

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

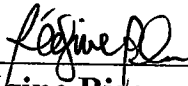
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÁHEN GUÁHAN**

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



Therese M. Terlaje  
Acting Speaker

Attested:



Régine Biscoe Lee  
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 5<sup>th</sup> day of OCTOBER,  
2018, at 1:08 o'clock P.M.



Assistant Staff Officer  
*Maga'láhi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'láhen Guáhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 302-34 (COR)**

As substituted and amended  
on the Floor.

Introduced by:

Louise B. Muña  
Fernando Barcinas Esteves  
Régine Biscoe Lee  
Thomas C. Ada  
FRANK B. AGUON, JR.  
William M. Castro  
James V. Espaldon  
Tommy Morrison  
Telena Cruz Nelson  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Michael F.Q. San Nicolas  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF  
CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED,  
RELATIVE TO PERMITTING THE HOME  
CULTIVATION OF MEDICAL CANNABIS UNDER  
CERTAIN CONDITIONS.**

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

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

4       **“§ 122530. Home Cultivation: When Permitted.**

5       (a) Upon written certification as provided by § 122526 of this Article and  
6       the completion of the requirements in § 122530(c) of this Article, the Department  
7       *shall* issue a permit for a qualified patient or a patient’s designated caregiver to

1 cultivate cannabis at home if there is no operational dispensary for medical cannabis  
2 products.

3 (b) For the purposes of this Section:

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

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

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

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

21 (1) the application fee; and

22 (2) an application, which *shall* include:

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

25 (B) the name, address, and telephone number of the qualified  
26 patient's practitioner;

1 (C) the name, mailing address, residential address, and date of  
2 birth of the qualified patient's designated caregiver, if any;

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

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

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

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

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

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

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

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

26 (C) the multiple patients' designated caregiver may possess *no*  
27 *more than* six (6) flowering mature plants and *no more than* twelve (12)

1 juvenile plants per qualified patient at any given time. The multiple  
2 patients' designated caregiver may operate only a single cultivation  
3 site. A multiple patients' designated caregiver who cultivates medical  
4 cannabis at the qualified patient's residence *shall not* be deemed as  
5 operating an additional cultivation site. Any multiple patients'  
6 designated caregiver who cultivates medical cannabis for more than  
7 three (3) qualified patients *shall* comply with the requirements for a  
8 Commercial Cultivation License, as defined by this Article, except that  
9 the annual business license fee *shall* be Ten Dollars (\$10.00) per  
10 qualified patient per year. Any multiple patients' designated caregiver  
11 who cultivates medical cannabis for more than five (5) qualified  
12 patients *shall* obtain and comply with the requirements for a  
13 Commercial Cultivation License, as defined by this Article, and all  
14 applicable licenses and fees *shall* apply.

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

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

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

24 (5) A patient's designated caregiver may cultivate cannabis on  
25 behalf of a qualified patient in the event that the patient is unable to cultivate  
26 cannabis.

1 (6) Harvested cannabis must be stored in a secure area and not  
2 accessible to persons other than the qualified patient or patient's designated  
3 caregiver.

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

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

9 (A) the residence of the qualified patient;

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

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

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

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

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

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

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

26 (j) The Department *shall* maintain links to sites such as, but not limited to,  
27 the United States Department of Agriculture (USDA), the Guam Department of

1 Agriculture, the United States Environmental Protection Agency (USEPA), and the  
2 Guam Environmental Protection Agency that provide information on dangerous or  
3 potentially dangerous pesticides, fertilizers, and other substances, chemicals, or  
4 compounds that are not recommended or are prohibited in the cultivation of crops,  
5 including cannabis. The list does not have to be exhaustive or authoritative but *shall*  
6 be updated as new resources become known to the Department.

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

10 (l) The Department *may* establish rules for destroying, disposing, and  
11 reporting the disposal of medical cannabis, prepared medical cannabis, and medical  
12 cannabis product. No destruction shall occur in public or in a manner that will expose  
13 the public unknowingly to cannabis. If necessary, the Department and authorized  
14 law enforcement personnel may be authorized to possess cannabis for the purpose  
15 of secure destruction and disposal. The individual permitted to cultivate cannabis  
16 under this Section *shall* submit a video recording of the destruction and disposal of  
17 the medical cannabis, prepared medical cannabis, or medical cannabis product, and  
18 attach the recording with the report. A report of the destruction of cannabis *shall*  
19 include, but is not limited to:

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

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