate
3 applications not allocated a Dispensary Registration Certificate and/or Cultivation Site
4 Registration Certificate pursuant to subsections (b)(1) and (2) and any other Dispensary
5 Registration Certificate and/or Cultivation Site Registration Certificate applications received,
6 the Department shall prioritize and allocate a Dispensary Registration Certificate and/or
7 Cultivation Site Registration Certificate to an applicant whose proposed dispensary and/or
8 cultivation site location will provide dispensary services to the most qualifying patients based
9 on:

10 (A) The number of Registry Identification Cards issued to qualifying
11 patients who reside within the CHAA of the applicant's proposed dispensary location,
12 and

13 (B) The number of dispensaries operating within the CHAA of the
14 applicant's proposed dispensary location; and

15 (4) If there is a tie generated by applying the criteria in subsection (b), the
16 Department shall randomly select by lottery one Dispensary Registration Certificate and/or
17 Cultivation Site Registration Certificate application and allocate a Dispensary Registration
18 Certificate and/or Cultivation Site Registration Certificate to that applicant.

19 (c) If the Department does not allocate a Dispensary Registration Certificate and/or
20 Cultivation Site Registration Certificate to an applicant that had submitted a Dispensary Registration
21 Certificate and/or Cultivation Site Registration Certificate application that the Department determined
22 was complete and in compliance with the Act and these rules and regulations to participate in the
23 allocation process, the Department shall:

24 (1) Provide a written notice to the applicant that states that, although the
25 applicant's Dispensary Registration Certificate and/or Cultivation Site Registration Certificate

1 application was complete and complied with the Act and these rules and regulations, the
2 Department did not allocate the applicant a Dispensary Registration Certificate and/or
3 Cultivation Site Registration Certificate under the processes in this Section; and

4 (2) Return \$1,000 of the application fee to the applicant.

5 (d) If the Department receives a Dispensary Registration Certificate and/or Cultivation
6 Site Registration Certificate application at a time other than the time stated in §14302 (b), the
7 Department shall not accept the Dispensary Registration Certificate and/or Cultivation Site
8 Registration Certificate application, including the application fee, to the entity that submitted the
9 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate application.

10 **§14303. Applying for a Dispensary Registration Certificate and/or Cultivation Site**
11 **Registration Certificate.**

12 (a) A Responsible Official applying to register a facility must provide to the Department:

13 (1) An application on a form prescribed by the Department;

14 (2) The applicable fee as specified in §14102 ;

15 (3) Documentation that demonstrates the facility is registered as a business or has
16 filed an application to register as a business with the Department of Revenue and Taxation. A
17 facility must maintain a current registration or license as a business with the Department of
18 Revenue and Taxation in order to receive or maintain registration;

19 (4) Documentation that shows the current zoning of the location of the proposed
20 facility;

21 (5) Documentation, on a form prescribed by the Department, with the applicant's
22 affirmation that the proposed facility is not within 1,000 feet of the real property comprising a
23 school;

24 (6) Information and fingerprints required for a criminal background check in
25 accordance with these rules and regulations; and

- 1 (7) Proof that the Responsible Official is a resident of Guam.
- 2 (b) An application for the registration of a facility must be submitted by a Responsible
3 Official.
- 4 (c) Applications will be reviewed in the order they are received by the Department. An
5 application is considered received as of the date and time that payment of fees is authorized by the
6 entity or the Responsible Official to pay the fees.
- 7 (d) The Department shall reject an incomplete application submitted. A person may re-
8 submit an application that was returned as incomplete at any time. An application that is rejected as
9 incomplete must be treated by the Department as if it was never received. An application is considered
10 incomplete if:
- 11 (1) An application does not contain all the requested information in the form;
12 (2) The applicant does not submit the required documentation described in these
13 rules and regulations; or
14 (3) The application and registration fees are not paid.
- 15 (e) A Responsible Official who wishes to register more than one location must submit a
16 separate application, registration fees, and all documentation described in these rules and regulations
17 for each location.
- 18 (f) At the time of application the Responsible Official may be asked, by the Department,
19 to sign an authorization waiving the confidentiality of the location of the facility and permitting the
20 Department to make the location and name of the facility available to authorized and official
21 personnel, as determined by the Director, if the facility is registered.
- 22 (g) An individual shall not be an applicant or responsible official on:
23 (1) More than one Dispensary Registration Certificate and/or Cultivation Site
24 Registration Certificate application for a location in a single CHAA, or

1 (2) More than two Dispensary Registration Certificate and/or Cultivation Site
2 Registration Certificate applications for locations in different CHAAs.

3 (h) If the Department determines that an individual is an applicant, responsible official
4 on more than one Dispensary Registration Certificate and/or Cultivation Site Registration Certificate
5 application for a CHAA or more than two Dispensary Registration Certificate and/or Cultivation Site
6 Registration Certificate applications, the Department shall review the applications and provide the
7 applicant on each of the Dispensary Registration Certificate and/or Cultivation Site Registration
8 Certificate applications with a written comprehensive request for more information that includes the
9 specific requirements in the Act and these rules and regulations that the Dispensary Registration
10 Certificate and/or Cultivation Site Registration Certificate application does not comply with.

11 (1) If an applicant withdraws an application to comply with these rules and
12 regulations and submits information demonstrating compliance with the Act and these rules
13 and regulations, the Department shall process the applicant's remaining Dispensary
14 Registration Certificate and/or Cultivation Site Registration Certificate applications according
15 to these rules and regulations.

16 (2) If an applicant does not withdraw an application or submit information
17 demonstrating compliance with the Act and these rules and regulations, the Department shall
18 issue a denial to the applicant according to §14321.

19 (3) An application fee submitted with a Dispensary Registration Certificate and/or
20 Cultivation Site Registration Certificate application in subsection (b) that is withdrawn is not
21 refunded.

22 (i) To apply for a Dispensary Registration Certificate and/or Cultivation Site Registration
23 Certificate, an entity shall submit to the Department the following:

24 (1) An application in a Department provided format that includes:

25 (A) The legal name of the dispensary and/or cultivation site;

1 (B) The physical address of the proposed dispensary and/or cultivation
2 site;

3 (C) The following information for the entity applying:

4 (i) Name;

5 (ii) Type of business organization;

6 (iii) Mailing address;

7 (iv) Telephone number;

8 (v) E-mail address;

9 (vi) Vicinity map;

10 (vii) Floor plan, which includes, but is not limited to the following:

11 (aa) Security systems,

12 (bb) Alarm systems,

13 (cc) Video camera surveillance systems,

14 (dd) Motion sensors, and

15 (ee) Location of all means of entry;

16 (viii) Personnel listing, including positions and responsibilities;

17 (ix) Type of security and alarm present (including alarm system
18 contract agreement and listing of authorized personnel); and

19 (x) Stand-by power source;

20 (D) The name of the individual designated to submit dispensary agent
21 and/or cultivation site agent Registry Identification Card applications on behalf of the
22 dispensary and/or cultivation site;

23 (E) The name and Guam board of professional license number of the
24 dispensary's medical director;

25 (F) The name, residential and mailing address, and date of birth of each:

- 1 (i) Responsible official;
- 2 (ii) Dispensary agent and/or cultivation site agent,
- 3 (iii) Employee, and
- 4 (iv) Volunteer;
- 5 (G) For each responsible official, whether the responsible official:
- 6 (i) Has served as a responsible official for a dispensary and/or
- 7 cultivation site that had the Dispensary Registration Certificate and/or
- 8 Cultivation Site Registration Certificate revoked;
- 9 (ii) Is a physician currently providing written certifications for
- 10 qualifying patients;
- 11 (iii) Is a law enforcement officer; or
- 12 (iv) Is employed by or a contractor of the Department;
- 13 (H) Whether the entity agrees to allow the Department to submit
- 14 supplemental requests for information;
- 15 (I) A statement that, if the dispensary and/or cultivation site is issued a
- 16 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate, the
- 17 dispensary and/or cultivation site will not operate until the dispensary and/or
- 18 cultivation site is inspected and obtains a License to Operate a Dispensary or
- 19 Cultivation Site from the Department;
- 20 (J) An attestation that the information provided to the Department to
- 21 apply for a Dispensary Registration Certificate and/or Cultivation Site Registration
- 22 Certificate is true and correct; and
- 23 (K) The signatures of the responsible officials of the dispensary and/or
- 24 cultivation site according to §14301(a) and the date the responsible officials signed;

1 (2) If the entity applying is one of the business organizations in §14301(a)(2)
2 through (7), a copy of the business organization's articles of incorporation, articles of
3 organization, or partnership or joint venture documents that include:

4 (A) The name of the business organization,

5 (B) The type of business organization, and

6 (C) The names and titles of the individuals in §14301(a) and (b);

7 (3) For each responsible official:

8 (A) An attestation signed and dated by the responsible official that the
9 responsible official has not been convicted of an excluded felony offense as defined
10 in these rules and regulations; and

11 (B) For the Department's criminal records as follows:

12 (i) Police clearance;

13 (ii) Court clearance;

14 (iii) The responsible official's fingerprints on a fingerprint card

15 that includes the following information of the responsible official's:

16 (aa) First name; middle initial, if applicable; last name; and
17 suffix, if applicable;

18 (bb) Signature;

19 (cc) If different from the responsible official, the signature
20 of the individual physically rolling the responsible official's
21 fingerprints;

22 (dd) Residential and mailing address;

1 (ee) If applicable, the responsible official's surname
2 before marriage and any names previously used by the responsible
3 official;

4 (ff) Date of birth;

5 (gg) Social Security number;

6 (hh) Citizenship status;

7 (ii) Gender;

8 (jj) Ethnicity;

9 (kk) Height;

10 (ll) Weight;

11 (mm) Hair color;

12 (nn) Eye color; and

13 (oo) Place of birth; or

14 (iv) If the fingerprints and information required in subsection
15 (c)(3)(B)(iii) were submitted to the Department as part of an application for a
16 designated caregiver, dispensary, dispensary agent, cultivation site, or
17 cultivation site agent Registry Identification Card within the previous six
18 months, the registry identification number on the Registry Identification Card
19 issued to the responsible official as a result of the application;

20 (4) Policies and procedures that comply with the requirements in these rules and
21 regulations for:

22 (A) Inventory control,

23 (B) Qualifying patient recordkeeping,

24 (C) Security,

25 (D) Patient education and support; and

- 1 (E) Quality control and assurance;
- 2 (5) As required in the Act and these rules and regulations, a sworn statement
3 signed and dated by the individual or individuals in §14301(a) certifying that the dispensary
4 and/or cultivation site is in compliance with any local zoning restrictions;
- 5 (6) Documentation from the Guam Department of Land Management where the
6 dispensary's and/or cultivation site's proposed physical address is located that:
- 7 (A) There are no local zoning restrictions for the dispensary's and/or
8 cultivation site's location, or
- 9 (B) The dispensary's and/or cultivation site's location is in compliance
10 with any local zoning restrictions;
- 11 (7) Documentation of:
- 12 (A) Ownership of the physical address of the proposed dispensary and/or
13 cultivation site, or
- 14 (B) Permission from the owner of the physical address of the proposed
15 dispensary and/or cultivation site for the entity applying for a Dispensary Registration
16 Certificate and/or Cultivation Site Registration Certificate to operate a dispensary
17 and/or cultivation site at the physical address;
- 18 (8) The dispensary's and/or cultivation site's by-laws including:
- 19 (A) The names and titles of individuals designated as responsible official
20 of the dispensary and/or cultivation site;
- 21 (B) Whether the dispensary and/or cultivation site plans to:
- 22 (i) Cultivate marijuana;
- 23 (ii) Acquire marijuana from qualifying patients, designated
24 caregivers, or other dispensaries and/or cultivation site;

- 1 (iii) Sell or provide marijuana to other dispensaries and/or
2 cultivation site;
- 3 (iv) Transport marijuana;
- 4 (v) Prepare, sell, or dispense marijuana-infused edible food
5 products;
- 6 (vi) Prepare, sell, or dispense marijuana-infused non-edible
7 products;
- 8 (vii) Sell or provide marijuana paraphernalia or other supplies
9 related to the administration of marijuana to qualifying patients and designated
10 caregivers;
- 11 (viii) Deliver medical marijuana to qualifying patients; or
- 12 (ix) Provide patient support and related services to qualifying
13 patients; and
- 14 (C) Provisions for amending the dispensary's and/or cultivation site by-
15 laws;
- 16 (9) A business plan demonstrating the on-going viability of the dispensary and/or
17 cultivation site that includes:
- 18 (A) A description and total dollar amount of expenditures already incurred
19 to establish the dispensary and/or cultivation site or to secure a Dispensary
20 Registration Certificate and/or Cultivation Site Registration Certificate by the
21 individual or business organization applying for the Dispensary Registration
22 Certificate and/or Cultivation Site Registration Certificate,
- 23 (B) A description and total dollar amount of monies or tangible assets
24 received for operating the dispensary and/or cultivation site from entities other than
25 the individual applying for the Dispensary Registration Certificate and/or Cultivation

1 Site Registration Certificate or a responsible official associated with the dispensary
2 and/or cultivation site including the entity's name and the interest in the dispensary
3 and/or cultivation site or the benefit the entity obtained,

4 (C) Projected expenditures expected before the dispensary and/or
5 cultivation site is operational,

6 (D) Projected expenditures after the dispensary and/or cultivation site is
7 operational, and

8 (E) Projected revenue; and

9 (10) The applicable fee in §14102 for applying for a Dispensary Registration
10 Certificate and/or Cultivation Site Registration Certificate.

11 (11) Upon a satisfactory showing to the Director by a responsible official that any
12 records, reports, or information, or particular part thereof, to which the Director has access
13 pursuant to these rules and regulations, contain information of a confidential nature, including
14 information concerning secret processes or methods of manufacture, these records, reports, or
15 information shall be kept confidential except that such records, reports, or information may be
16 disclosed to other local and federal representatives in their official capacity concerned with
17 carrying out these rules and regulations or when relevant in any proceeding pursuant to these
18 rules and regulations. The contents of a Dispensary Registration Certificate and/or Cultivation
19 Site Registration Certificate itself or monitoring data shall not be entitled to confidentiality
20 protection pursuant to the Act and these rules and regulations.

21 (j) Before an entity with a Dispensary Registration Certificate and/or Cultivation Site
22 Registration Certificate begins operating a dispensary and/or cultivation site, the entity shall apply for
23 and obtain a License to Operate a Dispensary or Cultivation Site from the Department.

24 (k) Before an entity with a Dispensary Registration Certificate and/or Cultivation Site
25 Registration Certificate begins operating a dispensary and/or cultivation site, the Responsible Official

1 shall ensure that the proposed dispensary and/or cultivation site are in compliance with these rules and
2 regulations, including but not limited to:

3 (1) Installation of a security system, including a video surveillance system, and
4 alarm system that are all operational, and installation of a safe in accordance with these rules
5 and regulations.

6 (2) Having policies and procedures for training for employees on the its policies
7 and procedures, in accordance with these rules and regulations;

8 (3) Record keeping for employee training;

9 (4) Identification of at least one laboratory that will perform the testing required
10 by the Director;

11 (5) Having a fully operational electronic data management system in accordance
12 with these rules and regulations; and

13 (6) Having packaging and labeling that complies these rules and regulations.

14 (l) A person may not establish, conduct, maintain, manage or operate a facility unless the
15 facility has been registered by the Department under these rules.

16 (m) Nothing in these rules and regulations exempts a Responsible Official, an employee of
17 a registered facility, or a registered facility from complying with these rules and regulations, or any
18 other applicable local, state, or federal laws.

19 (n) Registration of a facility does not protect a Responsible Official or employees from
20 possible criminal prosecution under federal law.

21 **§14304. Applying for Approval of a License to Operate a Dispensary or Cultivation**
22 **Site.**

23 (a) To apply for approval of a License to Operate a Dispensary or Cultivation Site, a
24 person holding a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate

1 shall submit to the Department, at least 60 calendar days before the expiration of the Dispensary
2 Registration Certificate and/or Cultivation Site Registration Certificate, the following:

3 (1) An application in a Department provided format that includes:

4 (A) The name and registry identification number of the dispensary and/or
5 cultivation site;

6 (B) The physical address of the dispensary and/or cultivation site;

7 (C) The name, address, and date of birth of each dispensary agent and/or
8 cultivation site agent;

9 (D) The name and Guam board of professional license number of the
10 dispensary's medical director;

11 (E) If applicable, the physical address of the dispensary's cultivation site
12 or cultivation site;

13 (F) The dispensary's and/or cultivation site's Business Privilege Tax
14 Number issued by the Guam Department of Revenue and Taxation;

15 (G) The dispensary's proposed hours of operation during which the
16 dispensary plans to be available to dispense medical marijuana to qualifying patients
17 and designated caregivers;

18 (H) Whether the dispensary and/or cultivation site agrees to allow the
19 Department to submit supplemental requests for information;

20 (I) Whether the dispensary and, if applicable, the dispensary's cultivation
21 site or cultivation site are ready for an inspection by the Department;

22 (J) If the dispensary and, if applicable, the dispensary's cultivation site or
23 cultivation site are not ready for an inspection by the Department, the date the
24 dispensary and, if applicable, the dispensary's cultivation site or cultivation site will be
25 ready for an inspection at a later date as scheduled by the Department;

1 (K) An attestation that the information provided to the Department to
2 apply for approval to operate a dispensary and/or cultivation site is true and correct;
3 and

4 (L) The signatures of the responsible official of the dispensary and/or
5 cultivation site according to §14301(a) and the date the responsible officials signed;

6 (2) A copy of documentation issued by the applicable government of Guam
7 agency to the dispensary and/or cultivation site authorizing occupancy of the building as a
8 dispensary and, if applicable, as the dispensary's cultivation site or cultivation site, such as a
9 certificate of occupancy, a special use permit, or a conditional use permit;

10 (3) A sworn statement signed and dated by the individual(s) in §14301(a)
11 certifying that the dispensary and/or cultivation site is in compliance with local zoning
12 restrictions;

13 (4) The distance to the closest school from:

14 (A) The dispensary and/or cultivation site; and

15 (B) If applicable, the dispensary's cultivation site or cultivation site;

16 (5) A site plan drawn to scale of the dispensary and/or cultivation site location
17 showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences,
18 security features, fire hydrants if applicable, and access to water mains;

19 (6) A floor plan drawn to scale of the building where the dispensary and/or
20 cultivation site, if applicable, is located showing the:

21 (A) Layout and dimensions of each room,

22 (B) Name and function of each room,

23 (C) Location of each hand washing sink,

24 (D) Location of each toilet room,

25 (E) Means of egress,

- 1 (F) Location of each video camera, alarm system, motion sensor,
- 2 (G) Location of standby power source;
- 3 (H) Location of each panic button, and
- 4 (I) Location of natural and artificial lighting sources;

5 (b) A dispensary's cultivation site or cultivation site may be located anywhere in Guam
6 where a cultivation site is allowed by the Act, these rules and regulations, and other governing
7 government of Guam agencies.

8 **§14305. Changes to a Dispensary Registration Certificate and/or Cultivation Site**
9 **Registration Certificate.**

10 (a) A dispensary and/or cultivation site shall not transfer or assign the Dispensary
11 Registration Certificate and/or Cultivation Site Registration Certificate to another location.

12 (b) A dispensary, dispensary cultivation site, or cultivation site shall not cultivate,
13 manufacture, distribute, dispense, or sell medical marijuana at a new location until the dispensary
14 and/or cultivation site submits an application for a change in a dispensary and/or cultivation site
15 location or a change or addition of a cultivation site in §14306 and the Department issues a new
16 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate for the new
17 location.

18 **§14306. Applying to Change a Dispensary's and/or Cultivation Site's Location or**
19 **Change or Add a Dispensary's Cultivation Site or Cultivation Site.**

20 (a) To change the location of a dispensary, dispensary's cultivation site, or cultivation site,
21 or to add a cultivation site, the dispensary and/or cultivation site shall submit an application to the
22 Department that includes:

23 (1) The following information in a Department provided format:

24 (A) The legal name of the dispensary and/or cultivation site;

- 1 (B) The registry identification number for the dispensary and/or cultivation
2 site ;
- 3 (C) Whether the request is for:
- 4 (i) A change of location for the dispensary and/or cultivation site,
5 (ii) A change of location for the dispensary's cultivation site
6 and/or cultivation site, or
- 7 (iii) An addition of a cultivation site;
- 8 (D) The current physical address of the dispensary, dispensary's
9 cultivation site, and/or cultivation site;
- 10 (E) The physical address of the proposed location for the dispensary,
11 dispensary's cultivation site, and/or cultivation site;
- 12 (F) The distance to the closest public or private school from:
- 13 (i) The proposed location for the dispensary and/or cultivation
14 site, or
- 15 (ii) The proposed location for the dispensary's cultivation site
16 and/or cultivation site;
- 17 (G) The name of the entity applying;
- 18 (H) If applicable, the anticipated date of the change of location;
- 19 (I) Whether the proposed dispensary, dispensary's proposed cultivation
20 site, and/or cultivation site is ready for an inspection by the Department;
- 21 (J) If the proposed dispensary, dispensary's proposed cultivation site,
22 and/or proposed cultivation site is not ready for an inspection by the Department, the
23 date the dispensary, dispensary's cultivation site, and/or cultivation site will be ready
24 for an inspection by the Department;

1 (K) An attestation that the information provided to the Department to
2 apply for a change in location is true and correct; and

3 (L) The signature of the individual or individuals in §14301(a) and the
4 date the individual(s) signed;

5 (2) A copy of documentation issued by the local jurisdiction to the dispensary
6 and/or cultivation site authorizing occupancy of the proposed building as a dispensary,
7 dispensary's cultivation site, or cultivation site, such as a certificate of occupancy, a special
8 use permit, or a conditional use permit;

9 (3) A sworn statement signed by the individual(s) in §14301(a) certifying that the
10 building where the proposed dispensary, dispensary's proposed cultivation site, or cultivation
11 site will be located is in compliance with local zoning restrictions;

12 (4) If the change in location is for the dispensary, dispensary's cultivation site, or
13 cultivation site:

14 (A) A site plan drawn to scale of the proposed dispensary, dispensary's
15 cultivation site, or cultivation site location showing streets, property lines, buildings,
16 parking areas, outdoor areas if applicable, fences, security features, fire hydrants if
17 applicable, and access to water mains; and

18 (B) A floor plan drawn to scale of the building where the proposed
19 dispensary, dispensary's cultivation site, or cultivation site is located showing the:

20 (i) Layout and dimensions of each room,

21 (ii) Name and function of each room,

22 (iii) Location of each hand washing sink,

23 (iv) Location of each toilet room,

24 (v) Means of egress,

25 (vi) Location of each video camera, alarm system, motion sensor,

- (vii) Location of standby power source,
- (viii) Location of each panic button, and
- (viii) Location of natural and artificial lighting sources;

(5) The applicable fee in §14102 for applying for a change in location or adding a cultivation site.

(b) If the information and documents submitted by the dispensary and/or cultivation site comply with the Act and these rules and regulations, the Department shall issue a new Dispensary Registration Certificate and/or Cultivation Site Registration Certificate that includes the new address of the new location and new expiration date of the issued Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

(c) An application for a change in location of a dispensary, dispensary's cultivation site, or cultivation site or the addition of a cultivation site may not be combined with an application for renewing a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate. The Department shall process each application separately according to the applicable time frame established in §14107.

(d) A dispensary and/or cultivation site shall submit written notification to the Department when the dispensary and/or cultivation site no longer uses a previously approved cultivation site within 24 hours or the next business day, whichever comes first, of its intention to cease operations.

§14307. Renewing a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

(a) An entity with a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate that has not submitted an application for a License to Operate a Dispensary or Cultivation Site to the Department at least 60 calendar days before the expiration date of the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate or has not

1 obtained a License to Operate a Dispensary or Cultivation Site issued by the Department is prohibited
2 from renewing the Dispensary Registration Certificate and/or Cultivation Site Registration
3 Certificate.

4 (b) To renew a Dispensary Registration Certificate and/or Cultivation Site
5 Registration Certificate, a dispensary and/or cultivation site that has an approval of a License to
6 Operate a Dispensary or Cultivation Site issued by the Department, shall submit to the Department, at
7 least 30 calendar days before the expiration date of the current Dispensary Registration Certificate
8 and/or Cultivation Site Registration Certificate, the following:

9 (1) An application in a Department provided format that includes:

10 (A) The legal name of the dispensary and/or cultivation site;

11 (B) The registry identification number for the dispensary and/or cultivation
12 site;

13 (C) The physical address of the dispensary and/or cultivation site;

14 (D) The name of the entity applying;

15 (E) The name of the individual designated to submit dispensary agent or
16 cultivation site agent Registry Identification Card applications on behalf of the
17 dispensary and/or cultivation site;

18 (F) The name and license number of the dispensary's medical director;

19 (G) The dispensary's hours of operation during which the dispensary is
20 available to dispense medical marijuana to qualifying patients and designated
21 caregivers;

22 (H) The name, address, date of birth, and registry identification number of
23 each:

24 (i) Responsible official,

25 (ii) Dispensary agent and/or cultivation site agent,

- 1 (iii) Employee, and
- 2 (iv) Volunteer;
- 3 (I) For each responsible official, whether the responsible official:
- 4 (i) Has served as a responsible official for a dispensary and/or
- 5 cultivation site that had the Dispensary Registration Certificate and/or
- 6 Cultivation Site Registration Certificate revoked,
- 7 (ii) Is a physician currently providing written certifications for
- 8 qualifying patients,
- 9 (iii) Is a law enforcement officer, or
- 10 (iv) Is employed by or a contractor of the Department;
- 11 (J) The dispensary's and/or cultivation site Business License number
- 12 issued by the Guam Department of Revenue and Taxation;
- 13 (K) Whether the dispensary and/or cultivation site agrees to allow the
- 14 Department to submit supplemental requests for information;
- 15 (L) An attestation that the information provided to the Department to
- 16 renew the Dispensary Registration Certificate and/or Cultivation Site Registration
- 17 Certificate is true and correct; and
- 18 (M) The signature of the individual(s) in §14301(a) and the date the
- 19 individual(s) signed;
- 20 (2) If the application is for renewing a Dispensary Registration Certificate
- 21 and/or Cultivation Site Registration Certificate that was initially issued within the previous
- 22 12 months, a copy of the dispensary's and/or cultivation site's approval of a License to
- 23 Operate a Dispensary or Cultivation Site issued by the Department;

1 (3) A copy of an annual financial statement for the previous year, or for the
2 portion of the previous year the dispensary and/or cultivation site was operational, prepared
3 according to generally accepted accounting principles;

4 (4) A report of an audit by an independent certified public accountant of the
5 annual financial statement required in subsection (b)(3); and

6 (5) The applicable fee in §14102 for applying to renew a Dispensary
7 Registration Certificate and/or Cultivation Site Registration Certificate.

8 **§14308. Inspections.**

9 (a) Submission of an application for a Dispensary Registration Certificate and/or
10 Cultivation Site Registration Certificate constitutes permission for entry to and inspection of the
11 dispensary, dispensary's cultivation site, or cultivation site.

12 (b) Except as provided in subsection (c), on onsite inspection of a dispensary, dispensary's
13 cultivation site, or cultivation site shall occur at a date and time agreed to by the dispensary,
14 dispensary's cultivation site, or cultivation site and the Department that is no later than five (5)
15 working days after the date the Department submits a written request to the dispensary, dispensary's
16 cultivation site, or cultivation site to schedule the certification or compliance inspection, unless the
17 Department agrees to a later date and time.

18 (c) If the Department receives an allegation of a dispensary, dispensary's cultivation site,
19 or cultivation site's noncompliance with the Act or these rules and regulations, the Department may
20 conduct and unannounced inspection of the dispensary, dispensary's cultivation site, or cultivation
21 site.

22 (d) If the Department identifies a violation of the Act and these rules and regulations
23 during an inspection of a dispensary, dispensary's cultivation site, or cultivation site:

1 (1) The Department shall provide the dispensary, dispensary's cultivation site, or
2 cultivation site with a written notice that includes the specific rule or statute that was violated;
3 and

4 (2) The dispensary, dispensary's cultivation site, or cultivation site shall notify the
5 Department in writing, with a postmark date within 10 working days after the date of the
6 notice of violations, identifying the corrective actions taken and the date of the correction.

7 (e) Refusal to permit the Department's inspection by the dispensary, dispensary's
8 cultivation site, or cultivation site shall result in the immediate revocation of the Dispensary
9 Registration Certificate and/or Cultivation Site Registration Certificate.

10 **§14309. Administration.**

11 (a) A dispensary or cultivation site, if applicable, shall:

12 (1) Ensure that the dispensary is operating and available to dispense medical
13 marijuana to qualifying patients and designated caregivers at least 30 hours weekly between
14 the hours of 7:00 a.m. and 10:00 p.m.;

15 (2) Develop, document, and implement policies and procedures regarding:

16 (A) Job descriptions and employment contracts, including:

17 (i) Personnel duties, authority, responsibilities, and qualifications;

18 (ii) Personnel supervision;

19 (iii) Training in and adherence to confidentiality requirements;

20 (iv) Periodic performance evaluations;

21 (v) Disciplinary actions; and

22 (vi) Personnel attestation to adhere to the Act and these rules and

23 regulations;

1 (B) Business records, such as manual or computerized records of assets
2 and liabilities, monetary transactions, journals, ledgers, and supporting documents,
3 including agreements, checks, invoices, and vouchers;

4 (C) Inventory control, including:

5 (i) Tracking;

6 (ii) Packaging;

7 (iii) Accepting marijuana from qualifying patients and designated
8 caregivers;

9 (iv) Acquiring marijuana from other dispensaries; and

10 (v) Properly disposing of unusable marijuana in compliance with
11 applicable federal and local law, which may include submitting any unusable
12 marijuana to a local law enforcement agency;

13 (D) Qualifying patient records, including purchases, denials of sale, any
14 delivery options, confidentiality, and retention; and

15 (E) Patient education and support, including:

16 (i) Availability of different strains of marijuana and the purported
17 effects of the different strains;

18 (ii) Information about the purported effectiveness of various
19 methods, forms, and routes of medical marijuana administration;

20 (iii) Methods of tracking the effects on a qualifying patient of
21 different strains and forms of marijuana; and

22 (iv) Prohibition on the smoking of medical marijuana in public
23 places;

24 (3) Maintain copies of the policies and procedures at the dispensary and/or
25 cultivation site and provide copies to the Department for review upon request;

1 (4) Review dispensary and/or cultivation site policies and procedures at least once
2 every 12 months from the issue date of the Dispensary Registration Certificate and/or
3 Cultivation Site Registration Certificate and update as needed;

4 (5) For a dispensary, employ or contract with a medical director who holds a valid
5 Guam board of professional license;

6 (6) Ensure that each dispensary agent and/or cultivation site agent has the
7 dispensary agent's and/or cultivation agent's Registry Identification Card in the dispensary
8 agent's and/or cultivation agent's immediate possession when the dispensary agent and/or
9 cultivation agent is:

10 (A) Working or providing volunteer services at the dispensary and/or the
11 cultivation site, or

12 (B) Transporting marijuana for the dispensary and/or cultivation site;

13 (7) Ensure that a dispensary agent or cultivation site agent accompanies any
14 individual other than another dispensary agent or cultivation site agent associated with the
15 dispensary and/or cultivation site when the individual is present in the enclosed, locked facility
16 where marijuana is cultivated by the dispensary and/or cultivation site;

17 (8) Not allow an individual who does not possess a dispensary agent or cultivation
18 site agent Registry Identification Card issued under the Dispensary Registration Certificate
19 and/or Cultivation Site Registration Certificate to:

20 (A) Serve as a responsible official for the dispensary and/or cultivation
21 site,

22 (B) Serve as the medical director for the dispensary,

23 (C) Be employed by the dispensary and/or cultivation site, or

24 (D) Provide volunteer services at or on behalf of the dispensary and/or
25 cultivation site;

1 (9) Provide written notice to the Department, including the date of the event,
2 within 24 hours or the next business day, whichever comes first, after the date, when a
3 dispensary agent or cultivation site agent no longer:

4 (A) Serves as a responsible official for the dispensary and/or cultivation
5 site,

6 (B) Serves as the medical director for the dispensary,

7 (C) Is employed by the dispensary and/or cultivation site, or

8 (D) Provides volunteer services at or on behalf of the dispensary and/or
9 cultivation site;

10 (10) Document and report any loss or theft of marijuana from the dispensary
11 and/or cultivation site to appropriate law enforcement agency and to the Department upon the
12 immediate discovery of the loss or theft;

13 (11) Maintain copies of any documentation required in these rules and regulations
14 for at least 24 months after the date on the documentation and provide copies of the
15 documentation to the Department for review upon request;

16 (12) Post the following information in a place that can be viewed by individuals
17 entering the dispensary and/or cultivation site:

18 (A) If applicable, the License to Operate a Dispensary or Cultivation Site;

19 (B) The Dispensary Registration Certificate, or Cultivation Site
20 Registration Certificate;

21 (C) The name of the dispensary's medical director and the medical
22 director's Guam board of professional license number on a sign at least 20 centimeters
23 by 30 centimeters; and

24 (D) The hours of operation during which the dispensary will dispense
25 medical marijuana to a qualifying patient or a designated caregiver;

1 (13) Not lend any part of the dispensary's income or property without receiving
2 adequate security, written documentation of the transaction, and a reasonable rate of interest;
3 and

4 (14) Not engage in any other transaction that results in a substantial diversion of the
5 dispensary's or cultivation site's income or property.

6 (b) If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an
7 enclosed, locked facility as required in the Act and these rules and regulations.

8 **§14310. Submitting an Application for a Dispensary Agent or Cultivation Agent**
9 **Registry Identification Card.**

10 Except as provided in §14107(f), to obtain a dispensary agent or cultivation site agent Registry
11 Identification Card for an individual serving as a responsible official for the dispensary or cultivation
12 site, employed by the dispensary or cultivation site, or providing volunteer services at or on behalf of
13 the dispensary or cultivation site, the dispensary or cultivation site shall submit to the Department the
14 following for each dispensary agent or cultivation site agent:

15 (a) An application in a Department provided format that includes the following
16 information of the dispensary agent or cultivation site agent:

17 (1) First name; middle initial, if applicable; last name; and suffix, if applicable;

18 (2) Residential address and mailing address;

19 (3) The village where the agent resides;

20 (4) Date of birth;

21 (5) The identifying number on the applicable card or document in subsection

22 (e)(1) through (5);

23 (6) The name and registry identification number of the dispensary and/or
24 cultivation site; and

1 (7) The signature of the individual in §14303(c)(1)(D) or §14307(b)(1)(E), as
2 applicable, designated to submit dispensary agent or cultivation site agent applications on the
3 dispensary's or cultivation site's behalf and the date the individual signed;

4 (b) An attestation signed and dated by the dispensary agent or cultivation site agent that
5 the dispensary agent or cultivation site agent has not been convicted of an excluded felony offense as
6 defined in the Act;

7 (c) One of the following:

8 (1) A statement that the dispensary agent or cultivation site agent does not
9 currently hold a valid Registry Identification Card, or

10 (2) The assigned registry identification number for the dispensary agent or
11 cultivation site agent for each valid Registry Identification Card currently held by the
12 dispensary agent or cultivation site agent;

13 (d) A statement in a Department provided format signed by the dispensary agent or
14 cultivation site agent pledging not to divert marijuana to any individual who or entity that is not
15 allowed to possess marijuana pursuant to the Act and these rules and regulations;

16 (e) A copy of the dispensary agent's:

17 (1) A valid Guam driver's license; or

18 (2) A valid Guam identification card as approved by the Director; or

19 (3) Guam Registry Identification Card;

20 (4) Photograph page in the dispensary agent's U.S. passport; or

21 (5) A valid photo identification card as approved by the Director, and one of the
22 following for the dispensary agent:

23 (A) Birth certificate verifying U.S. citizenship,

24 (B) U.S. Certificate of Naturalization, or

25 (C) U.S. Certificate of Citizenship;

- 1 (f) A current photograph of the dispensary agent or cultivation site agent;
- 2 (g) For the Department’s criminal records check as follows:
 - 3 (1) Police clearance;
 - 4 (2) Court clearance;
 - 5 (3) The dispensary agent’s or cultivation site agent’s fingerprints on a fingerprint
 - 6 card that includes the following information of the dispensary agent’s or cultivation site
 - 7 agent’s:
 - 8 (A) First name; middle initial, if applicable; last name; and suffix, if
 - 9 applicable;
 - 10 (B) Signature;
 - 11 (C) If different from the dispensary agent or cultivation agent, the
 - 12 signature of the individual physically rolling the dispensary agent’s or cultivation site
 - 13 agent’s fingerprints;
 - 14 (D) Residential and mailing address;
 - 15 (E) If applicable, the dispensary agent’s or cultivation site agent’s surname
 - 16 before marriage and any names previously used by the dispensary agent or cultivation
 - 17 agent;
 - 18 (F) Date of birth;
 - 19 (G) Social Security number;
 - 20 (H) Citizenship status;
 - 21 (I) Gender;
 - 22 (J) Ethnicity;
 - 23 (K) Height;
 - 24 (L) Weight;

- 1 (M) Hair color;
- 2 (N) Eye color; and
- 3 (O) Place of birth; or

4 (4) If the dispensary agent's or cultivation site agent's fingerprints and
5 information required in subsection (g)(1) were submitted to the Department within the
6 previous six months as part of an application for a designated caregiver Registry Identification
7 Card or a dispensary agent or cultivation site agent Registry Identification Card for another
8 dispensary or cultivation site, the registry identification number on the Registry Identification
9 Card issued to the dispensary agent or cultivation site as a result of the application; and

10 (h) The applicable fee in §14102 for applying for a dispensary agent or cultivation site
11 agent Registry Identification Card.

12 **§14311. Submitting an Application to Renew a Dispensary Agent's and/or**
13 **Cultivation Site Agent's Registry Identification Card.**

14 To renew a dispensary agent's and/or cultivation site agent's Registry Identification Card for
15 an individual serving as a responsible official for the dispensary and/or cultivation site, employed by
16 the dispensary and/or cultivation site, or providing volunteer services at or on behalf of the dispensary
17 and/or cultivation site, the dispensary and/or cultivation site shall submit to the Department, at least 30
18 calendar days before the expiration of the dispensary agent's and/or cultivation site agent's Registry
19 Identification Card, the following:

20 (a) An application in a Department provided format that includes the following
21 information of the dispensary agent's and/or cultivation site agent's:

- 22 (1) First name; middle initial, if applicable; last name; and suffix, if applicable;
- 23 (2) Residential and mailing address;
- 24 (3) The village where the dispensary agent and/or cultivation site agent resides;
- 25 (4) Date of birth;

1 (5) The registry identification number on the dispensary agent's and/or cultivation
2 site agent's current Registry Identification Card;

3 (6) The name and registry identification number of the dispensary and/or
4 cultivation site; and

5 (7) The signature of the individual in §14303(c)(1)(D) or §14307(b)(1)(E)
6 designated to submit dispensary agent and/or cultivation site agent applications on the
7 dispensary's and/or cultivation site's behalf and the date the individual signed;

8 (b) If the dispensary agent's and/or cultivation site agent's name in subsection (a)(1) is not
9 the same name as on the dispensary agent's and/or cultivation site agent's current Registry
10 Identification Card, one of the following with the dispensary agent's and/or cultivation site agent's
11 new name:

12 (1) A valid Guam driver's license; or

13 (2) A valid Guam identification card as approved by the Director; or

14 (3) The photograph page in the dispensary agent's U.S. passport;

15 (c) A statement in a Department provided format signed by the dispensary agent and/or
16 cultivation agent pledging not to divert marijuana to any individual who or entity that is not allowed to
17 possess marijuana pursuant to the Act and these rules and regulations;

18 (d) A current photograph of the dispensary agent and/or cultivate site agent;

19 (e) For the Department's criminal records check as follows:

20 (1) Police clearance;

21 (2) Court clearance;

22 (3) The dispensary agent's and/or cultivation site agent's fingerprints on a
23 fingerprint card that includes the following information of the dispensary agent's and/or
24 cultivation site agent's:

1 (A) First name; middle initial, if applicable; last name; and suffix, if
2 applicable;

3 (B) Signature;

4 (C) If different from the dispensary agent and/or cultivation site agent, the
5 signature of the individual physically rolling the dispensary agent's and/or cultivation
6 site agent's fingerprints;

7 (D) Residential and mailing address;

8 (E) If applicable, the dispensary agent's and/or cultivation site agent's
9 surname before marriage and any names previously used by the dispensary agent
10 and/or cultivation site agent;

11 (F) Date of birth;

12 (G) Social Security number;

13 (H) Citizenship status;

14 (I) Gender;

15 (J) Ethnicity;

16 (K) Height;

17 (L) Weight;

18 (M) Hair color;

19 (N) Eye color; and

20 (O) Place of birth; or

21 (4) If the dispensary agent's and/or cultivation site agent's fingerprints and
22 information required in subsection (a)(5) were submitted to the Department within the
23 previous six months as part of an application for a designated caregiver Registry Identification
24 Card or a dispensary agent and/or cultivation site agent Registry Identification Card for

1 another dispensary and/or cultivation site, the registry identification number on the Registry
2 Identification Card issued to the dispensary agent and/or cultivation site agent as a result of the
3 application; and

4 (f) The applicable fee in §14102 for applying to renew a dispensary agent's and/or
5 cultivation site agent's Registry Identification Card.

6 **§14312. Medical Director.**

7 (a) A dispensary shall appoint an individual who is a practitioner to function as a medical
8 director.

9 (b) During a dispensary's hours of operation, a medical director or an individual, who is a
10 practitioner and is designated by the medical director to serve as medical director in the medical
11 director's absence, shall be:

12 (1) Onsite; or

13 (2) Able to be contacted by any means possible, such as by telephone or mobile
14 device.

15 (c) A medical director shall:

16 (1) Develop and provide training to the dispensary's dispensary agents at least
17 once every 12 months from the initial date of the Dispensary's Registration Certificate on the
18 following subjects:

19 (A) Guidelines for providing information to qualifying patients related to
20 risks, benefits, and side effects associated with medical marijuana;

21 (B) Guidelines for providing support to qualifying patients related to the
22 qualifying patient's self-assessment of the qualifying patient's symptoms, including a
23 rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms,
24 and agitation;

25 (C) Recognizing signs and symptoms of substance abuse; and

1 (D) Guidelines for refusing to provide medical marijuana to an individual
2 who appears to be impaired or abusing medical marijuana; and

3 (2) Assist in the development and implementation of review and improvement
4 processes for patient education and support provided by the dispensary.

5 (d) A medical director shall provide oversight for the development and dissemination of:

6 (1) Educational materials for qualifying patients and designated caregivers that
7 include:

8 (A) Alternative medical options for the qualifying patient's debilitating
9 medical condition;

10 (B) Information about possible side effects of and contraindications for
11 medical marijuana including possible impairment with use and operation of a motor
12 vehicle or heavy machinery, when caring for children, or of job performance;

13 (C) Guidelines for notifying the physician who provided the written
14 certification for medical marijuana if side effects or contraindications occur;

15 (D) A description of the potential for differing strengths of medical
16 marijuana strains and products;

17 (E) Information about potential drug-to-drug interactions, including
18 interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;

19 (F) Techniques for the use of medical marijuana and marijuana
20 paraphernalia;

21 (G) Information about different methods, forms, and routes of medical
22 marijuana administration;

23 (H) Signs and symptoms of substance abuse, including tolerance,
24 dependency, and withdrawal; and

25 (I) A listing of substance abuse programs and referral information;

1 (2) A system for a qualifying patient or the qualifying patient's designated
2 caregiver to document the qualifying patient's pain, cachexia or wasting syndrome, nausea,
3 seizures, muscle spasms, or agitation that includes:

4 (A) A log book, maintained by the qualifying patient and or the qualifying
5 patient's designated caregiver, in which the qualifying patient or the qualifying
6 patient's designated caregiver may track the use and effects of specific medical
7 marijuana strains and products;

8 (B) A rating scale for pain, cachexia or wasting syndrome, nausea,
9 seizures, muscles spasms, and agitation;

10 (C) Guidelines for the qualifying patient's self-assessment or, if
11 applicable, assessment of the qualifying patient by the qualifying patient's designated
12 caregiver; and

13 (D) Guidelines for reporting usage and symptoms to the physician
14 providing the written certification for medical marijuana and any other treating
15 physicians; and

16 (3) Policies and procedures for refusing to provide medical marijuana to an
17 individual who appears to be impaired or abusing medical marijuana.

18 (e) A medical director for a dispensary shall not provide a written certification for medical
19 marijuana for any qualifying patient.

20 **§14313. Dispensing Medical Marijuana.**

21 Before a dispensary agent dispenses medical marijuana to a qualifying patient or a designated
22 caregiver, the dispensary agent shall:

23 (a) Verify the qualifying patient's or the designated caregiver's identity through physical
24 examination of a valid photo identification card, in addition to the qualifying patient's or designated
25 caregiver's Registry Identification Card,

- 1 (b) Offer any appropriate patient education or support materials,
- 2 (c) Enter the qualifying patient's or designated caregiver's registry identification number
- 3 on the qualifying patient's or designated caregiver's Registry Identification Card into the medical
- 4 marijuana electronic verification system,
- 5 (d) Verify the validity of the qualifying patient's or designated caregiver's Registry
- 6 Identification Card,
- 7 (e) Verify that the prescribed amount of medical marijuana the qualifying patient or
- 8 designated caregiver is requesting would not cause the qualifying patient to exceed the adequate
- 9 supply limit on obtaining no more than a three month supply, and
- 10 (f) Enter the following information into the medical marijuana electronic verification
- 11 system for the qualifying patient or designated caregiver:
- 12 (1) The amount of medical marijuana dispensed,
- 13 (2) Whether the medical marijuana was dispensed to the qualifying patient or to
- 14 the qualifying patient's designated caregiver,
- 15 (3) The date and time the medical marijuana was dispensed,
- 16 (4) The dispensary agent's registry identification number,
- 17 (5) The dispensary's registry identification number, and
- 18 (6) The name of the recommending physician.

19 **§14314. Qualifying Patient Records.**

- 20 (a) A dispensary shall ensure that:
- 21 (1) A qualifying patient record is established and maintained for each qualifying
- 22 patient who obtains medical marijuana from the dispensary;
- 23 (2) An entry in a qualifying patient record:
- 24 (A) Is recorded only by a dispensary agent authorized by dispensary
- 25 policies and procedures to make an entry,

- 1 (B) Is dated and signed by the dispensary agent,
- 2 (C) Includes the dispensary agent's registry identification number, and
- 3 (D) Is not changed to make the initial entry illegible;

4 (3) If an electronic signature is used to sign an entry, the dispensary agent whose
5 signature the electronic code represents is accountable for the use of the electronic signature;

6 (4) A qualifying patient record is only accessed by a dispensary agent authorized
7 by dispensary policies and procedures to access the qualifying patient record;

8 (5) A qualifying patient record is provided to the Department for review upon
9 request;

10 (6) A qualifying patient record is protected from loss, damage, or unauthorized
11 use; and

12 (7) A qualifying patient record is maintained for five years from the date of the
13 qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last
14 request for medical marijuana from the dispensary.

15 (b) If a dispensary maintains qualifying patient records electronically, the dispensary shall
16 ensure that:

17 (1) There are safeguards to prevent unauthorized access,

18 (2) The date and time of an entry in a qualifying patient record is recorded
19 electronically by an internal clock, and

20 (3) The qualifying patient's electronic record is backed up and recoverable at an
21 offsite location in case of disaster;

22 (c) A dispensary shall ensure that the qualifying patient record for a qualifying patient
23 who requests or whose designated caregiver on behalf of the qualifying patient requests medical
24 marijuana from the dispensary contains:

25 (1) Qualifying patient information that includes:

- 1 (A) The qualifying patient's full name;
- 2 (B) The qualifying patient's date of birth;
- 3 (C) The name and date of birth of the qualifying patient's designated
4 caregiver, if applicable; and
- 5 (D) The history of medical marijuana dispensed to the qualified patient or
6 qualified patient's designated caregiver;
- 7 (2) Documentation of any patient education and support materials provided to the
8 qualifying patient or the qualifying patient's designated caregiver, including a description of
9 the materials and the date the materials were provided;
- 10 (3) For each time the qualifying patient requests and does not obtain medical
11 marijuana or, if applicable, the designated caregiver requests on behalf of the qualifying
12 patient and does not obtain medical marijuana from the dispensary, the following:
- 13 (A) The date,
- 14 (B) The name and registry identification number of the individual who
15 requested the medical marijuana,
- 16 (C) The dispensary's reason for refusing to provide the medical marijuana,
17 and
- 18 (D) The name of the dispensary agent and dispensary agent's registry
19 identification number who refused to provide the medical marijuana.

20 **§14315. Inventory Control System for Dispensaries and Cultivation Sites.**

- 21 (a) A dispensary and/or cultivation site shall designate in writing a dispensary agent
22 and/or cultivation site agent who has oversight of the dispensary's and/or cultivation site's medical
23 marijuana inventory control system.
- 24 (b) A dispensary shall only acquire marijuana from:
- 25 (1) The dispensary's cultivation site,

1 (2) Another dispensary or another dispensary's cultivation site, and

2 (3) A Department approved cultivation site.

3 (c) A dispensary and/or cultivation site shall establish and implement an inventory control
4 system for the dispensary's and/or cultivation site's medical marijuana that documents:

5 (1) Each day's beginning inventory, acquisitions, harvests, sales, disbursements,
6 disposal of unusable marijuana, and ending inventory;

7 (2) For acquiring medical marijuana from a dispensary's cultivation site and/or a
8 Department approved cultivation site:

9 (A) A description of the medical marijuana acquired including the amount,
10 strain, and batch number,

11 (B) The name and registry identification number of the dispensary's
12 cultivation site and/or a Department approved cultivation site,

13 (C) The name and registry identification number of the dispensary agent
14 and/or the cultivation agent receiving the medical marijuana on behalf of the
15 dispensary and/or cultivation site, and

16 (D) The date of acquisition;

17 (3) For acquiring medical marijuana from another dispensary:

18 (A) A description of the medical marijuana acquired including the amount,
19 strain, and batch number,

20 (B) The name and registry identification number of the dispensary
21 providing the medical marijuana,

22 (C) The name and registry identification number of the dispensary agent
23 providing the medical marijuana,

24 (D) The name and registry identification number of the dispensary agent
25 receiving the medical marijuana on behalf of the dispensary, and

- 1 (E) The date of acquisition;
- 2 (4) For each batch of marijuana cultivated:
- 3 (A) The batch number,
- 4 (B) Whether the batch originated from marijuana seeds or marijuana
- 5 cuttings,
- 6 (C) The origin and strain of the marijuana seeds or marijuana cuttings
- 7 planted,
- 8 (D) The number of marijuana seeds or marijuana cuttings planted,
- 9 (E) The date the marijuana seeds or cuttings were planted,
- 10 (F) A list of all chemical additives, including nonorganic pesticides,
- 11 herbicides, and fertilizers used in the cultivation,
- 12 (G) The number of plants grown to maturity,
- 13 (H) Harvest information including:
- 14 (i) Date of harvest,
- 15 (ii) Total weight of harvest, including the following:
- 16 (aa) Final processed usable marijuana yield weight, and
- 17 (bb) Final non-usable marijuana yield weight,
- 18 (iii) Name and registry identification number of the dispensary
- 19 agent and/or cultivation site agent responsible for the harvest, and
- 20 (I) The disposal of medical marijuana that is not usable marijuana
- 21 including the:
- 22 (i) Description of (i.e., total amount and weight of disposed
- 23 marijuana) and reason for the marijuana being disposed of including, if
- 24 applicable, the number of failed or other unusable plants,
- 25 (ii) Date of disposal,

- 1 (iii) Method of disposal pursuant to federal and local laws, and
- 2 (iv) Name and registry identification number of the dispensary
- 3 agent and/or cultivation agent responsible for the disposal;
- 4 (5) For providing medical marijuana to another dispensary and/or cultivation site:
- 5 (A) The amount, strain, and batch number of medical marijuana provided;
- 6 (B) The name and registry identification number of the other dispensary
- 7 and/or cultivation site;
- 8 (C) The name and registry identification number of the dispensary agent
- 9 and/or cultivation site agent who received the medical marijuana on behalf of the other
- 10 dispensary and/or cultivation site; and
- 11 (D) The date the medical marijuana was provided; and
- 12 (6) For receiving edible food products infused with medical marijuana from
- 13 another dispensary:
- 14 (A) The product name and description of the edible food products received
- 15 from the dispensary including total weight of each edible food product,
- 16 (B) Total estimated amount, strain, and batch number of medical
- 17 marijuana infused in the edible food products,
- 18 (C) The name and registry identification number of the:
- 19 (i) Dispensary and the dispensary agent providing the edible food
- 20 products to the receiving dispensary, and
- 21 (ii) Dispensary agent receiving the edible food products on behalf
- 22 of the receiving dispensary, and
- 23 (D) The date the edible food products were manufactured,
- 24 (E) The use by or expiration date of the edible food products, and
- 25 (F) The date the edible food products were provided to the dispensary.

1 (d) The individual designated in subsection (a) shall conduct and document an audit of the
2 dispensary's and/or cultivation site's inventory that is accounted for according to generally accepted
3 accounting principles at least once every 30 calendar days.

4 (1) If the audit identifies a reduction in the amount of medical marijuana in the
5 dispensary's inventory not due to documented causes, the dispensary shall determine where
6 the loss has occurred, take and document corrective action, and report the discrepancy to the
7 Department and to the local law enforcement authorities.

8 (2) If the reduction in the amount of medical marijuana in the dispensary's and/or
9 cultivation site's inventory is due to suspected criminal activity by a dispensary agent,
10 cultivation site agent, employee, or volunteer, the dispensary and/or cultivation site shall
11 report the dispensary agent, cultivation site agent, employee, or volunteer to the Department
12 and to the local law enforcement authorities.

13 (3) If the reduction in the amount of medical marijuana in the dispensary's and/or
14 cultivation site's inventory is due to suspected theft, loss by disaster, or other emergency
15 situation beyond the control of the dispensary and/or cultivation site, the dispensary and/or
16 cultivation site shall report the discrepancy to the Department and to the local law enforcement
17 authorities;

18 (e) A dispensary and/or cultivation site shall:

19 (1) Maintain the documentation required in subsections (c) and (d) at the
20 dispensary for five years from the date on the document, and

21 (2) Provide the documentation required in subsections (c) and (d) to the
22 Department for review upon request.

23 **§14316. Product Labeling and Analysis.**

24 (a) A dispensary shall ensure that medical marijuana provided by the dispensary to a
25 qualifying patient or a designated caregiver is labeled with:

- 1 (1) The dispensary's registry identification number;
- 2 (2) The amount, strain, and batch number of medical marijuana;
- 3 (3) The following statement in a clear, conspicuous location: "GUAM
4 DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WARNING: Marijuana
5 use can be addictive and can impair an individual's ability to drive a motor vehicle or operate
6 heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for
7 cancer, tachycardia, hypertension, heart attack, and lung infection. KEEP OUT OF REACH
8 OF CHILDREN";
- 9 (4) If not cultivated by the dispensary, whether the medical marijuana was
10 obtained from another dispensary or cultivation site;
- 11 (5) The date of manufacture, harvest, or sale;
- 12 (6) A list of all chemical additives, including nonorganic pesticides, herbicides,
13 and fertilizers, used in the cultivation and production of the medical marijuana;
- 14 (7) The full name and registry identification number of the qualifying patient; and
- 15 (8) If medical marijuana is provided as part of an edible food product, a
16 dispensary shall comply with Title 10 GCA, Chapters 21, 22, 23, 24, and 40 and applicable
17 rules and regulations for the food product.
- 18 (b) If a dispensary and/or cultivation site provides medical marijuana cultivated by the
19 dispensary and/or cultivation site to another dispensary and/or cultivation site, the dispensary and/or
20 cultivation site shall ensure that the medical marijuana is labeled with:
 - 21 (1) The dispensary's and/or cultivation site's registry identification number;
 - 22 (2) The amount, strain, and batch number of the medical marijuana;
 - 23 (3) The date of harvest or sale; and
 - 24 (4) A list of all chemical additives, including nonorganic pesticides, herbicides,
25 and fertilizers, used in the cultivation of the medical marijuana.

1 (c) If medical marijuana is provided as part of an edible food product, a dispensary shall,
2 in addition to the information in subsection (a), include on the label the total weight of the edible food
3 product.

4 (d) A dispensary and/or cultivation site shall provide to the Department upon request a
5 sample of the dispensary's and/or cultivation site's medical marijuana inventory of a sufficient
6 quantity to enable the Department to conduct an analysis of the medical marijuana.

7 **§14317. Laboratory.**

8 (a) A dispensary and/or cultivation site shall have documentation that is submitted to
9 the Department that identifies at least one laboratory that will do the testing in accordance with
10 these rules and regulations and identify who will do the testing for the security of all immature
11 plants.

12 (b) A dispensary and/or cultivation site shall ensure that usable marijuana and
13 immature plants in the Dispensary and Cultivation Site, including providing adequate safeguards
14 against theft or diversion, are tested pursuant to this section prior to being transferred to a patient
15 or a designated caregiver.

16 (c) A dispensary and/or cultivation site shall ensure that all laboratory testing, except
17 for immature plants, is done by a third party or in-house laboratory that:

18 (1) Is licensed and registered by this Department and the U.S. Drug
19 Enforcement Administration;

20 (2) Uses valid testing methodologies; and

21 (3) Has a Quality System for testing of pesticides, mold and mildew that is
22 compliant with the 2005 International Organization for Standardization 17025 Standard

1 or 2009 National Environmental Laboratory Accreditation Conference Institute TNI
2 Standards.

3 (d) A dispensary and/or cultivation site shall ensure that each sample for laboratory
4 analysis is taken in an amount necessary to conduct the applicable test(s) and that the samples are
5 labeled with the batch's unique identifier number, the date of sampling, the name of the sampler,
6 and submitted for testing. A Department-approved chain of custody form should be utilized to
7 document and account for the details of the sample as it transfers from one person to another
8 person.

9 (e) A laboratory must provide testing results to the dispensary and/or cultivation site
10 that is signed by an official of the laboratory who can attest to the accuracy of the results, and
11 that includes the levels of pesticides, mold, mildew, and levels of THC, CBD, and terpenoids.

12 (1) If the immature plant has visible pesticide residue, mold, or mildew, it
13 shall be deemed to test positive, and must be returned to the dispensary and/or cultivation
14 site who submitted the sample for analysis.

15 (2) A sample of usable marijuana and immature plants and records that are
16 required to be kept shall be deemed to test positive for mold or mildew if the sample has
17 levels that exceed the maximum acceptable counts as listed in Appendix B.

18 (3) A sample of usable marijuana shall be deemed to test positive for
19 pesticides with a detection of more than 0.1 parts per million of any pesticide.

20 (4) If an immature plant or sample of usable marijuana tests positive for
21 pesticides, mold, or mildew based on the standards in these rules and regulations, the
22 laboratory must ensure that the entire batch from which the sample was taken is returned
23 to the dispensary and/or cultivation site who transferred the sample to the laboratory and
24 must document the transfer through the Department-approved chain of custody form.

1 (f) Immature plants may be tested for pesticides, mold, and mildew by conducting a
2 macroscopic or microscopic screening to determine if the plant has visible pesticide
3 residue, mold, or mildew.

4 (1) Testing for mold and mildew on immature plants must be done every 30
5 calendar days.

6 (2) Testing must be done by a person who has a minimum of a bachelor's
7 degree in horticulture, botany, plant pathology, or microbiology, but is not required to be
8 done by a laboratory.

9 (3) Records should be maintained on the results of the testing and submitted
10 to the Director upon request.

11 (g) Flowers or other usable marijuana plant material shall include tests, as required by
12 the Department, not limited to the following:

13 (1) Tested for pesticides, mold, and mildew using valid testing methodologies
14 (macroscopic and microscopic screening are not authorized for flowers or other usable
15 marijuana plant material);

16 (2) Pesticide screening for chlorinated hydrocarbons, organophosphates,
17 carbamates, and pyrethroids; and

18 (3) Analyzed, using valid testing methodologies to determine the levels of
19 THC, CBD, and terpenoid profiling.

20 (h) If a dispensary and/or cultivation site receives a transfer or a pre-packaged
21 finished product, then the receiving facility may, in lieu of testing the finished product, obtain
22 from the individual who transferred the finished product, laboratory results that show the usable
23 marijuana in the finished product was tested in accordance with this section.

1 **§14318. Security.**

2 (a) The Responsible Official is responsible for the security of all usable marijuana and
3 immature plants in the Dispensary and Cultivation Site, including providing adequate safeguards
4 against theft or diversion of usable marijuana and immature plants and records that are required to be
5 kept.

6 (b) The Responsible Official must ensure that commercial grade, non-residential door
7 locks are installed on every external door at a Dispensary or Cultivation Site prior to opening for
8 business.

9 (c) During all hours when the registered facility is open for business, the Responsible
10 Official must ensure that:

11 (1) All usable marijuana and immature plants received and all usable marijuana
12 and immature plants available for transfer to a Qualified Patient or a Designated Caregiver are
13 kept in a locked, secure area that can only be accessed by authorized personnel.

14 (2) All areas where usable marijuana or immature plants are received for transfer
15 by a registered facility are identified as a restricted access area by posting a sign not less than
16 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height
17 that reads, "Restricted Access Area — Authorized Personnel Only".

18 (3) All areas where usable marijuana or immature plants are available for transfer
19 to a patient or designated primary caregiver are:

20 (A) Identified as a restricted access area and clearly identified by the
21 posting of a sign not less than 12 inches wide and 12 inches long, composed of letters
22 not less than one-half inch in height that reads "Restricted Access Area — No Minors
23 Allowed";

1 (B) Supervised by the Responsible Official or a Dispensary Agent or
2 Cultivation Site Agent of the Dispensary or Cultivation Site at all times when a
3 Qualified Patient or Designated Caregiver is present; and

4 (C) Separate from any area where usable marijuana or immature plants are
5 being transferred to a Dispensary or Cultivation Site.

6 (d) During all hours when the Dispensary or Cultivation Site is not open for business the
7 Responsible Official must ensure that:

8 (1) All entrances to and exits from the Dispensary or Cultivation Site are securely
9 locked and any keys or key codes to the Dispensary or Cultivation Site remain in the
10 possession of the Responsible Official or authorized Dispensary Agent or Cultivation Site
11 Agent;

12 (2) All usable marijuana is kept in a safe; and

13 (3) All immature plants are in a locked room.

14 (e) The Responsible Official must ensure that:

15 (1) Electronic records are encrypted, and securely stored to prevent unauthorized
16 access and to ensure confidentiality;

17 (2) There is an electronic back-up system for all electronic records; and

18 (3) All video recordings and archived required records not stored electronically
19 are kept in a locked storage area. Current records may be kept in a locked cabinet or desk
20 outside the locked storage area during hours when the Dispensary or Cultivation Site is open.

21 (f) Except as provided in §14309(a)(7), a dispensary and/or cultivation site shall ensure
22 that access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary's
23 and/or cultivation site's responsible officials, authorized dispensary agents and/or cultivation site
24 agents.

1 (g) A dispensary agent and/or cultivation site agent may transport marijuana, marijuana
2 plants, and marijuana paraphernalia between the dispensary and/or cultivation site:

- 3 (1) The dispensary's cultivation site,
- 4 (2) Another Department approved cultivation site, and
- 5 (3) Another dispensary.

6 (h) Before transportation, a dispensary agent and/or cultivation site agent shall:

7 (1) Complete a trip plan that includes:

8 (A) The name of the dispensary agent and/or cultivation site agent in
9 charge of transporting the marijuana;

10 (B) The date and start time of the trip;

11 (C) A description of the marijuana, marijuana plants, or marijuana
12 paraphernalia being transported; and

13 (D) The anticipated route of transportation; and

14 (2) Provide a copy of the trip plan in subsection (h)(1) to the dispensary and/or
15 cultivation site.

16 (i) During transportation, a dispensary agent and/or cultivation site agent shall:

17 (1) Carry a copy of the trip plan in subsection (h)(1) with the dispensary agent
18 and/or cultivation site agent for the duration of the trip;

19 (2) Use a vehicle without any medical marijuana identification;

20 (3) Have a means of communication with the dispensary and/or cultivation site;

21 and

22 (4) Ensure that the marijuana, marijuana plants, or marijuana paraphernalia are
23 not visible.

24 (j) After transportation, a dispensary agent and/or cultivation site agent shall enter the end
25 time of the trip and any changes to the trip plan on the trip plan required in subsection (h)(1).

1 (k) A dispensary and/or cultivation site shall:

2 (1) Maintain the documents required in subsection (h)(2) and (e), and

3 (2) Provide a copy of the documents required in subsection (h)(2) and (j) to the
4 Department for review upon request.

5 (l) To prevent unauthorized access to medical marijuana at the dispensary and/or
6 cultivation site, the dispensary and/or cultivation site shall have the following:

7 (1) Security equipment to deter and prevent unauthorized entrance into limited
8 access areas that include:

9 (A) Devices or a series of devices to detect unauthorized intrusion and
10 movement inside the Dispensary or Cultivations Site, which may include a signal
11 system interconnected with a radio frequency method, such as cellular, private radio
12 signals, or other mechanical or electronic device;

13 (B) Exterior lighting to facilitate surveillance;

14 (C) Electronic monitoring including:

15 (i) At least one 19-inch or greater call-up monitor,

16 (ii) A video printer capable of immediately producing a clear still
17 photo from any video camera image,

18 (iii) Video cameras:

19 (aa) Providing coverage of all entrances to and exits from
20 limited access areas and all entrances to and exits from the building,
21 capable of identifying any activity occurring in or adjacent to the
22 building; and

23 (bb) Having a recording resolution of at least 704 x 480 or
24 the equivalent;

1 (iv) A video camera at each point of sale location allowing for the
2 identification of any qualifying patient or designated caregiver purchasing
3 medical marijuana,

4 (v) A video camera in each grow room capable of identifying any
5 activity occurring within the grow room in low light conditions,

6 (vi) Storage of video recordings from the video cameras for at least
7 30 calendar days,

8 (vii) A failure notification system that provides an audible and
9 visual notification of any failure in the electronic monitoring system, and

10 (viii) Sufficient battery backup for video cameras and recording
11 equipment to support at least five minutes of recording in the event of a power
12 outage, and

13 (ix) In the event of suspected criminal activity, theft, damage or
14 loss, or unexplained reduction in the amount of medical marijuana inventory,
15 the dispensary and/or cultivation site shall maintain the video recordings from
16 the video cameras for a period no less than three years from the date the
17 incident is reported to the Department and to local law enforcement
18 authorities;

19 (D) Have at least two operational "panic buttons" located inside the
20 Dispensary or Cultivation Site that are linked with the alarm system that notifies a
21 security company; and

22 (E) Be programmed to notify a security company that will notify the
23 Responsible Officer or his/her designee in the event of a breach.

24 (2) Policies and procedures:

- 1 (A) That restrict access to the areas of the dispensary and/or cultivation site
2 that contain marijuana to authorized individuals only;
- 3 (B) That provide for the identification of authorized individuals;
- 4 (C) That prevent loitering;
- 5 (D) For conducting electronic monitoring; and
- 6 (E) For the use of a panic button.

7 **§14319. Edible Food Products.**

8 (a) A dispensary that prepares, packages, sells, or dispenses marijuana-infused edible food
9 products shall:

10 (1) Before preparing, packaging, selling, or dispensing marijuana-infused edible
11 food products obtain a Sanitary Permit and Health Certificate(s) from the Division of
12 Environmental Health at the Department to prepare, package, store, sell, distribute, or dispense
13 marijuana-infused edible food products;

14 (2) If the dispensary prepares, packages, stores, sells, distributes, or dispenses the
15 marijuana-infused edible food products, ensure that the marijuana-infused edible food
16 products are prepared, packaged, stored, sold, distributed, or dispensed according to the
17 applicable requirements in Title 10 GCA Chapter 21, 22, 23, 24, and 40 and applicable rules
18 and regulations.

19 (3) If the marijuana-infused edible food products are not prepared at the
20 dispensary, obtain and maintain at the dispensary a copy of the current Sanitary Permit from
21 the dispensary that prepared the marijuana-infused edible products; and

22 (b) A dispensary is responsible for the safety, content, and quality of any edible food
23 product sold or dispensed by the dispensary.

1 **§14320. Cleaning and Sanitation.**

2 (a) A dispensary and/or cultivation site shall ensure that any building or equipment used
3 by a dispensary and/or cultivation site for the cultivation, harvest, preparation, packaging, storage,
4 infusion, or sale of medical marijuana is maintained in a clean and sanitary condition.

5 (1) Medical marijuana in the process of production, preparation, manufacture,
6 packing, storage, sale, distribution, or transportation is protected from pests, dust, dirt, and all
7 other contamination.

8 (2) Refuse or waste products incident to the manufacture, preparation, packing,
9 selling, distributing, or transportation of medical marijuana are removed from the building
10 used as a dispensary and/or cultivation site at least once daily or more often as necessary to
11 maintain a clean, sanitary condition.

12 (3) All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves,
13 knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting,
14 chopping, mixing, canning, packaging, or other processes are cleaned and sanitized, if
15 applicable, daily or as often as needed.

16 (4) All dispensaries that prepares, packages, stores, sells, distributes, or dispenses
17 marijuana-infused edible food products shall comply with Title 10 GCA, Chapters 21, 22, 23,
18 24 and 40 and applicable rules and regulations to ensure proper food safety.

19 (b) A dispensary and/or cultivation site shall ensure that a dispensary agent at the
20 dispensary or the dispensary's cultivation site and/or cultivation site agent at the cultivation site:

21 (1) Conducts proper hand-washing, including exposed portions of the arms, in a
22 dedicated hand-washing sink equipped with hot and cold running water, liquid hand soap, and
23 disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer:

24 (A) Before preparing medical marijuana including working with food,
25 equipment, and utensils;

1 (B) During preparation, as often as necessary to remove soil and
2 contamination and to prevent cross-contamination when changing tasks;

3 (C) After handling soiled equipment or utensils;

4 (D) After touching bare human body parts other than the dispensary
5 agent's and/or cultivation agent's clean hands and exposed portions of arms; and

6 (E) After using the toilet room;

7 (2) If working directly with the preparation of medical marijuana or the infusion
8 of marijuana into non-edible products:

9 (A) Keeps the dispensary agent's and/or cultivation site agent's fingernails
10 trimmed, filed, and maintained so that the edges and surfaces are cleanable;

11 (B) Unless wearing intact gloves in good repair, does not have fingernail
12 polish or artificial fingernails on the dispensary agent's and/or cultivation site agent's
13 fingernails; and

14 (C) Wears protective apparel such as coats, aprons, gowns, or gloves to
15 prevent contamination;

16 (3) Wears clean clothing appropriate to assigned tasks;

17 (4) Reports to the medical director any health condition experienced by the
18 dispensary agent that may adversely affect the safety or quality of any medical marijuana with
19 which the dispensary agent may come into contact;

20 (5) If the medical director determines that a dispensary agent has a health
21 condition that may adversely affect the safety or quality of the medical marijuana, is
22 prohibited from direct contact with any medical marijuana or equipment or materials for
23 processing medical marijuana until the medical director determines that the dispensary agent's
24 health condition will not adversely affect the medical marijuana;

1 (6) For a cultivation site, the cultivation site agent shall report to the cultivation
2 site's responsible official any health condition experienced by the cultivation site agent that
3 may adversely affect the safety or quality of any medical marijuana with which the cultivation
4 site agent may come into contact; and

5 (7) If the cultivation site's responsible official determines that a cultivation site
6 agent has a health condition that may adversely affect the safety or quality of the medical
7 marijuana, is prohibited from direct contact with any medical marijuana or equipment or
8 materials for processing medical marijuana until the cultivation site's responsible official
9 determines that the cultivation site agent's health condition will not adversely affect the
10 medical marijuana

11 **§14321. Physical Location.**

12 (a) A dispensary and/or a cultivation site shall be located in accordance with Drug Free
13 School Zones Act, Title 17 GCA, Chapter 48, from school or its accompanying grounds that existed
14 before the date the dispensary and/or a cultivation site submitted the initial Dispensary Registration
15 Certificate and/or Cultivation Site Registration Certificate application. The applicant shall provide a
16 written statement attesting to the compliance with Title 17 GCA, Chapter 48.

17 (b) A dispensary and/or a cultivation site shall provide onsite parking or parking adjacent
18 to the building used as the dispensary and/or a cultivation site.

19 (c) A building used as a dispensary and/or a cultivation site and/or the location used as
20 cultivation site shall have:

21 (1) At least one toilet room per gender;

22 (2) Each toilet room shall contain:

23 (A) A flushable toilet;

24 (B) Mounted toilet tissue;

25 (C) A sink with hot and cold running water;

1 (D) Liquid soap contained in a dispenser; and

2 (E) Disposable, single-use paper towels in a mounted dispenser or a
3 mechanical air hand dryer;

4 (3) At least one hand washing sink not located in a toilet room;

5 (4) Designated storage areas for medical marijuana or materials used in direct
6 contact with medical marijuana separate from storage areas for toxic or flammable materials;
7 and

8 (5) If preparation or packaging of medical marijuana is done in the building, a
9 designated area for the preparation or packaging that:

10 (A) Includes work space that can be easily cleaned and sanitized, and

11 (B) Is only used for the preparation or packaging of medical marijuana.

12 (d) For each weights and measures used at a dispensary and/or cultivation site, the
13 dispensary and/or cultivation site shall:

14 (1) Ensure that the weights and measures is licensed or certified pursuant to
15 applicable Department of Revenue and Taxation law and applicable rules and regulations.

16 (2) Maintain documentation of the Department of Revenue and Taxation's
17 weights and measures license or certification, and

18 (3) Provide a copy of the Department of Revenue and Taxation's weights and
19 measures license or certification to the Department for review upon request.

20 **§14322. Denial or Revocation of a Dispensary Registration Certificate and/or**
21 **Cultivation Site Registration Certificate.**

22 (a) The Department shall deny an application for a Dispensary Registration Certificate
23 and/or Cultivation Site Registration Certificate or a renewal if:

24 (1) For an application for a Dispensary Registration Certificate and/or Cultivation
25 Site Registration Certificate, the physical address of the dispensary and/or cultivation site is

1 within 1,000 feet of a private school or a public school and 250 feet of a school bus stop that
2 existed before the date the dispensary and/or cultivation site submitted the initial Dispensary
3 Registration Certificate and/or Cultivation Site Registration Certificate application;

4 (2) A responsible official:

5 (A) Has been convicted of an excluded felony offense as defined in these
6 rules and regulations;

7 (B) Has served as a responsible official for a dispensary and/or
8 cultivation site that:

9 (i) Had the Dispensary Registration Certificate and/or Cultivation
10 Site Registration Certificate revoked, or

11 (ii) Did not obtain an approval to operate the dispensary and/or
12 cultivation site within the first year after the Dispensary Registration
13 Certificate and/or Cultivation Site Registration Certificate was issued;

14 (C) Is under 21 years of age;

15 (D) Is a physician currently providing written certifications for medical
16 marijuana for qualifying patients;

17 (E) Is a law enforcement officer; or

18 (F) Is an employee or contractor of the Department; or

19 (3) The application or the dispensary and/or cultivation site does not comply with
20 the requirements in the Act and these rules and regulations.

21 (b) The Department may deny an application for a Dispensary Registration Certificate
22 and/or Cultivation Site Registration Certificate if a responsible official of the dispensary and/or
23 cultivation site provides false or misleading information to the Department.

24 (c) The Department shall revoke a Dispensary Registration Certificate and/or Cultivation
25 Site Registration Certificate if:

1 (1) The dispensary and/or cultivation site:

2 (A) Operates before obtaining a License to Operate a Dispensary or
3 Cultivation Site from the Department;

4 (B) Delivers or otherwise transfers marijuana to an entity other than
5 another dispensary and/or cultivation site with a valid Dispensary Registration
6 Certificate and/or Cultivation Site Registration Certificate issued by the Department,
7 and, if applicable, a qualifying patient with a valid Registry Identification Card, or a
8 designated caregiver with a valid Registry Identification Card; or

9 (C) Acquires usable marijuana or mature marijuana plants from any entity
10 other than another dispensary and/or cultivation site with a valid Dispensary
11 Registration Certificate and/or Cultivation Site Registration Certificate issued by the
12 Department, and, if applicable, a qualifying patient with a valid Registry Identification
13 Card, or a designated caregiver with a valid Registry Identification Card; or

14 (2) A responsible official has been convicted of an excluded felony offense as
15 defined in these rules and regulations.

16 (d) The Department may revoke a Dispensary Registration Certificate and/or Cultivation
17 Site Registration Certificate if the dispensary and/or cultivation site does not:

18 (1) Comply with the requirements in the Act and these rules and regulations; or

19 (2) Implement the policies and procedures or comply with the statements
20 provided to the Department with the dispensary's and/or cultivation site's application.

21 (e) If the Department denies a Dispensary Registration Certificate and/or Cultivation Site
22 Registration Certificate application, the Department shall provide notice to the applicant that includes:

23 (1) The specific reason(s) for the denial, and

24 (2) All other information required by the Act and these rules and regulations.

1 (f) If the Department revokes a Dispensary Registration Certificate and/or Cultivation
2 Site Registration Certificate, the Department shall provide notice to the dispensary and/or cultivation
3 site that includes:

4 (1) The specific reason(s) for the revocation; and

5 (2) The process for requesting a hearing of the Department's decision pursuant to
6 5 GCA Chapter 9, Administrative Adjudication Law.

7 (A) Any entity may seek review of any administrative decision resulting
8 from a hearing before the Superior Court of Guam. Such review shall be upon the
9 record established before the Director and not *de novo*. The Superior Court may
10 sustain, modify, or vacate any administrative decision it reviews.

11 (g) The holder of the revoked Dispensary Registration Certificate and/or Cultivation Site
12 Registration Certificate shall return the said Dispensary Registration Certificate and/or Cultivation Site
13 Registration Certificate to the Department within 24 hours upon receipt of notice.

14 **§14323. Denial or Revocation of a Dispensary Agent's and/or Cultivation Site**
15 **Agent's Registry Identification Card.**

16 (a) The Department shall deny a dispensary agent's and/or cultivation site agent's
17 application for or renewal of the dispensary agent's and/or cultivation site agent's Registry
18 Identification Card if the dispensary agent and/or cultivation site agent:

19 (1) Does not meet the requirements in the Act or these rules and regulations; or

20 (2) Previously had a Registry Identification Card revoked for not complying with
21 the Act or these rules and regulations.

22 (b) The Department may deny a dispensary agent's and/or cultivation site agent's
23 application for or renewal of the dispensary agent's and/or cultivation site agent's Registry
24 Identification Card if the dispensary agent and/or cultivation site agent provides false or misleading
25 information to the Department.

1 (c) The Department shall revoke a dispensary agent's and/or cultivation site agent's
2 Registry Identification Card if the dispensary agent and/or cultivation site agent:

3 (1) Uses medical marijuana, if the dispensary agent and/or cultivation site agent
4 does not have a qualifying patient Registry Identification Card;

5 (2) Diverts medical marijuana to an individual who is not authorized to possess
6 medical marijuana under the Act and these rules and regulations; or

7 (3) Has been convicted of an excluded felony offense as defined in these rules and
8 regulations.

9 (d) The Department may revoke a dispensary agent's and/or cultivation site agent's
10 Registry Identification Card if the dispensary agent and/or cultivation site agent knowingly violates
11 the Act or these rules and regulations.

12 (e) If the Department denies or revokes a dispensary agent's and/or cultivation site agent's
13 Registry Identification Card, the Department shall provide notice to the dispensary agent and/or
14 cultivation site agent, and to the dispensary and/or cultivation site of their employment that includes:

15 (1) The specific reason(s) for the denial or revocation; and

16 (2) The process for requesting a hearing of the Department's decision pursuant to
17 5 GCA Chapter 9, Administrative Adjudication Law.

18 (A) Any entity may seek review of any administrative decision resulting
19 from a hearing before the Superior Court of Guam. Such review shall be upon the
20 record established before the Director and not *de novo*. The Superior Court may
21 sustain, modify, or vacate any administrative decision it reviews.

22 (f) The holder of the revoked dispensary agent's and/or cultivation site agent's Registry
23 Identification Card shall return the said dispensary agent's and/or cultivation site agent's Registry
24 Identification Card to the Department within 24 hours upon receipt of notice.

25 **§14400. ARTICLE 4. ADMINISTRATIVE REQUIREMENTS.**

1 **§14401. Record Keeping.**

2 (a) The Responsible Official must ensure that the following information is
3 documented and maintained electronically in a manner that can easily be shared with the
4 Department or accessed by the Department:

5 (1) All Authorization to Transfer forms, including the date on which a form
6 was received;

7 (2) Any written notifications from a patient with regard to any change in
8 status as required by these rules and regulations;

9 (3) Any revocation of an Authorization to Transfer form;

10 (4) All transfer information required in by these rules and regulations;

11 (5) Documentation of the costs of doing normal and customary business used
12 to establish the reimbursement amounts for transfers of usable marijuana or immature
13 plants, including costs related to transferring, handling, securing, insuring, testing,
14 packaging and processing usable marijuana and immature marijuana plants and the cost
15 of supplies, utilities and rent or mortgage.

16 (6) The amount of money paid by a registered facility for each transfer of
17 usable marijuana or immature plants;

18 (7) The amount of money paid by each patient or designated caregiver for a
19 transfer of usable marijuana or an immature plant;

20 (8) The laboratory reports of all testing and other information required to be
21 documented by these rules and regulations; and

22 (9) All other information required to be documented and retained by these
23 rules and regulations.

24 (b) The Responsible Official must ensure that information required to be documented
25 pursuant these rules and regulations is maintained in a safe and secure manner that protects the

1 information from unauthorized access, theft, fire, or other destructive forces, and is easily
2 retrievable for inspection by the Department upon request, either at the registered facility or
3 online.

4 (c) The Responsible Official must ensure that a registered facility uses an electronic
5 data management system for the recording of transfers of usable marijuana and immature plants.

6 The system must meet the following minimum requirements:

7 (1) Record the information required to be documented in these rules and
8 regulations;

9 (2) Provide for off-site or secondary backup system;

10 (3) Assign a unique transaction number for each transfer to or from the
11 registered facility;

12 (4) Monitor date of testing and testing results;

13 (5) Track products by unique transaction number through the transfer in,
14 testing and transfer out processes;

15 (6) Generate transaction and other reports requested by the Department
16 viewable in PDF format;

17 (7) Produce reports, including but not limited to inventory reports; and

18 (8) Provide security measures to ensure patient and grower records are kept
19 confidential.

20 (d) Documents and information required to be maintained in these rules and
21 regulations must be retained by the Responsible Official for at least three (3) years.

22 (e) The Responsible Official must provide the Department with any documentation
23 required to be maintained in these rules and regulations upon request, in the format requested by
24 the Department, or permit the Department access to such documentation on-site.

1 **§14402. Physician Responsibility.**

2 (a) The physician caring for the qualified patient must fulfill the following criteria
3 and responsibilities:

4 (1) Possess a Guam board of professional license number to practice medicine
5 in Guam. This license must be in good standing;

6 (2) Take responsibility for an aspect of the medical care, treatment, diagnosis,
7 counseling, or certification of the applicant as a qualified patient;

8 (3) Perform an in-person medical examination of the applicant as a qualified
9 patient;

10 (4) As a result of the in-person medical examination, document in the
11 patient's medical record that the patient has a debilitating medical condition listed in
12 §14101(t) and that the medical use of marijuana is appropriate;

13 (5) Have the patient sign an authorized medical release of information. The
14 Department cannot process the patient's application without the appropriate authorization
15 for release of medical information;

16 (6) Provide to the patient copies of the medical records stating that he or she
17 has been diagnosed with a debilitating medical condition listed in §14101(t) and that the
18 medical use of marijuana is appropriate;

19 (7) Provide a written prescription indicating the amount of medical marijuana
20 that is consistent with the individual patient's needs;

21 (8) Provide written instructions for the use and administration of the medical
22 marijuana;

23 (b) The physician caring for the qualified patient shall not assist the qualified patient
24 in obtaining medical marijuana.

1 (c) The physician caring for the qualified patient shall not engage in the production,
2 cultivating, distribution or sale of medical marijuana.

3 **§14403. Ceasing of Operations.**

4 The Department shall order a dispensary and/or cultivation site to immediately cease
5 operations whenever the Director finds that the operation jeopardizes the health and safety of the
6 people. Additionally, the dispensary and/or cultivation site shall cease operations immediately
7 for any of the following conditions:

8 (a) Conditions deemed a public nuisance pursuant to Title 10 GCA, Chapter 20 exist
9 that requires the immediate abatement of the public nuisance;

10 (b) Adulterated medical marijuana;

11 (c) Adulterated medical marijuana food product; or

12 (d) Any adulterated medical marijuana product.

13 **§14404. Violations.**

14 (a) The following are violations of these rules, and are not limited to:

15 (1) A Responsible Official or an employee of a facility failing to cooperate with an
16 inspection;

17 (2) The submission by a Responsible Official, employee, or owner of a
18 facility of false or misleading information to the Department;

19 (3) Transferring usable marijuana or immature plants to an individual who is
20 not a patient or a designated caregiver;

21 (4) Possessing a mature marijuana plant at the registered facility;

22 (5) Failing to document and maintain information in the manner required by
23 these rules;

24 (6) Failing to account for flowers or other usable marijuana plant material in
25 accordance with these rules and regulations;

1 (7) Failing to submit a plan of correction in accordance with these rules and
2 regulations;

3 (8) Failing to comply with an emergency suspension order or final order of
4 the Department, including failing to pay a civil penalty; or

5 (9) Failing to comply with the Act or any of these rules or regulations.

6 **§14405. Administrative Penalties.**

7 (a) The Director may impose a fine for any dispensary, dispensary agent, cultivation
8 site, cultivation site agent, qualified patient, designated caregiver, or certifying physician that
9 violates any provisions of these rules and regulations. The monetary fine for the administrative
10 violation shall be:

11 (1) A fine not exceeding Ten Thousand Dollars (\$10,000) for a first violation per
12 day of continuing violation; and

13 (2) A fine not exceeding Fifteen Thousand Dollars (\$15,000) for an additional
14 violation per day of continuing violation within 1 year, however, if second violation is a
15 repeat violation, a fine not exceeding Twenty Thousand Dollars (\$20,000) shall be
16 imposed.

17 (b) Before imposing an administrative penalty against a dispensary, dispensary agent,
18 cultivation site, cultivation site agent, qualified patient, designated caregiver, or certifying
19 physician, the Director shall issue a notice of intent to impose the penalty and provide the
20 dispensary, dispensary agent, cultivation site, cultivation site agent, qualified patient, designated
21 caregiver, or certifying physician being penalized an opportunity to request a hearing on the
22 proposed penalty. The Administrative Adjudication Law (Title 5 Guam Code Annotated,
23 Chapter 9) hearing procedures shall apply. The request must be made within ten (10) days of the
24 date that the notice is served upon the dispensary, dispensary agent, cultivation site, cultivation
25 site agent, qualified patient, designated caregiver, or certifying physician.

1 (c) Any dispensary, dispensary agent, cultivation site, cultivation site agent, qualified
2 patient, designated caregiver, or certifying physician may seek review of any administrative
3 penalty imposed before the Superior Court of Guam. Such review shall be upon the record
4 established before the Director and not *de novo*. The Superior Court may sustain, modify or
5 vacate any administrative penalty it reviews.

6 (d) If any dispensary, dispensary agent, cultivation site, cultivation site agent, qualified
7 patient, designated caregiver, or certifying physician fails to comply with an administrative
8 penalty order after it has become final, the Attorney General shall bring a civil action to enforce
9 the order and to recover the amount ordered or assessed, plus current interest from the date of the
10 final order or decision. To prevail in such an action, the Director need establish only that:

11 (1) Notice was given as required;

12 (2) A hearing was granted to the defendant or that the defendant requested no
13 hearing; and

14 (3) The penalty was imposed and has become final either because the
15 administrative order was not appealed to the Superior Court, or that after judicial review
16 the administrative order remains an unsatisfied obligation.

17 **§14406. Right to Notice, Hearing, and Administrative Process.**

18 (a) Any person who was denied a qualifying patient, designated caregiver,
19 dispensary, dispensary agent, cultivation site, cultivation site agent Registry Identification Card
20 or Dispensary and/or Cultivation Site Registration Certificate under these rules and regulations,
21 or whose qualifying patient, designated caregiver, dispensary, dispensary agent, cultivation site,
22 cultivation site agent Registry Identification Card or Dispensary and/or Cultivation Site
23 Registration Certificate is revoked under these rules and regulations, or any entity that is subject
24 to and Administrative Penalty under these rules and regulations the following rights:

1 (1) A notice in writing from the Director stating the action to be taken by the
2 Department,

3 (2) To request in writing form an administrative hearing,

4 (3) Have and administrative hearing, and

5 (4) To appeal and administrative hearing decision.

6 (b) Any written notice given pursuant to §§14205, 14321, 14322, 14403 and 14404 of
7 these rules and regulations shall advise that the right to notice, hearing, and appeal is available as
8 provided in these rules and regulations, and to the extent consistent herewith, pursuant to Title 5
9 GCA, Chapter 9, Administrative Adjudication Law.

10 (c) The procedures and requirements set out in these rules and regulations, and to the
11 extent consistent herewith, in Title 5 GCA, Chapter 9, Administrative Adjudication Law, shall be
12 followed by the Director, and by any entity, subject to these rules and regulations, adversely affected
13 by decisions of the Department pursuant to these rules and regulations.

14 (d) Upon an administrative adjudication the Director shall make the final determination
15 whether to issue a qualifying patient, designated caregiver, dispensary, dispensary agent,
16 cultivation site, cultivation site agent Registry Identification Card or Dispensary and/or
17 Cultivation Site Registration Certificate, to deny or revoke a qualifying patient, designated
18 caregiver, dispensary, dispensary agent, cultivation site, cultivation site agent Registry
19 Identification Card or Dispensary and/or Cultivation Site Registration Certificate, or to uphold an
20 Administrative Penalty.

21 **§14407. Confidentiality.**

22 (a) The Department shall create and maintain either paper or computer data files of
23 Qualified Patients, Designated Caregivers, Dispensaries, Dispensary Agents, Cultivation Sites,
24 and Cultivation Site Agents. The data files shall include all information collected on the
25 application forms or equivalent information from other written documentation, plus a copy of
Rev. 7/15/2015

1 Department issued Registration Identification Cards, effective date, date of issue, and expiration
2 date. Except as provided in section (b) of this rule, the names and identifying information of
3 registry identification cardholders and the name and identifying information of a pending
4 applicant for a Qualified Patients, Designated Caregivers, Dispensaries, Dispensary Agents,
5 Cultivation Sites, and Cultivation Site Agents and a Cultivation Site location, shall be
6 confidential and not subject to public disclosure.

7 (b) Names and other identifying information made confidential under section (1) of
8 this rule may be released to:

9 (1) Authorized employees of the Department as necessary to perform official
10 duties of the Department, including the production of any reports of aggregate (i.e., non-
11 identifying) data or statistics;

12 (2) Authorized employees of local or federal law enforcement agencies when
13 they provide a specific name or address. Information will be supplied only as necessary
14 to verify:

15 (A) That a person is or was a lawful possessor of a Registration
16 Identification Card;

17 (B) That a person is or was a person responsible for a registered
18 Dispensary or Cultivation Site;

19 (C) That the address is or was a documented Dispensary or Cultivation
20 Site;

21 (D) That an address is or was the location of a registered Dispensary or
22 Cultivation Site.

23 (c) Other persons (such as, but not limited to, employers, lawyers, family members)
24 upon receipt of a properly executed release of information, as determined by the Director, signed

1 by the patient, the patient's parent or legal guardian, or designated caregiver. The release of
2 information must specify what information the Department is authorized to release and to whom.

3 (d) The Department may allow the release of reports related to verification or
4 statistics if its without personal identifying data.

5 **§14408. Effective Date.**

6 These rules and regulations shall be immediately effective after the ninety (90) calendar
7 days have elapsed from the date of filing with the Legislative Secretary, pursuant to the Act. At
8 the time, all other rules and regulations or parts of other rules and regulations that conflict with
9 these rules and regulations are repealed. The adoption of these rules and regulations shall not
10 prohibit the Department from delaying the implementation of all or certain sections of these rules
11 and regulations if the Department believes doing so would better effectuate its purpose;
12 provided, such delay shall not exceed 365 days of its effective date.

13 **§14409. Severability.**

14 If any provision or the application of any provision of these rules and regulations is held
15 invalid, that invalidity shall not affect other provisions or applications of these rules and
16 regulations.”

17

APPENDIX A

Table 1. Time Frames for Administrative Approval.

Type Of Approval	Overall Time-frame (in working days)	Time-frame for applicant to complete application (in working days)	Administrative Completeness Time-frame (in working days)	Substantive Review Time-frame (in working days)
Changing a Registry Identification Card	20	20	10	10
Requesting a Replacement Registry Identification Card	10	10	4	6
Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver	30	60	10	20
Amending a Registry Identification Card for a Qualifying Patient or a Designated Caregiver	20	20	10	10
Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card	30	30	10	20
Applying for a Dispensary Registration Certificate or Cultivation Site Registration Certificate	60	20	10	50
Applying for Approval of a License to Operate a Dispensary or Cultivation Site	90	N/A	30	60
Changing a Dispensary and/or Cultivation Site Location	180	180	60	120
Renewing a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate	30	30	10	20
Applying for a Dispensary Agent and/or Cultivation Site Agent Registry Identification Card	30	60	10	20
Renewing A Dispensary Agent's and/or Cultivation Site Agent's Registry Identification Card	30	30	10	20

5

6

1
2
3
4
5
6
7
8
9
10
11
12

APPENDIX B

Table 2. Mold and Mildew Limits for Cannabis Products (CFU/g)

Cannabis Products	Total yeast and mold (mold and mildew) (CFU/g)
Unprocessed materials*	10 ⁴
Processed materials*	10 ⁴
CO2 and solvent based extracts	10 ³

*Unprocessed materials include minimally processed crude cannabis preparations such as inflorescences, accumulated resin glands (kief), and compressed resin glands (hashish). Processed materials include various solid or liquid infused edible preparations, oils, topical preparations, and water-processed resin glands (“bubble hash”).

Source: American Herbal Pharmacopoeia Monograph, December 18th, 2013